



**Notice of a public meeting of
Licensing/Gambling Hearing**

To: Councillors Boyce, Pavlovic and K Taylor
Date: Thursday, 11 October 2018
Time: 10.00 am
Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. **Chair** (Pages 1 - 6)
To elect a Member to act as Chair of the meeting.
2. **Introductions**
3. **Declarations of Interest**
At this point in the meeting, Members are asked to declare:
 - any personal interests not included on the Register of Interests
 - any prejudicial interests or
 - any disclosable pecuniary interestswhich they may have in respect of business on this agenda.
4. **Minutes** (Pages 7 - 10)
To approve and sign the minutes of Licensing Hearing held on 6 September 2018.
5. **The Determination of an Application by Helen Heraty to Vary Premises Licence [Section 35(3)(a)] in respect of Grays Court, Chapter House Street, York, YO1 7JH (CYC-018630)** (Pages 11 - 114)

Democracy Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
- Email - a.bielby@york.gov.uk

For more information about any of the following, please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Library.



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At

any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.

7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.

15. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
17. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor *(if present)* on law and jurisdiction.
18. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)

- paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)
- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	6 September 2018
Present	Councillors Boyce, Pavlovic and K Taylor

11. Chair

Resolved: That Councillor Boyce be appointed to Chair the meeting.

12. Introductions**13. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

14. The Determination of an Application by Helen Heraty to Vary Premises Licence [Section 35(3)(a)] in respect of Grays Court, Chapter House Street, York, YO1 7JH (CYC-018630)

Members considered an application by Ms Helen Heraty to Vary a Premises Licence [Section 35(3)(a)] in respect of Grays Court, Chapter House Street, York, YO1 7J.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective was relevant to the Hearing:

1. Prevention of public nuisance

The Chair opened the Hearing with introductions and she explained the quasi-judicial function of the Sub-Committee in determining licensing applications and the basis upon which

decisions were made in considering the evidence before them and within licensing law.

The Chair stated that the Sub-Committee had received an application for adjournment from the Applicant, a copy of which had been included in the papers for the Hearing. The Chair explained that in order to consider the Applicant's request to adjourn, the Sub-Committee would hear the views of Representors and the Applicant. Following this, the Sub-Committee would then retire to consider the request in private session before inviting Representors and the Applicant back into the room when a decision had been reached.

The Applicant explained that her request to adjourn was in the public interest as Grays Court was a historic building holding public events of benefit to the city. The Applicant added that her Solicitor was unable to attend the Hearing and that she would feel more comfortable if she could have legal representation with her at the Hearing.

The Chair then gave each Representor present the opportunity to speak:

The Solicitor for two Representors, Mr Grunert (John Gaunt & Partners) outlined his clients' objection to the request for an adjournment. He questioned the timing of the request noting that application was in situ and was of the Applicant's own making. He cited the legal costs incurred to his clients in attending the Hearing and added that they had changed their own arrangements to attend the Hearing. He stated that there was no argument to be put forward and stated that his clients would like to proceed with the Hearing.

Mr Oates (Legal Adviser and Chapter Clerk, York Minster) had also made representation against the application and he stated that it was in the public interest that the fairest decision was made. He stated that York Minster raised no objection to an adjournment. He added that the attendance of the Applicant's Solicitor who was familiar with the case may be of benefit to the Sub-Committee in making their decision.

The Sub-Committee then retired to consider the request in private session, before inviting Representors and the Applicant back into the room when a decision had been reached. In coming to their decision to adjourn the Hearing, the Sub-

Committee concluded that in the interests of fairness and justice and the efficient use of committee time, the Hearing be adjourned to enable the Applicant to arrange for legal representation. In accordance with regulations, the date was fixed as Thursday 11 October 2018 at 10.00am by the Committee.

Cllr B Boyce, Chair

[The meeting started at 10.00 am and finished at 10.40 am].

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Licensing Act 2003 Sub Committee

11 October 2018

Report of the Corporate Director of Economy and Place

Section 35(3) (a) Application for the variation of a premise licence for Grays Court, Chapter House Street, York, YO1 7JH

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-018630
3. Name of applicant: Ms Helen Mary Heraty
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application is as follows:
 - a) **Extension of existing licensed hours** for all licensable activities for one additional hour to closing times Sunday to Thursday which will bring the hours in line with existing hours for Friday and Saturday:

Licensable Activities	Existing Hours	Proposed Hours
Plays (Indoors & Outdoors)	Sunday – Thursday 10:00 – 22:30 Friday & Saturday 10:00 – 23:30	Monday – Sunday 10:00 – 23:30
Films (Indoors & Outdoors)	Sunday – Thursday 10:00 – 22:30 Friday & Saturday 10:00 – 23:30	Monday – Sunday 10:00 – 23:30
Live Music (Indoors & Outdoors)	Sunday – Thursday 10:00 – 22:30 Friday & Saturday 10:00 – 23:30	Monday – Sunday 10:00 – 23:30

Recorded Music (Indoors)	Sunday – Thursday 10:00 – 22:30 Friday & Saturday 10:00 – 23:30	Monday – Sunday 10:00 – 23:30 (Indoors & Outdoors)
Performances of Dance (Indoors & Outdoors)	Sunday – Thursday 10:00 – 22:30 Friday & Saturday 10:00 – 23:30	Monday – Sunday 10:00 – 23:30
Late Night Refreshment (Indoors & Outdoors)	Friday & Saturday 23:00 – 23:30	Monday – Sunday 23:00 – 23:30
Sale of Alcohol (On premises)	Sunday – Thursday 10:00 – 22:30 Friday & Saturday 10:00 – 23:30	Monday – Sunday 10:00 – 23:30
	<p><u>Non Standard Timings for Plays, Films, Live Music & Performances of Dance:</u> Indoors – Christmas Eve & New Year’s Eve until 01:00 hours Outdoors – Until 21:00 each day only</p> <p>Recorded Music: Christmas Eve & New Year’s Eve until 01:00</p> <p>Sale of Alcohol: Christmas Eve & New Year’s Eve until 01:00 Available 24 hours for hotel residents</p>	<p><u>Non Standard Timings for Plays, Films, Live Music & Performances of Dance:</u> Indoors – Christmas Eve & New Year’s Eve until 01:00 hours Outdoors – Until 21:00 each day only</p> <p>Recorded Music: Christmas Eve & New Year’s Eve until 01:00</p> <p>Sale of Alcohol: Christmas Eve & New Year’s Eve until 01:00 Available 24 hours for hotel residents</p>
Opening Hours	Monday – Sunday 24 hours	Monday – Sunday 24 hours

b) Amend Condition 1 of Annex 3 – Conditions attached after a hearing by the licensing authority

To remove the restriction on the use of the L-shaped driveway to allow licensable activities to take place in this area.

Background

6. A copy of the application to vary the premises licence is attached at Annex 1.
7. A copy of the existing premises licence is attached at Annex 2.
8. A plan showing the current outside licensed areas is attached at Annex 3.

Promotion of Licensing Objectives

9. The applicant considers existing conditions are appropriate for the proposed variation and no additional measures are required.

Special Policy Consideration

10. This premise is not located within the special policy area.

Consultation

11. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements.
12. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

13. City of York Council Public Protection (Environmental Protection) made a representation on the grounds that the prevention of public nuisance licensing objective would be undermined if the premises licence were to be granted in the terms applied for. Public Protection withdrew the representation after mediation with the applicant who

agreed to the following condition being attached to the licence if granted:

1) The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence. The L-shaped driveway section shall be for alcohol only. The licensed area shall exclude the Bar Walls and the step access to the Bar Walls.

14. The Public Protection representation and agreement is attached at Annex 4.

Summary of Representations made by other persons

14. There were nine representations received from other persons on the grounds that the licensing objectives prevention of crime and disorder and prevention of public nuisance would be undermined if the variation to the premises licence were to be granted. The list of representors is attached at Annex 5. Copies of the representations are attached at Annex 6.
15. A map showing the general area around the venue is attached at Annex 7.
16. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
17. On 3 September 2018 a list of complaints received by CYC Licensing Section and Environmental Protection relating to Grays Court was circulated to members and parties to the hearing.

Planning Issues

18. There are no planning issues.

Options

19. By virtue of s18 (4) of the Act, the Committee have the following options available to them in making their decision:-
20. Option 1: Grant the variation of the licence in the terms applied for.
21. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.

22. Option 3: Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
23. Option 4: Reject the application.
24. Members are reminded that they may only use their discretion to add, remove or amend conditions or activities in relation to matters that are raised by representors and are relevant to the promotion of the licensing objectives.

Analysis

25. The following could be the result of any decision made this Sub Committee:-
26. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
27. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
28. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

30. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
31. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

32.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A

- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

33. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
34. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

35. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

Lesley Cooke
Licensing Manager

Tel no: 01904 551515

Chief Officer Responsible for the report:

Michael Slater
Assistant Director Planning & Public Protection.

**Report
Approved**



Date 3/10/18

Specialist Implications Officer(s):

Head of Legal & Democratic Legal Services
Ext: 1004

Wards Affected: Micklegate

For further information please contact the author of the report

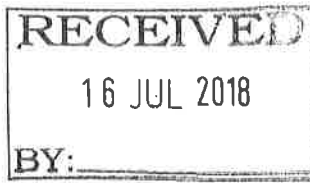
Background Papers:

- Annex 1** - Copy of application form
- Annex 2** - Copy of existing premises licence
- Annex 3** - Plan showing outside licensed areas
- Annex 4** - Public Protection Agreed Condition
- Annex 5** - List of representors (Exempt)
- Annex 6** - Copies of other representations
- Annex 7** - Map of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations

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ANNEX 1 17/08
Press 30/07



CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Helen Mary Heraty (Insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

CYC 018630

Part 1 – Premises Details

Postal address of premises or, if none, ordinance survey map reference or description
Grays Court.
Chapter House Street

Post town York.

Post code YO1 7JH

Telephone number of premises (if any)

01904 612613.

Non domestic rateable value of premises

£ 60,000.00 .

Part 2 – Applicant Details

Daytime contact telephone number

01904 612613.

Email address (optional)

helen@grayscourtyork.com .

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

Surname

Heraty

First names

Helen Mary.

Current postal address
if different from
premises address

Post Town

Postcode

Part 3 - Variation

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

Please tick yes

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

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

To extend our licensable activities by one hour, from 22:30 to 23:30 on Sunday, Monday, Tuesday, Wednesday and Thursday. This will bring these days into line with Friday & Saturday.

To remove the exclusion of the L shaped driveway and include this in our licensed area.

Part 4 - Operating Schedule

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

Please tick ✓ yes

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon	10.00	23.30	Please give further details here (please read guidance note 3)	Both	✓	
Tue	10.00	23.30				
Wed	10.00	23.30		State any seasonal variations for performing play (please read guidance note 4)		
Thur	10.00	23.30				
Fri	10.00	23.30		Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	23.30				
Sun	10.00	23.30				

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon	10.00	23.30	Please give further details here (please read guidance note 3)	Both	✓	
Tue	10.00	23.30				
Wed	10.00	23.30		State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	10.00	23.30				
Fri	10.00	23.30		Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	23.30				
Sun	10.00	23.30				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4)
Mon			
Tue			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Tue					
Wed			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	Outdoors	Both
Day	Start	Finish		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mon	10:00	23:30	Please give further details here (please read guidance note 3)			
Tue	10:00	23:30				
Wed	10:00	23:30	State any seasonal variations for the performance of live music (please read guidance note 4)			
Thur	10:00	23:30				
Fri	10:00	23:30	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)			
Sat	10:00	23:30				
Sun	10:00	23:30				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	Outdoors	Both
Day	Start	Finish		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mon	10:00	23:30	Please give further details here (please read guidance note 3)			
Tue	10:00	23:30				
Wed	10:00	23:30	State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Thur	10:00	23:30				
Fri	10:00	23:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sat	10:00	23:30				
Sun	10:00	23:30				

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Mon	10:00	23:30			
Tue	10:00	23:30			
Wed	10:00	23:30		State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur	10:00	23:30			
Fri	10:00	23:30		Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Sat	10:00	23:30			
Sun	10:00	23:30			

H

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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both -- please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	23.30	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	10.00	23.30			
Wed	10.00	23.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	10.00	23.30			
Fri	10.00	23.30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat	10.00	23.30			
Sun	10.00	23.30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption on or off the premises or both -- please tick (✓) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	
Mon	10.00	23.30	State any seasonal variations for providing dancing facilities (please read guidance note 4)	Both	
Tue	10.00	23.30			
Wed	10.00	23.30			
Thur	10.00	23.30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri	10.00	23.30			
Sat	10.00	23.30			
Sun	10.00	23.30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

n/a .

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2330	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Tue	0800	2330	
Wed	0800	2330	
Thur	0800	2330	
Fri	0800	2330	
Sat	0800	2330	
Sun	0800	2330	

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

The enabling to offer alcohol or late night refreshment beyond 22:30.

That a guest may breach our licence by stepping onto the drive with a drink in hand.. This would allow a guest to move from the courtyard to the garden.

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Please tick ✓ yes

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

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

Checklist

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

This authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature

Date 13-7-2018

Capacity Proprietor

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

Signature

Date

Capacity

M

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

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

All current conditions to remain the same.

b) The prevention of crime and disorder

All conditions to remain

c) Public safety

All conditions to remain the same

d) The prevention of public nuisance

All current conditions to remain

e) The protection of children from harm

All current conditions to remain



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 018630

Postal address of premises:

**Grays Court
Chapter House Street**

Post town: **York**

Post code: **YO1 7JH**

Telephone number: 01904 612613

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Plays
Films
Live Music
Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol

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

PLAYS

Indoors and Outdoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

FILMS

Indoors and Outdoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

LIVE MUSIC

Indoors and Outdoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

RECORDED MUSIC

Indoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

PERFORMANCES OF DANCE

Indoors and Outdoors

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

LATE NIGHT REFRESHMENT

Indoors and Outdoors

Friday 23:00 - 23:30	Saturday 23:00 - 23:30		
-------------------------	---------------------------	--	--

SUPPLY OF ALCOHOL

Monday 10:00 - 22:30	Tuesday 10:00 - 22:30	Wednesday 10:00 - 22:30	Thursday 10:00 - 22:30
Friday 10:00 - 23:30	Saturday 10:00 - 23:30	Sunday 10:00 - 22:30	

Non Standard Timings for Plays, Films, Live Music, and Performances of Dance:
Indoors - Christmas Eve and New Year's Eve until 01:00 hours.
Outdoors - 10:00-21:00 each day only.

Non Standard Timings for Recorded Music:
Christmas Eve and New Year's Eve until 01:00 hours

Non Standard Timings for Late Night Refreshment:
Available 24 hours for Hotel residents.

Non Standard Timings for Supply of Alcohol:
Christmas Eve and New Year's Eve until 01:00 hours
Available 24 hours for Hotel residents.

The Opening Hours of the Premises

Monday to Sunday
24 hours

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

On the premises

Part 2

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

Name: Mrs Helen Mary Heraty

Address: Grays Court
Chapter House Street
York
YO1 7JH

Telephone number: 01904 612613

Email address: helenheraty@googlemail.com

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - a) games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - a) a holographic mark, or
 - b) an ultraviolet feature.

7. The responsible person must ensure that –
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. still wine in a glass: 125ml;
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b) "permitted price" is the price found by applying the formula – $P = D + (D \times V)$ where –
 - i. P is the permitted price,
 - ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must –

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
- a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - b) in respect of premises in relation to -
 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
- a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
- a) the film classification body is not specified in the licence, or
 - b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

General

1. There shall be no 18th birthday celebrations.

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

1. The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence and will exclude the L-shaped driveway, the Bar Walls and the step access to the Bar Walls.
2. The only licensable activity in the Coach House will be the supply of alcohol to residents of the Coach House.
3. Bottles shall not be placed in the bins between 20:00 hours and 09:00 hours on each and every day.
4. CCTV will be installed to cover the front entrance of the premises. It will be maintained, working and recording at all times when the premises are open. The recordings should be of sufficient quality to be produced in Court or other such Hearing. Cameras should be positioned so to capture images of customers as they enter the venue via the front entrance from the courtyard.
5. Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48 hours of request
6. Copies of the recordings will display the correct time and date of the recording.
7. The only acceptable proof of age identification shall be a current passport, photocard 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).
8. Standard one pint capacity, half pint capacity and "highball" tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
9. Drinking glasses of any type shall not be allowed to enter or leave the licensed area whilst under the customer's care.
10. Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the Premises Licence and the operating times of the venue. Such records shall be kept for at least three years and they will be made available upon a reasonable request from any Responsible Authority.
11. The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.
12. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for one year.
13. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the area quietly.
14. There shall be no recorded music outdoors.
15. Noise and vibration shall not emanate so as to cause a nuisance at nearby sound sensitive properties.

16. Regulated entertainment in the form of recorded and/or live music indoors shall be restricted to the Bow Room as shown on the plan GC02. All windows in the Bow Room and the door between the Bow Room and the Long Gallery room shall remain closed at all times during regulated entertainment, other than for emergency escape.

17. Plays, films and performance of dance externally shall cease at 21:00 hours on every day of the week.

18. Live music externally shall not use electronic amplification and shall cease at 21:00 hours on every day of the week.

19. Documented patrols shall be carried out by members of staff at no less than hourly intervals whilst live or recorded music is being played. These checks shall be undertaken around the perimeter of the premises and findings recorded. Details of any remedial action necessary to reduce noise to an acceptable level shall also be recorded. Records shall be made available for inspection by authorised officers of the City of York Council upon request.

20. A direct contact number for the duty manager shall be made available on request to residents living in the vicinity of the premises.

21. A documented procedure for investigating noise complaints received by Grays Court shall be submitted to and approved by the City of York Council within 2 months of the licence being granted and once approved it shall be implemented.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

3. Where –

- a) the film classification body is not specified in the licence, or
- b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 4 – Approved Plan

Plan Number's GC 01, GC 02 and GC 03

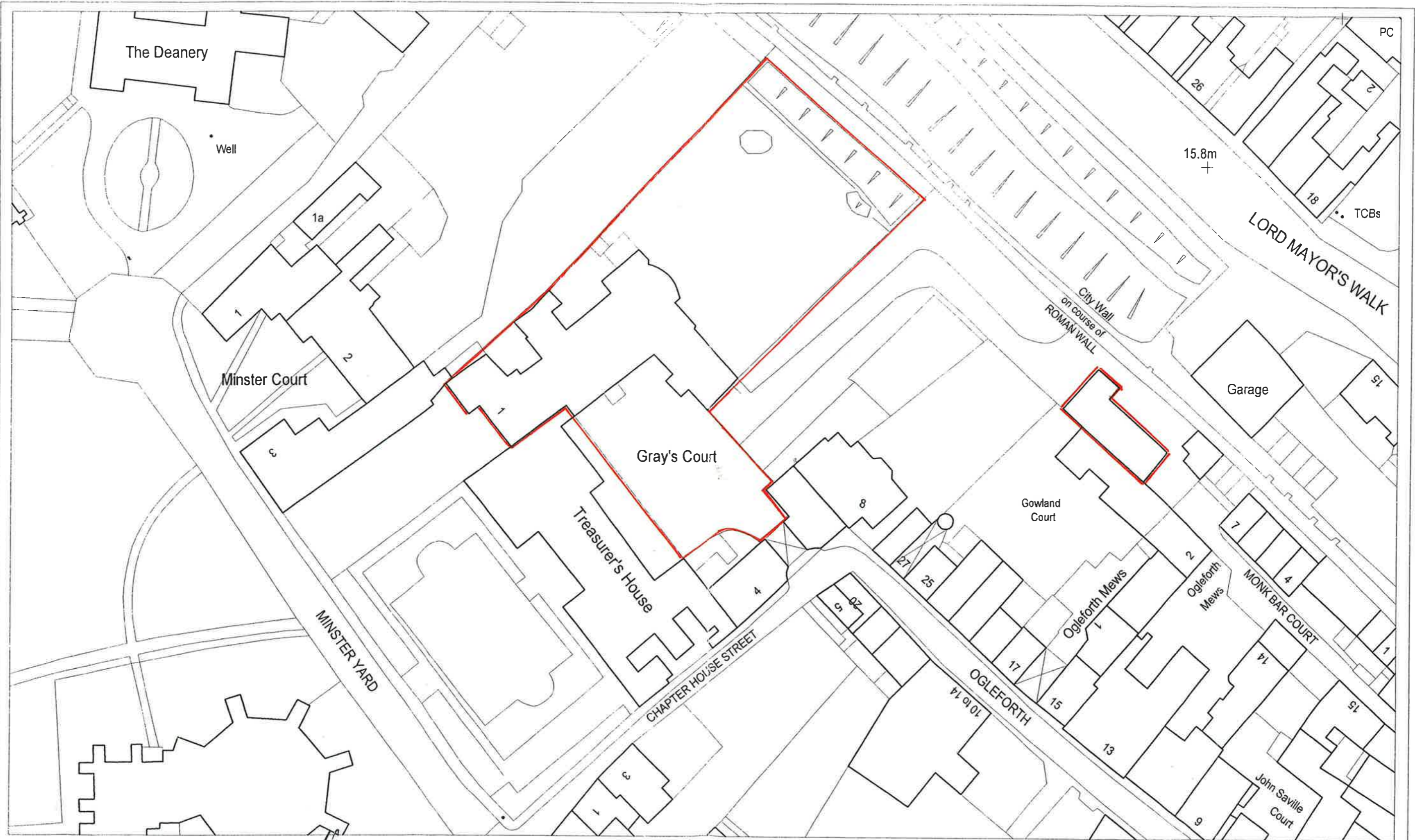
For and on behalf of
The Director of Communities
& Neighbourhoods

Date: 30/08/2011
16/01/2012 (Transfer)

Licensing Services
Hazel Court EcoDepot
James Street
York
YO1 3DS

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

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30/8/11



CITY OF
YORK
COUNCIL

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

GRAY'S COURT

SCALE: ~~1:1000~~
Originating Group:

DRAWN BY: PSL
Project

DATE 31/8/2011
Drawing No.



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City of York Council LA 1000 20818

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Cooke, Lesley

From: Golightly, Michael
Sent: 09 August 2018 18:10
To: EAP Licensing Unit
Subject: FW: premises license variation for Grays Court, York

Dear Sirs

Public protection objected to the above premises license variation on grounds of public nuisance, however, we have mediated the following change to condition 1 and so long as this is attached our objection is withdrawn:

condition 1.

The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence. The L-shaped driveway section shall be for alcohol only. The licensed area shall exclude the Bar Walls and the step access to the Bar Walls.

Should you have any further queries please do not hesitate to contact me on 01904 5551580.

Regards

Michael Golightly
Technical Officer

From: Helen Heraty [<mailto:helen@grayscourtyork.com>]
Sent: 09 August 2018 17:53
To: Golightly, Michael
Subject: Re: premises license variation for Grays Court, York

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 Michael

That would work. Hopefully. It's sufficient to placate any worries so I accept this.

Helen

Get [Outlook for Android](#)

From: Golightly, Michael
Sent: Thursday, 9 August, 12:38
Subject: premises license variation for Grays Court, York
To: Helen Heraty

Dear Helen

Further to our telephone conversation today could you please read through the following amendment to condition 1 and reply today to let me know whether you agree or disagree with it.

Proposed **condition 1.**

"The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence. **The L-shaped driveway section shall be for alcohol only.** The licensed area shall exclude the Bar Walls and the step access to the Bar Walls."

The part in red is the change.

I look forward to hearing from you and if you have any further queries please contact me on 01904 551580.

Regards

Michael Golightly
Technical Officer

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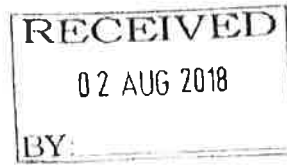
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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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ANNEX 6. ①



YORK
Y01 7JH
01/08/18

City of York Council
Senior Licensing Officer
Dear Ms. Cockerill,

I wish to object to the recent application by Grays Court for a variation to their current licence. I am a neighbouring property and this is a quiet residential area largely owned by York Minister. I have two young children who are already regularly disturbed by the anti-social and noise disturbance caused regularly by Grays Court residents / guests as a direct result of this being a licensed venue and with so many of their guests leaving Grays Court, late at night, loudly and whilst in drink. I myself am

a shift worker at York Minster and my sleep is regularly disturbed by Grays Court guests leaving the premises in a drunken state and shouting for taxis well into the early hours right outside my house. One of my children has special needs (autism) and when is woken up late at night by loud and drunken people he is unable to go back to sleep and becomes distressed. Extending the licensing of Grays Court will only increase this problem with the opportunity for extended periods of drinking and a later departure from the venue. Currently we experience drunken guests leaving between midnight and One o'clock in the morning. Extending the licence will make this even later which is unacceptable for all of the surrounding residential properties who want a decent nights sleep before work. For this reason my objections are that

any variation in the licensing of Gray's Court will cause a public nuisance and will cause my children harm if they are unable to sleep at night. Furthermore I not only consider that any variation will be causing my children harm and a public nuisance but also cause crime and disorder as a result. I have witnessed guests of Gray's Court behaving badly on leaving the hotel late at night. Several of them have been so in drink that they have urinated on many of our properties upon their departure (perhaps not realising that there is a CCTV camera on Chapter House Street). This is a crime and a public disorder offence that I have personally witnessed many times by guests leaving Gray's Court late at night particularly following a wedding there.

Please accept my representation
against any variation to the
licensing of Grays Court.

Yours faithfully

2

The Chapter Clerk
A D Oates LL.B. (Hons.)



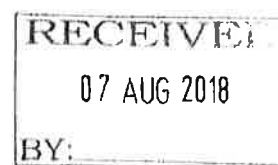
**YORK
MINSTER**

Church House
10-14 Ogleforth
York
YO1 7JN

Telephone: 01904 557210
Email: chapterclerk@yorkminster.org

Monday 6 August 2018

City of York Council Licensing Services
Hazel Court
EcoDepot
James Street
York
YO10 3DS



Dear Sir/Madam,

Application for Variation of Premises Licence

Application Reference: CYC 018630

Applicant: Helen Mary Heraty

Premises: Grays Court, Chapter House Street, York, YO1 7JH

Deadline for Representations: 15 August 2018

This summary of the above Application for Variation is published on the City of York Council website:

- i) To increase the sale of alcohol, plays, films, live/recorded music and performance of dance on Sunday to Thursday by 1 hour to bring in line with Friday and Saturday

Mon – Sun

10:00 – 23:30

- ii) Late Night Refreshment

Mon – Sun

23:00 – 23:30

Opening/Closing Times

Mon – Sun

08:00 – 23:30

To remove the exclusion of the L shaped drive so guests can take drinks from the courtyard to the garden without breaching the licence.

All other aspects of the licence to remain the same

This letter sets out the Representations that the Chapter of York ("Chapter") wishes the Licensing Authority to take into account when it assesses this Application for Variation of the Premises Licence.

Chapter is the corporate body responsible for the care and operation of York Minster and several other historic properties located nearby that belong to the Minster. These properties include **6 Chapter House Street** and **3 Minster Court**, both of which are immediately adjacent to Grays Court.

Chapter House Street and **Minster Court** are cobbled streets, with a narrow pavement on one side. They meet at a junction with Minster Yard and College Street, directly outside the Minster's East Front. Aside from Grays Court and The Treasurer's House (a historic house owned by the National Trust) all the properties on Chapter House Street and Minster Court are used for residential purposes.

Chapter House Street and Minster Court form part of the Minster's Cathedral Precinct and the York Central Historic Core Conservation Area. The Precinct is a historic and ecclesiastical location of international significance. The predominant, long-established uses of the Precinct are ecclesiastical, residential and open space, which combine to create its notably quiet ambience. It is, in Chapter's opinion, in the overriding public interest to protect and preserve the public amenity value of the tranquil character of the Precinct, for the benefit and amenity of the people of York, and for the benefit and amenity of the many members of the public who visit it, and the residents who live in it.

3 Minster Court (to the immediate west of Grays Court) abuts the rear of the Grays Court building. It is used for residential purposes and is the private residence of a Minster Canon and his family.

6 Chapter House Street (to the immediate east of Grays Court) forms one corner of Grays Court's courtyard. The courtyard entrance arch and the cobbled road that passes through it, connecting the courtyard and Chapter House Street, is part of the ground floor of 6 Chapter House Street. This arch is the normal entry and exit route for all vehicles and the vast majority of the pedestrians who visit Grays Court. 6 Chapter House Street is used for residential purposes and is rented to a private tenant.

The occupants of the **Deanery, 1 Minster Court, 1A Minster Court, 2 Minster Court, 2A Minster Court, 3 Minster Court, 3A Minster Court, 4 Minster Yard, 1 Chapter House Street, 3 Chapter House Street** and **6 Chapter House Street** (all of which are residential properties owned by Chapter, located in the immediate vicinity of Grays Court, in which any excessive noise emanating from commercial activity at Grays Court in the otherwise virtually silent hours of the late evening will be an immediate, unwelcome and unacceptable intrusion and nuisance) are currently protected by Conditions on the Grays Court Premises Licence that require all noise-producing indoor and outdoor commercial activity to cease by the stated curfew times each day, in particular by the 10.30pm daily curfew that applies from Sundays to Thursdays inclusive that the present Application seeks to extend to 11.30pm.

This 11.30pm curfew is permitted only for licensed activities that take place at Grays Court on Fridays and Saturdays. This late curfew is intentionally restricted to those two days to minimise any potential late-night noise nuisance being caused to the occupants of nearby residential properties between Sundays and Thursdays, whilst allowing Grays Court to operate to this later time on the two days in each week when it is arguably reasonable for some late-night event-related noise to be tolerated.

In Chapter's opinion, the times of day during which Grays Court is currently permitted to operate licensed activities provides a fair, reasonable and workable basis on which a hotel and hospitality use of Grays Court can operate responsibly, without detriment to the special character or public amenity of the surrounding area and without adverse impact on the occupants of nearby private residences.

The extension of late-night licensed activity by the further hour now applied for would increase the risk that immediate, unwelcome and unacceptable noise intrusion and nuisance will potentially be experienced by the occupants of nearby private residences throughout each week. The earlier curfew that currently applies to five evenings every week is a fair and necessary protection of the long-established character of the area around Grays Court, in which the hotel use has started only in recent years – controlled by carefully tailored and appropriately proportionate Premises Licence Conditions.

The final element of the Application for Variation of the Premises Licence seeks to add the (currently excluded) L-shaped driveway to the area covered by the Licence, for the stated purpose of enabling Grays Court's customers to take drinks from the courtyard (via the driveway) into the garden area.

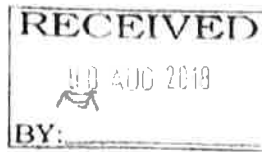
The walking route that Grays Court's customers are already able to use to access the hotel's garden area directly from the hotel's first floor function rooms, descending a short flight of stone steps, already connects the hotel to its garden satisfactorily and enables customers to move between the hotel and the garden without having to use the courtyard area. This helpfully minimises the foot-traffic circulating through the courtyard while licensed activities are taking place, in turn minimising any associated noise. This is, in Chapter's opinion, an essential protection of the residential amenity of 6 Chapter House Street, the private residence located in one corner of the hotel's courtyard area.

The Licensing Authority is asked to take due note of, and to have due regard to, the material issues and valid concerns discussed above. Chapter submits that the current terms of the Premises Licence continue to provide an appropriate and proportionate regime within which this hotel, located in this exceptional and sensitive location, can reasonably be required to operate. Chapter accordingly submits that all of the requested variations to this hotel's Premises Licence should be declined.

Yours faithfully

Andy Oates
Legal Adviser & Chapter Clerk

(3)



Oglesforth, U.
York.
YO1 7JG.

Wednesday, 8th August '18

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

Planning Application of H.M. Heraty, Grays Court.

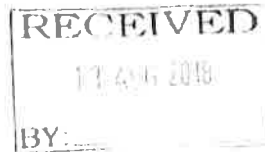
Dear Sir,

We wish to raise an objection to the proposed planning application concerning the extension of drinking hours to include every evening of the week until 11.30p.m. This would lead to more noise, footfall, taxis and people carriers using Oglesforth and Chapter House Street up to and beyond midnight every night of the week.

Furthermore, we object to the application to extend the outside bar and drinking area in the L-shaped car park of Grays Court. This would be to the detriment of the residents of both Chapter House Street and Oglesforth with the added noise and greater opportunities for guests to spread nearer Chapter House Street itself.

Yours faithfully,

4



Ogleforth
York YO1 7JG

City of York Licensing Services
Hazel Court
York
YO10 3DS

13 August 2018

Dear Madam

Application to vary premise licence CYC 018630

Applicant: Mary Hegarty Premises: Grays Court

We wish to lodge an objection to the above application on the ground that to grant it would not promote the licensing objectives, particularly the prevention of public nuisances.

The application seeks, inter alia, to "remove the exclusion of the L shaped driveway and include this in [the] licensed area". The justification advanced for this is that "a guest may breach our licence by stepping onto the drive with a drink in hand. This [i.e. removing the exclusion] would allow a guest to move from the courtyard to the garden".

We understand the reasoning. However, granting the application as currently formulated would go far beyond what is covered by the justification. The garden is situated to the north of the driveway on that part of the "L" which is perpendicular to the City Walls. It is not contiguous to that part of the "L" which is parallel to the City Walls and extends to the Coach House and beyond. No argument has been advanced for allowing the serving and consumption of alcohol on this part of the driveway. More significantly, granting it would create the possibility of causing a public nuisance to the occupiers of the premises, namely The Old Rectory, Gowland Court, and 2 The Mews, which are adjacent to that part of the driveway. Indeed, the latter abuts the wall of Gowland Court containing the windows to the bathroom and kitchen of that property.

In short, if the variation were restricted to that part of the L shaped driveway which is perpendicular to the City Walls, the risk of a public nuisance would be reduced.

Yours faithfully



Chapter House Street
York, YO1 7JH

Licensing Services
Economy & Place Directorate
Public Protection
Hazel Court EcoDepot
James Street, York, YO10 3DS

14 August 2018

Also by email: licensing@york.gov.uk

Dear Sirs,

**Application for a premises licence: Gray's Court, Chapter House Street,
York, YO1 7JH**
Applicants: Helen Mary Heraty

I refer to the above matter which is advertised on your website as having a final day for representations of 15th August 2018.

I am writing on behalf of myself and my partner [redacted] We live with our [redacted] at [redacted] Chapter House Street, York, YO1 7JH, which is immediately adjacent to the application premises.

This letter constitutes our representations opposing the application. We reserve the right to amplify the any of the points raised in this letter at any subsequent hearing.

Background

The first licensing application at this site. which we opposed, was determined on 19th August 2010. At that time M [redacted] and I were already residing at Chapter House Street, York and opposed the granting of a licence outright.

Although a licence was granted in face of our opposition, the Committee Imposed time conditions and restrictions upon the licence after a full airing of the issues. These measures persuaded us not to appeal that decision. We hoped that the Operators, Mrs. Heraty and Mr. Edwards, would demonstrate through their actions their ability to operate the premises in compliance with the licence conditions; ensuring the promotion of the licensing objectives.

We were doubtful at that time this could be achieved especially in terms of preventing public nuisance and crime and disorder, nonetheless we respected the decision of the Committee.

We note that the Applicant choose not to appeal the decision also.

Less than one year later an application to vary the licence was submitted by Mrs. Heraty and Mr. Edwards to vary the terms of licence. Although we had been party to the early proceedings we were not pre-consulted in any way regarding their plans.

Again we opposed this application and attach a copy of our representation of 13th July 2011 to this letter.

As stated in that letter, the variation application of 2011 was in essence an attempt to undermine by degrees the Committee's decision of 2010. We feel this also be the effect of granting the proposed application.

The Applicant is seeking to creep forward the hours of their licence without addressing the structural issues which led to the imposition of such restrictions in the first instance.

This is demonstrated by the decision of the Committee to allow incremental advances to the licence, although not to the extent sought by the Applicant, in 2011.

We attach a copy of the 2011 Committee decision setting out their reasons for limiting the licence to its present terms.

Again disappointed that any extension had been permitted, we chose not to appeal that decision. We do not feel that any advance on the hours or relaxation of conditions can be tolerated.

Current Application – Variation of Conditions

The condition which the Applicant seeks to remove through this application was imposed in 2010 and retained/clarified in 2011 and reads:

"The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence and will exclude the L-shaped driveway, the Bar Walls and the step access to the Bar Walls."

The current licence only permits the sale of alcohol for consumption on the premises, off-sales are not permitted. The Applicant has not sought to vary this element of their licence through this application and cannot now do so in these proceedings.

The combination of the defined licence area and absence of off-sale ability does intentionally prohibit guests from carrying and consuming alcohol beyond the boundaries of the licence. It does not in our view criminalise any customer found to be in breach of the terms but it is the responsibility of the Applicant to manage the situation. Any criminal prosecution for breaching this condition, if instigated, would be against the licence holders.

It is therefore misleading to suggest that the Committee are criminalising members of the public.

It has always been and remains the responsibility of the licence holder to put into place systems to ensure the licence conditions are adhered to.

This condition is no more onerous than the position experienced by on-sale only premises across the Country who are obliged to prevent customers from walking 'off' the premises with alcohol.

In the minutes to the 2011 meeting the Committee considered:

".....the written representation to be relevant to the issues raised and the licensing objectives listed above as concerns were raised in particular, regarding noise nuisance."

In summary, our objections to the use of the 'excluded' areas are a result of their close proximity to our home and our ()'s bedroom window. We believe this will lead to a noise nuisance and undermine the relevant objective.

The preservation of York's historic buildings for future generations and their continued practical use is something we fully support; within the restrictions created by their listed status that such buildings are subject to.

Both Gray's Court and our home are listed buildings and therefore attenuation work would prove prohibitively difficult due to their listed status and the restrictions this imposes on building works.

These limitations mean in effect that noise breakout from premises can be a real issue as in this case.

The Committee have on two previous occasions recognised these limitations and imposed restrictions on the use of the external areas of Gray's Court and its hour of operation.

The issues which were present in 2010 and 2011 remain now.

In this case Gray's Court are the agent of change and it is incumbent upon them to provide solutions to the noise issues. We can see no way in which Gray's can attenuate noise from their grounds in a manner which will prevent a nuisance from arising in my property and other residential properties in the area.

We are further concerned by the impact of the Live Music 2012 on the proposed changes. At present, the excluded area is specifically excluded from the licence area and therefore the Live Music Act 2012 does not apply. By including the area the premises would be permitted to provide both live and recorded music in this area unfettered. The Committee are not permitted, we understand, to condition or limit the provision of live or recorded music save on application for Review of the premises licence.

Proposed changes to licensing hours designation.

The Applicant is seeking to extend the terminal hour throughout the week to match the additional hours permitted on Friday and Saturday evenings.

The Applicant also seeks, without explanation, to allow recorded music indoor and now outdoors at the venue.

We would object to any variation of the licence to expressly permit recorded music in external areas of the premises due to the obvious negative impact this could have on the licensing objective seeking to prevent public nuisance.

We anticipate that the Applicant may return with a further application to extend their hours on Friday and Saturday evenings, if this application were successful.

The current limitations on the hours, which distinguish between weekdays and weekends, were imposed in order to avoid a public nuisance and unnecessary disturbance to the residents in the locality. These limitations are necessary to avoid a nuisance in the late evening.

At the present time, despite statements to the contrary by the Applicant at previous Committee hearings, we experience prolonged periods of disturbance from dispersal noise. In particular taxis collecting Gray's Court customers from outside of our premises. This can often be ongoing for up to 90 minutes after the current licence hours. The noise from taxis drawing up and the hotel's customers talking loudly while awaiting collection have disturbed us on many occasions.

Again this application has been submitted without any prior consultation with myself or includes any explanation as to why the earlier decision of the Committee is no longer relevant or appropriate.

The Applicant offers no explanation as to how these changes will not adversely impact the licensing objectives. We have rehearsed on two previous occasions how noise from the premises will cause a nuisance within our home and other residential properties in the vicinity.

It is incumbent upon the Applicant to set out through their Operating plan their proposals on how to ensure the promotion of the licensing objectives, they have manifestly failed to do so.

In addition to noise arising from the operation of the premises during permitted hours we also suffer from noise arising from staff operations following the end of an event, as the premises is reset for the following day.

We have witnessed numerous occasions when current licence conditions, designed to avoid noise disturbance, have been breached in outrageous terms. One example is the Committee's condition preventing the placing of bottles in bins after 22:00hrs daily as recently as June this year. On that Occasion staff could be heard throwing bottles into bins after midnight causing a considerable noise nuisance, this was reported to York's Licensing section.

We have reported these breaches and disturbances to the proper authorities and am currently preparing a schedule for the Committee's consideration, these are in addition to the incidents cited in our letter of 13th July 2011 but demonstrate an ongoing disregard for the Committee's decisions.

The enforcement arms of the Council including Licensing and Noise Pollution Teams have been informed of noise issues and other breaches over the years. Due to their limited resources it has not always been possible for those Authorities to gather effective evidence. We have witnessed many instances of noise nuisance arising from the venue.

It is our case that the Applicant has failed to operate Gray's Court within the current terms of the licence and should not be rewarded with any enhancement to the licence.

We object to any extension of hours proposed by the Applicant as this will lead to an increase in noise from the venue later in the evening, which will constitute a nuisance.

We would be grateful if you would kindly acknowledge receipt of this representation.

Yours faithfully,

Chapter House Street
York
YO1 7JH

Licensing Services
City of York Council
9 St. Leonard's Place
YO1 7ET

Also by email: licensing@york.gov.uk

Wednesday 13 July 2011

Dear Sirs,

Application for a premises licence: Gray's Court, Chapter House Street, York, YO1 7JH

Applicants: Helen Mary Heraty and John Douglas Edwards

I wish to make representations in opposition to the grant of the above application.

Interested parties

I am writing on behalf of myself and my partnere. We live with our young att, York, YO1 7JH, which is immediately adjacent to the application premises

Licensing history

The premises already enjoy the benefit of a premises licence pursuant the Licensing Act 2003. This was granted with conditions by the Licensing Authority following a hearing on 19 August 2010. Both myself and made representations in opposition to that application (the factual content of which is repeated for the purposes of this representation), and we were represented at the hearing by Counsel.

Whilst we opposed the granting of a licence at all, on the basis that we considered that the same would adversely affect the licensing objectives of the prevention of public nuisance, public safety and the prevention of crime and disorder, we nonetheless felt that the conditions imposed by the Licensing Authority at the last occasion were a sensible way forward if the premises was to be licensed, and although we did not necessarily agree with everything granted to the applicants, we did not seek to bring an appeal.

The operators have been operating the premises for under a year.

They have not complied with the conditions already imposed, as we set out below.

Substance of the new application, and our general stance in relation thereto

This new application is essentially a re-run of last year's application.

Our position is that the conditions imposed on the previous licence were considered necessary by the Licensing Authority to promote the licensing objectives following a fully argued hearing. No-one sought to appeal those conditions. Less than a year has passed. Nothing has changed in relation to the site and in particular to our use of our home. There is no reason why the hours and conditions that the Licensing Authority saw fit to impose should be relaxed, and indeed there are reasons why those conditions should be tightened.

Supply of alcohol (M)

In relation to alcohol the operators previously sought a terminal hour for the supply of alcohol (M) to non-residents of 23:00 Sun-Thu and 00:00 Fri-Sat - this is sought again, but with a 02:00 terminal hour on Christmas Eve and New Year's Eve. The terminal hours should not be extended beyond those granted in relation to the last application in order to prevent late night noise nuisance in this quiet residential area.

We submit that conditions 1, 2, 3 and 4 (we use the numbering on the Licensing Authority's decision letter of 24 August 2010) should remain in place in relation to the supply of alcohol in order to promote public safety and prevent crime and disorder and public nuisance.

We note on the application that alcohol is to be supplied available to hotel residents 24 hours a day. We would request that an appropriate condition is added to ensure that it is only bona fide hotel residents who may be supplied with alcohol.

Live (E) and recorded (F) music

We object to the extended hours for live music (E) and recorded music (F). We object to the provision of recorded music and entertainment of a similar description outdoors. Conditions 5 and 6 were rightly imposed by the Licensing Authority in relation to the previous application and nothing has changed to render those conditions improper.

We in fact would further submit that live music should not be provided outside at all. The provision of any music with no noise attenuation measures between the external areas and our house and garden means that we are the

mercy of having to listen to whatever performance the applicants choose to put on at any time.

Facilities for the making of music (I)

We object to the proposal to be licensed for the provision of facilities for making music (I) (a) outdoors in its entirety and (b) beyond the hours already permitted for the provision of live music indoors. We have previously been significantly disturbed by performances of live music outside and we can see no reason why this is a suitable site to operate as an outdoor music venue.

Facilities for dancing (J)

We object to the proposal to be licensed for the provision of facilities for dancing (J) (a) outdoors in its entirety and (b) beyond the hours already permitted. We refer to condition 8 imposed on the previous application and submit that this is an entirely appropriate condition for the circumstances both then and now.

Performances of dance (G)

We object to the proposal to be licensed for the provision of performance of dance (G) (a) outdoors in its entirety and (b) beyond the hours already permitted for dancing indoors.

Plays (A) and films (B)

Whilst we have no objection to the applicant providing plays (A) and films (B) per se, we do object to these activities being conducted outdoors as sought in the application, on the ground that the same will destroy the peace and quiet of our adjoining garden. The hours for the provision of plays or films should not extend beyond 21.00 Sun-Thu and 22.00 Fri-Sat, save that we have no objection to the provision of films in bedrooms at any time.

Late night refreshment (L)

We object to the provision of late night refreshment (L) (a) outdoors in its entirety and (b) indoors insofar as it relates to anyone other than residents.

Opening hours (O)

We object to the premises being open to the public (O) 24 hours a day. Conditions 2 and 17 as previously imposed should remain in place.

Licensed area

The licensed area is increased to include the areas the Licensing Committee specifically deleted from the previous application: see condition 1.

The applicants seek to license the driveway running right past our home,

which is overlooked by our [redacted] bedroom window. Use of this area for licensed activities will cause significant noise nuisance.

Deletion of conditions

The operating schedule put forward by the applicants is completely inadequate for a premises in such a sensitive location as these. We note that the applicants appear to seek to delete conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, and to relax condition 13.

Operation to date

As stated, since the previous premises licence was granted, the premises have not been operated in accordance with the conditions imposed.

Condition 1: *The area to be licensed shall be as shown edged red on the attached plan (The licensed area excludes the courtyard, the L-shaped driveway including the Coach House, the Bar Walls, the access to the Bar Walls and Bar Walls embankment).*

On 28 May 2011 wedding guests were observed drinking alcohol (and having their glasses topped up) in the driveway, the Bar Walls, the access to the Bar Walls and the Bar Walls embankment. Later that evening guests were drinking alcohol in the courtyard area.

The licence does not permit sale of alcohol for consumption off the premises.

The operators appear to make no attempt to confine patrons to the external licensed areas. So the unlicensed areas are not roped off from the licensed areas.

Apart from the obvious danger posed by having people drinking on and around the Bar Walls, user of the unlicensed areas places drinkers in closer proximity to our home and causes us a nuisance. It also demonstrates a lack of management and control by the operators.

Condition 2: *Hours the premises are open to the public shall be as follows:*

Sunday to Thursday 08.00-22.00

Friday and Saturday 08.00-23.00

With the exception of the external licensed areas

On Saturday 2 October 2010 we were disturbed by taxis arriving at 00:10 to pick up customers from the premises.

On 4 June 2011 guests were departing from the premises between 00:00-01:00.

On 25 June 2011 a TEN was in place with a terminal hour of 00:00. The last guests were departing the premises at 00:55.

Condition 3. *All external areas shall be vacated, cleared and cleaned by 19:00 Sunday to Thursday and 21:00 on Fridays and Saturdays.*

On 9 July 2011, at 22:38 there were approximately 70 people in the garden area drinking and talking loudly.

The driveway gates are frequently left open at night, allowing persons to enter the external areas.

Condition 6. *Recorded Music (F) shall take place indoors only until the terminal hour*

On Saturday 11 September 2010 a black tie event was held at the premises. A disco was operated until beyond midnight. Patrons were leaving the premises between 00.30 and 01.00. Waiting taxis caused noise disturbance. It was necessary for our to move to another bedroom to get to sleep.

Condition 8. *Provision of facilities for dancing (J) shall take place indoors only from 10:00 to 1 hour prior to closing on each and every day.*

On Saturday 7 May 2011 a disco was in operation beyond 22:00.

Condition 21. *Noise or vibration from the premises (including external areas), shall not emanate, so as to cause a nuisance at nearby sound and vibration sensitive properties.*

Music played at the premises is frequently audible within the interior of our home. We can hear the lyrics to the songs being played.

A bin storage area (comprising various bins including receptacles for glass recycling) has been situated next to our property, beneath our daughter's bedroom window, causing noise nuisance when filled or emptied.

The bin is often filled in the evening or at night.

For instance on 11 May 2011, bottles were thrown in the bin at 22:45 and 23:45.

On 9 June 2011, bottles were being smashed into the bin at 19:15 and 19:37.

On 10 June 2011, 2 x bins were pulled down the driveway by Ms. Heraty at 23:57 and 23:59, waking us.

On 25 June 2011, bottles were being smashed into the bin at 00:49.

The bin is also emptied between 06:50 and 07:10 on Thursdays.

Condition 22: *When regulated entertainment in the form of Recorded and/or Live music is provided at the premises, doors and windows shall remain closed other than for ingress and egress.*

On 21 May 2011 the premises' doors remained open throughout a fashion show event, with music being clearly audible. If and to the extent that the music was incidental and not a regulated entertainment, then it still constitutes a breach of condition 21 and further condition 22 should be varied to require doors and windows to be closed when any recorded music is played a volume which would otherwise be audible outside the premises.

On 4 June 2011 the door of the premises leading to the courtyard remained open throughout a function at which recorded music was played.

Condition 23: *A dispersal policy shall be agreed in writing by the applicant with the Licensing Officers and thereafter be implemented and adhered to.*

Taxis frequently queue up for fares with their engines running for periods of 10-15 minutes each. Taxis in this queue sound their horns.

The above evidences the operators' failure to manage and control the premises in order that it operates without compromising public safety or causing a nuisance to those in the vicinity, including ourselves and our daughter.

Prevention of public nuisance

In its current operation, the premises already causes us noise nuisance of the type that necessarily arises when a commercial premises operates next to residential premises. In particular there is noise from patrons arriving, departing and using the premises (particularly the external areas, including smokers using the courtyard); from taxis; from delivery vehicles; from the filling and emptying of bins; and from regulated entertainment.

As we have already accepted, the conditions already imposed by the Licensing Authority go a significant way towards keeping what would otherwise be an intolerable situation within reasonable bounds. However, the operators have not been able to comply with those conditions, and the premises in its current state is already the source of unacceptable noise nuisance. We feel that further a relaxation of conditions, increase of hours or licensed area is in the circumstances unacceptable for this site and these operators.

We would seek the following further conditions to be added to any new licence, in addition to the repetition of the conditions imposed at the last hearing:

- (a) The imposition of a condition requiring steps to be taken to separate the unlicensed external areas from the licensed external areas;
- (b) The imposition of a condition requiring the re-location of the bin area, and providing that the bins may not be filled or emptied in the evening, night-time and early morning periods;
- (c) The imposition of a condition requiring records to be kept showing that the closure of doors and windows during the provision of regulated entertainment is implemented and monitored throughout the period of such entertainment.
- (d) The imposition of a condition that specifies that noise from licensable activities does not exceed a specified level of decibels measured from a particular location (our property) over a particular period

Public safety

The applicants seek to remove the capacity limit from the application, and indeed to delete many conditions which promoted public safety. They seek once more to license the Bar Walls and access thereto.

Prevention of crime and disorder

The applicants seek to delete many conditions which promoted the prevention of crime and disorder. The applicants leave the driveway gate open at all times which permits anyone to gain access to the rear of the site (and hence to our garden) late at night. Closure of these gates outside of trading hours should be a condition of the licence.

Plans

We are advised that the plans accompanying the application do not comply with the appropriate regulations as they do not adequately detail where licensable activities are to take place. The external plan is a large scale plan and it is not possible to discern which areas are to be licensed with any certainty.

Planning

The local authority is already aware that we do not accept that the applicants have planning permission for the proposed operation. The applicants have been operating a licensed premises for almost a year now without appropriate planning permission and have not sought to rectify the situation despite requests to do so by the planning authority. The local authority's own licensing policy states that "whilst there is no obligation for an applicant to have planning permission before applying for a premises or provisional licence ... it is recommended that lawful planning use be obtained initially".

Hearing

I will be on holiday with my family from 10th – 26th August 2011 and from 14th – 30th October 2011 and would request that the licensing authority avoid these dates when scheduling a hearing in relation to this application as I wish to attend and be represented.

Yours faithfully,


Licensing Act 2003 Sub Committee
30th August 2011

Report of the Director of Communities and Neighbourhoods

Section 18(3)(a) Application for a premise licence for Grays Court, Chapter House Street, York YO1 7JH
Summary

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-018630
3. Name of applicant: Helen Mary Heraty & John Douglas Edwards.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application The nature of the application is to allow :-

Licensable Activity	Indoors / outdoors	Days	Hours	Non standard timings
Plays and films	Both	Sun – Thurs Fri – Sat	10:00 – 23:00 10:00 – 00:00	
Live Music	Both	As above	As above	Christmas Eve and New Year's Eve until 02:00
Recorded Music	Both	As above	As above	Christmas Eve and New Year's Eve until 02:00
Performance of Dance	Both	As above	As above	

Provision of facilities for making music	Both	As above	As above	Christmas Eve and New Year's Eve until 02:00
Provision of facilities for dancing	Both	As above	As above	Christmas Eve and New Year's Eve until 02:00
Late Night Refreshment	Both	Mon – Sun	23:00 – 00:00	Available to residents 24 hours as per legislation.
Supply of Alcohol	On the premises	Sun – Thurs Fri – Sat	10:00 – 23:00 10:00 – 00:00	Christmas Eve and New Year's Eve until 02:00 And 24 hours for hotel residents
Opening Hours		Mon – Sun	24 hours	

Background

6. A copy of the application is attached at Annex 1.
7. This venue currently operates under a premises licence, CYC 016907, which was granted in August 2010. A copy of this licence is attached at Annex 2.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
9. The prevention of crime and disorder:
 - (a) There shall be no 18th birthday parties
 - (b) Staff are trained in customer relations
10. Public safety:
 - (a) Risk assessments and staff training are carried out.

11. The prevention of public nuisance:
 - (a) Guests are advised to leave the premises quietly.
12. The protection of children from harm:
 - (a) Staff training is given in accordance with the Licensing Act 2003

Special Policy Consideration

13. This premise is not located within the special policy area.

Consultation

14. Consultation was carried out by the applicant in accordance with s13, and s17(5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
15. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

16. North Yorkshire Police have met with the applicant to discuss the application. The applicant has agreed to the following condition being attached to the licence if granted: -
 - (i) CCTV will be installed to cover the front entrance of the premises. It will be maintained, working and recording at all times when the premises are open. The recordings should be of sufficient quality to be produced in Court or other such Hearing. Cameras should be positioned so to capture images of customers as they enter the venue via the front entrance from the courtyard.
 - (ii) Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48 hours of request.
 - (iii) Copies of the recordings will display the correct time and date of the recording.
 - (iv) The only acceptable proof of age identification shall be a current passport, photocard 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).

- (v) Standard one pint capacity, half pint capacity and "highball" tumbler drinking glasses will be of strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
- (vi) Drinking glasses of any type shall not be allowed to enter or leave the licensed area whilst under the customer's care.
- (vii) Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and operating times of the venue. Such records shall be kept for at least one year and they will be made available upon a reasonable request from any Responsible Authority.
- (viii) The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.
- (ix) A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for one year.
- (x) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs local residents and to leave the premises and area quietly.
- (xi) The venue shall not open or operate (other than by way of Temporary Event Notice) earlier or later than the times listed in Part 1 of the premises licence. (i.e. the opening hours of the premises).

17. The Council Environmental Protection Unit has also met with the applicant who has

agreed for the following conditions to be attached to the licence if granted

- (i) No recorded music outdoors.
- (ii) Noise and vibration shall not emanate so as to cause a nuisance at nearby sound sensitive properties.
- (iii) Regulated entertainment in the form of recorded and/or live music indoors shall be restricted to the Bow room as shown on the plan GC02. All windows in the Bow Room and the door between the Bow Room and the Long gallery room shall remain closed at all times during regulated entertainment, other than for emergency escape.

- (iv) Plays, films and performance of dance externally shall cease at 21:00 hours on every day of the week.
- (v) Live music externally shall not use electronic amplification and shall cease at 21:00 hours on every day of the week.
- (vi) Documented patrols shall be carried out by members of staff at no less than hourly intervals whilst live or recorded music is being played. These checks shall be undertaken around the perimeter of the premises and findings recorded. Details of any remedial action necessary to reduce noise to an acceptable level shall also be recorded. Records shall be made available for inspection by authorised officers of the City of York Council upon request.
- (vii) Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years. (similar to Police condition (vii))
- (viii) A direct contact number for the duty manager shall be made available on request to residents living in the vicinity of the premises.
- (ix) A documented procedure for investigating noise complaints received by Gray's Court shall be submitted to and approved by the City of York Council within 2 months of the licence being granted and once approved it shall be implemented.
- (x) Notices shall be placed on exit doors and staff shall remind customers that there are residential premises in the area and to be quiet when leaving the property.

Summary of Representations made by Interested Parties

- 18. Representations have been received from 9 Interested Parties listed at Annex 3. Their representations are attached at Annex 4.
- 19. The location of the residential properties owned by the interested parties in relation to the premises subject to this application is shown on the map attached at Annex 5.
- 20. Members are reminded that representations are only "relevant" if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Planning Issues

- 21. Planning permission was granted in March 2006 for change of use to create 1 no private dwelling house, to include bed and breakfast letting, and 1 no self contained holiday dwelling (east wing). However, the owner of the building has since been advised of the unauthorised status of the

current use of the premises and the potential for enforcement under the Planning Act. The Planning Officer has not made a representation.

Options

22. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
23. Option 1: Grant the licence in the terms applied for.
24. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
25. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
26. Option 4: Reject the application.

Analysis

27. The following could be the result of any decision made this Sub Committee:-
28. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
29. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
31. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Priorities

32. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

33. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

34.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

35. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
36. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

37. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

Lesley Cooke
Licensing Manager

Tel No. 01904 551526

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director– Housing & Public Protection.

**Report
Approved**

 Y

Date 12 August
2011

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

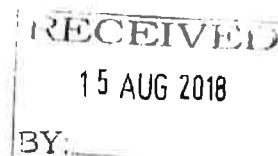
Wards Affected: Gulldhall East

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For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Copy of current premises licence CYC-016907
- Annex 3** - List of Interested Parties
- Annex 4** - Copy of representations from Interested Parties
- Annex 5** - Map showing general area from which representations received
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations



City of York Licensing Services
Hazel Court
York
YO10 3DS

Ogleforth
York
YO1 7JG
14 August 2018

Dear Sir

Application to vary premise license CYC 018630: Gray's Court, Chapter House Street, York, YO1 7JH
Applicant: Helen Mary Heraty

We wish to object to this application on the grounds that the approval of it would not meet the licensing objective of prevention of public nuisance. We would make the following comments:

- We are aware that the inclusion in the license of the L-shaped drive has been applied for and refused in the past. Nothing has changed in the immediate vicinity to warrant a change of decision.
- The extension of the licensed area to include the L-shaped drive would impact on the previously quiet residential area by bringing noise and music closer to local residents on Ogleforth and particularly houses such as The Old Rectory, Gowland Court and 2 Ogleforth Mews which adjoin the L-shaped drive. Also, the SE end of the L-shaped drive is close to the NW end of Monk Bar Court and residents there would be adversely affected.
- Since the hotel opened there has been a substantial increase in traffic along Ogleforth and parking on the street to make deliveries and collect general waste/glass as well as increased footfall and noise late in the evening. An extension of hours from 10.30 to 11.30pm on Sunday – Thursday has the potential of causing noise/disturbance even later into the weekday nights along the otherwise quiet residential street of Ogleforth as patrons leave the hotel on foot, in taxis and other vehicles.

We would appreciate acknowledgement of receipt of this submission.

Yours faithfully

7

RECEIVED

15 AUG 2018

Ogleforth,
York Y01 7JG
15 August 2018

Dear Sirs,

Application CYC 018630 – Gray’s Court, Chapter House Street

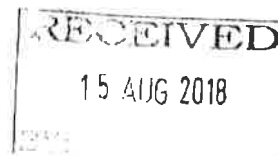
We strongly object to any extension of the licensing area and hours. The immediate neighbours suffer from the noise now, and if the area is extended towards Monk Bar Court then the rear of our premises will be affected too.

At the front, Ogleforth is a narrow street and since Gray’s Court was converted to a hotel we have seen a marked increase in traffic with passing vehicles having to mount the pavements and huge delivery vans regularly reversing down the street. Any extension to hours will obviously increase the traffic.

As well as permanent residents this area near the Minster has many visitors in holiday apartments. They too are affected by these matters, especially late night noise, but they are not in a position to voice their objections.

Yours faithfully,

8



Ogleforth,
York, YO1 7JG

Licensing Services
Economy & Place Directorate
Public Protection
Hazel Court EcoDepot
James Street, York, YO10 3DS

14 August 2018

Also by email: licensing@york.gov.uk

Dear Sirs,

**Application for a premises licence: Gray's Court, Chapter House Street,
York, YO1 7JH**
Applicants: Helen Mary Heraty

We refer to the above matter which is advertised on your website as having a final day for representations of 15th August 2018. However as close neighbours we were not formally consulted of this recent application.

We live with our [redacted] at number [redacted] which is at the Chapter House end of the street and in close proximity to Gray's Court.

This letter constitutes our representations opposing the application. We reserve the right to amplify the many of the points raised in this letter at any subsequent hearing.

Background

The first licensing application at this site, which we opposed, was determined on 19th August 2010. [redacted] and I have resided at [redacted] since March 1995, and while we opposed previous applications a licence was granted in face of our opposition.

However, the Committee imposed time conditions and restrictions upon the licence after a full airing of the issues. We hoped that the Operators of Gray's Court would demonstrate through their actions to operate the premises in compliance with the licence conditions; ensuring the promotion of the licensing objectives.

We were especially concerned at that time this could not be achieved especially in terms of preventing public nuisance and crime and disorder, nonetheless we respected the decision of the Committee.

We note that the Applicant choose not to appeal the decision also.

Less than one year later an application to vary the licence was submitted by Mrs. Heraty and Mr. Edwards to vary the terms of licence.

As stated in that letter, the variation application of 2011 was in essence an attempt to undermine by degrees the Committee's decision of 2010. We feel this also be the effect of granting the proposed application.

The Applicant is seeking to step by step increase the hours of their licence without addressing the structural issues which led to the imposition of such restrictions in the first instance.

This is demonstrated by the decision of the Committee to allow incremental advances to the licence, although not to the extent sought by the Applicant, in 2011.

Again disappointed that any extension had been permitted, we chose not to appeal that decision. We do not feel that any advance on the hours or relaxation of conditions can be tolerated.

Current Application – Variation of Conditions

The condition which the Applicant seeks to remove through this application was imposed in 2010 and retained/clarified in 2011 and reads:

"The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence and will exclude the L-shaped driveway, the Bar Walls and the step access to the Bar Walls."

The current licence only permits the sale of alcohol for consumption on the premises, off-sales are not permitted. The Applicant has not sought to vary this element of their licence through this application and cannot now do so in these proceedings.

The combination of the defined licence area and absence of off-sale ability does intentionally prohibit guests from carrying and consuming alcohol beyond the boundaries of the licence. It does not in our view criminalise any customer found to be in breach of the terms but it is the responsibility of the Applicant to manage the situation. Any criminal prosecution for breaching this condition, if instigated, would be against the licence holders.

It is therefore misleading to suggest that the Committee are criminalising members of the public.

It has always been and remains the responsibility of the licence holder to put into place systems to ensure the licence conditions are adhered to.

This condition is no more onerous than the position experienced by on-sale only premises across the Country who are obliged to prevent customers from walking 'off' the premises with alcohol.

In the minutes to the 2011 meeting the Committee considered:

".....the written representation to be relevant to the issues raised and the licensing objectives listed above as concerns were raised in particular, regarding noise nuisance."

Again this application has been submitted without any prior consultation with us nor includes any explanation as to why the earlier decision of the Committee is no longer relevant or appropriate.

The Applicant offers no explanation as to how these changes will not adversely impact the licensing objectives. We have highlighted on two previous occasions how noise from the premises will cause a nuisance to our home and other residential properties in the vicinity.

It is incumbent upon the Applicant to set out through their Operating plan their proposals on how to ensure the promotion of the licensing objectives, they have manifestly failed to do so.

In addition to noise arising from the operation of the premises we also suffer from noise arising from delivery lorries, refuse and bottle collections in the mornings as early as 6am throughout the week.

We have witnessed numerous occasions when current licence conditions, designed to avoid noise disturbance, have been breached in outrageous terms. One example is the Committee's condition preventing the placing of bottles in bins after 22:00hrs daily as recently as June this year. On that Occasion staff could be heard throwing bottles into bins after midnight causing a considerable noise nuisance, this was reported to York's Licensing section.

The enforcement arms of the Council including Licensing and Noise Pollution Teams have been informed of noise issues and other breaches over the years. Due to their limited resources it has not always been possible for those Authorities to gather effective evidence. We have witnessed many instances of noise nuisance arising from the venue.

It is our case that the Applicant has failed to operate Gray's Court within the current terms of the licence and should not be rewarded with any enhancement to the licence.

We object to any extension of hours proposed by the Applicant as this will lead to an increase in noise from the venue later in the evening, which will constitute a nuisance.

We would be grateful if you would kindly acknowledge receipt of this representation.

Yours faithfully,

In summary, our objections to the use of the 'excluded' areas are a result of their close proximity to resident's homes. We believe this will lead to a noise nuisance and undermine the relevant objective.

The preservation of York's historic buildings for future generations and their continued practical use is something we fully support; within the restrictions created by their listed status that such buildings are subject to.

Both Gray's Court and our home are within a listed conservation area with restrictions. These limitations mean in effect that noise breakout from premises can be a real issue as in this case.

The Committee have on two previous occasions recognised these limitations and imposed restrictions on the use of the external areas of Gray's Court and its hour of operation.

The issues which were present in 2010 and 2011 remain now.

In this case Gray's Court are the agent of change and it is incumbent upon them to provide solutions to the noise issues. We can see no way in which Gray's Court can attenuate noise from their grounds in a manner which will prevent a nuisance from arising in my property and other residential properties in the area.

We are further concerned by the impact of the Live Music 2012 on the proposed changes. At present, the excluded area is specifically excluded from the licence area and therefore the Live Music Act 2012 does not apply. By including the area the premises would be permitted to provide both live and recorded music in this area unfettered. The Committee are not permitted, we understand, to condition or limit the provision of live or recorded music save on application for Review of the premises licence.

Proposed changes to licensing hours designation.

The Applicant is seeking to extend the terminal hour throughout the week to match the additional hours permitted on Friday and Saturday evenings.

The Applicant also seeks, without explanation, to allow recorded music indoor and now outdoors at the venue.

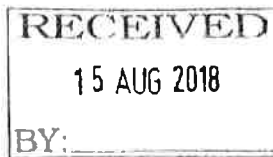
We would object to any variation of the licence to expressly permit recorded music in external areas of the premises due to the obvious negative impact this could have on the licensing objective seeking to prevent public nuisance.

We anticipate that the Applicant may return with a further application to extend their hours on Friday and Saturday evenings, if this application were successful.

The current limitations on the hours, which distinguish between weekdays and weekends, were imposed in order to avoid a public nuisance and unnecessary disturbance to the residents in the locality. These limitations are necessary to avoid a nuisance in the late evening.

At the present time, despite statements to the contrary by the Applicant at previous Committee hearings, we experience prolonged periods of disturbance from dispersal noise. In particular taxis collecting Gray's Court customers from outside of our premises. This can often be ongoing for up to 90 minutes after the current licence hours. The noise from taxis drawing up and the hotel's customers talking loudly while awaiting collection have disturbed us on many occasions.

9



Monk Bar Court
York
YO1 7LH

By email to licensing@york.gov.uk

Application for a variation of a premises licence: Gray's Court, Chapter House Street, York, YO1 7JH

Dear Sir or Madam,

I am writing to raise an objection to variation on the grounds of a prevention of a public nuisance.

I note that the license variation would allow guests to consume alcohol in the grounds of the property until 23.30 seven days a week. It would also allow the playing of live and recorded music in the grounds until the same time.

As these grounds border a number of residential properties and are in a residential area I believe this would cause a significant nuisance for neighboring properties, including my own. The area is currently quiet and it would be a significant nuisance if throughout the year it was possible to hear loud music and noise from functions until late in the evening, particularly on week nights.

I am not aware of any equivalent open air space in central York that allows the consumption of alcohol and the playing of music outdoors next to residential properties until 23.30 on seven nights a week.

I believe that the Licensing Committee have on two previous occasions recognised these issues and there is no reason to believe that the situation has in any way changed since the previous decisions by the Committee.

I hope the Committee will take these representations into account when reaching its decision.

Kind regards,

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**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula –
$$P = D + (D \times V)$$
where –
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

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Legislation and Policy Considerations

1. The following provisions of The Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; ss19, 20 and 21 mandatory conditions; The Licensing Act (Mandatory Licensing Conditions) Order 2010; and The Licensing Act 2003 (Mandatory Conditions) Order 2014.
2. The following provisions of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives; Section 9 Determining applications; Section 10 Conditions attached to premises licences and club certificates; and Section 14 Statements of licensing policy.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.0 Applications for Premises Licences, Club Premises Certificates and Variations; 6.0 Guidelines for Applicants; 7.0 Saturation and Cumulative Impact and 8.0 Licensing Hours.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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**ADDITIONAL
INFORMATION FROM
APPLICANT –
REQUEST TO
ADJOURN 6
SEPTEMBER 2018
LICENSING HEARING**

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GOSSCHALKS
SOLICITORS

Licensing Authority
York City Council

Please ask for: Clare Johnson
Direct Tel: 01482 590243
Email: mcj@gosschalks.co.uk
Our ref: MCJ / JB / 115803.00075
#GS2136947
Your ref:
Date: 24 August 2018

BY EMAIL

Dear Sirs

Re: Grays Court, York
Hearing 6th September 2018

The owner of Grays Court, Helen Heraty, has contacted us in connection with an application which she has submitted to the licensing authority to vary the premises licence for Grays Court, Chapter House Street, York.

We understand that objections have been received to this application and that the matter has been listed for hearing on the 6th September. Mrs Heraty is anxious for our Clare Johnson to represent her at this hearing as Mrs Johnson has represented her in connection with this matter since 2011. Unfortunately, Mrs Johnson (and her colleague Richard Taylor) are both committed to hearings in Scotland on that day and would not therefore be able to attend on the 6th September. We have attempted to make contact with you by telephone but so far have been unable to discuss the matter with you. We understand that Mrs Heraty has contacted Angela Bielby with regard to the possibility for an adjournment and that it has been suggested that if we were to write setting out the request for an adjournment our letter could be placed before the proposed panel prior to the 6th September with a view to the panel deciding whether an adjournment is to be permitted. In the event that the committee would be prepared to agree to an adjournment, we can confirm that our Mrs Johnson would be available to attend an adjourned hearing on the 10th, 12th, 13th, 19th, 20th, 26th, 27th and 28th September.

We are, of course, aware of the committee's power to adjourn an application if the adjournment is in the public interest. We would respectfully submit that an adjournment in this matter would be in the public interest for the following reasons;-

- Grays Court is a landmark building in York and, as such, an asset to not only the tourist industry but the residents of York, many of whom enjoy its facilities and utilise the opportunity to use its facilities for wedding, functions etc. Indeed the hotel was voted Hotel of the Year in York and surrounding areas in 2018. The viability of this hotel is therefore a matter of public interest.

- The configuration of the premises is not straight forward, nor is its actual or intended use. A knowledge of previous licensing history relating to these premises including previous representation/liaison with statutory bodies etc is, we would submit, essential to providing Mrs Heraty with the best possible representation before the committee. Having acted for Mrs Heraty in this matter in 2011 we would submit that this firm is best placed to advise her fully.

We hope that the committee will permit Mrs Heraty to have the representation that she feels that she needs to best present her case with a view to ensuring that the hotel can continue to serve the public of York and surrounding areas. Otherwise Mrs Heraty faces the possibility of appearing before the committee unrepresented in what is a complex matter.

We look forward to hearing from you once you have had the opportunity to consider our request. Clearly we are asking for our request to be considered prior to the 6th September as otherwise Mrs Heraty will find herself in a very difficult position on that date.

Yours faithfully



GOSSCHALKS

**REPORT UPDATE
NOISE COMPLAINTS
AGAINST GRAYS
COURT TO EPU,
LICENSING AND
PUBLIC PROTECTION
IN LAST 2 YEARS**

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Noise complaints against Grays Court to EPU, Licensing and public protection in last 2 years.**Summary:****9 complaint cases opened****3 advice about noise contact****No nuisance witnessed**

Date of complaint	Flare reference	Nature of complaint	Justified	Action if required
22/08/2018	201912	Emptying bottles into bin at 08:20.	Not witnessed	Licence holder spoken to. Staff error 2 bottles placed in bin when member of staff realised it was outside permitted hours. Advice given. No further action.
21/05/2018	199950	Emptying bottles into skips beyond condition timing (20:00 – 09:00). Failure to provide complainant with telephone number	Not witnessed	Written Warning Staff reprimanded and re-trained by management. Telephone number given to complainant
06/10/2017	195821	General complaint about activities in general at venue with no specific dates other than a wedding on 17 August (included taxi noise, people shouting, loud amplified music)	Not witnessed	Non
09/09/2017	195142	Loud music all afternoon	Not witnessed	Advice offered to complainant on contacting us to witness noise.

04/ 9/2017	195181 Advice not complaint	Noise from events (especially one on 17 August)and advice on our service	Not able to witness	Non
27/ 8/2017	195142	Music played outside	Not witnessed	Warning letter sent and discussed complaint with owner
16/ 7/2017	194287	Live band from 9pm	Not witnessed	Email sent to owner advising her on licensing conditions
10/07/2017	194170	Noise from music from 9pm	Not witnessed	Non
16/09/2016	189076	Various noises from activities noise from shouting and people in courtyard and from slamming gates and emptying bottles and loud music when Bow Room door open.	Not witnessed	Contacted complainant offered noise recording equipment – complainant did not want this.
30/8/2016	188430	At 21:03hrs Noise from wedding from loud music and people shouting in the courtyard	Complainant did not want a visit so unable to visit and assess	Noise patrol visited Grays Court anyway to advise owner to be quieter at 10pm

**ADDITIONAL
INFORMATION FROM
REPRESENTOR -
FULL NOISE
COMPLAINTS DETAILS
FOR GRAYS COURT**

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Full noise complaints details for Grays Court, Chapter House Street

Date of complaint	Flare reference	Nature of complaint	Whether Justified	Action if required
6/10/2017	195821	General complaint about activities in general at venue with no specific dates other than a wedding on 17 August (included taxi noise, people shouting, loud amplified music	Not witnessed, complaint was received by email	None
4/ 9/2017	195181 Advice not complaint	Noise from events (especially one on 17 August)and our service	Not able to witness, as received by email.	None
27/ 8/2017	195142	Music played outside, 3 messages received during the daytime	Not witnessed	Warning letter sent and discussed complaint with owner
09/09/2017	195142	Loud music all afternoon, called at 17.41	Not witnessed	Advice offered to complainant on contacting us to witness noise.
16/ 7/2017	194287	Live band from 21.00, says keeping his daughter	Not witnessed as complainant requested us	Email sent to owner advising her on licensing

		awake	not to visit	conditions
10/07/2017	194170	Noise from music at 21.00, says cant get daughter to sleep	Not witnessed	None
16/09/2016	189076	Various noisy activities- noise from shouting and people in courtyard and from slamming gates and emptying bottles and loud music when Bow Room door open.	Not witnessed as received by email	Contacted comp offered noise recording equipment – comp did not want this.
30/8/2016	188430	At 21:03hrs Noise from wedding from loud music and people shouting in the court yard	Comp did not want a visit so unable to visit and assess	Noise patrol visited Grays Court anyway to advise owner to be quieter at 10pm
1/ 9/2015	181395	Loud music noise	Not witnessed as complainant did not want a visit from noise patrol.	Visited front of complainant's property at 21.55 only slight noise from music, not a nuisance.
13/ 4/2015	178311	Noise from customers late in the evening	Noise had been on Saturday	Comp was advised to call noise patrol

			night, did not call on the night	when such noise happening so we can assess. Discussed with owner who said a small party had been on but was finished by 11pm
9/ 8/2014	174029	Loud band at 20.00 and 20.45	Not a nuisance – no noise at all witnessed as music had stopped	Officers visited Grays Court at 21.00. Warning letter sent to owner
14/08/2014	174029	Message received at 19.48 regarding loud music saying his daughter need to go to bed at 21.00	No visit made	None
29/08/2014	174029	Noise at 16.00 and then later called at 22.25, loud music and an odour from chip van	Noise sufficient to be a Stat nuisance witnessed if occurred on a regular basis.	Officers visited property at 22.45 to assess noise/odour. At 22.52, witnessed noise that was considered sufficient to be a statutory nuisance if occurs on a regular basis. From a live band to rear

				of Gray's court – due to back door being left open. Advised owner of noise issues followed up with a warning letter. Offered comp recording equipment which he refused.
1/ 9/2012	161084	Music	Not a nuisance	Officers visited comp at 21.37 – volume and people noise decreased when we arrived.
25/ 5/2012	158568	Loud music, called at 21.35	Not a nuisance	Officers visited site, heard music and drums in courtyard but comp did not want a visit so unable to make a formal assessment
9/12/2011	155190	Loud music, called at 22.55	Not witnessed	Comp did not want a visit and owners denied any events on at their premises that day other than a funeral in afternoon.