

## Licensing/Gambling Hearing

**To:** Councillors Lisle, Reid and Wells

**Date:** Thursday, 11 April 2019

**Time:** 10.00 am

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### AGENDA

**1. Chair**

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 interests

which they may have in respect of business on this agenda.

**4. The Determination of an Application by QM Hotel (UK) Limited for a Premises Licence [Section 18(3)(a)] in respect of Moxy Hotel, York Stonebow, Black Horse Lane, York, YO1 7NE (CYC - 063711 ) (Pages 7 – 83)**

Democracy Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
- Email - [a.bielby@york.gov.uk](mailto: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 مہیا 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 adopted at the licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below-

The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. 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. No matter how strong local opinion may be, Committee Members can only make decisions in the context of the licensing objectives as set out in legislation as follows:

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

The hearing will be in public session and this involves the publication of all paperwork relevant to the hearing on the Council's website. This includes letters of representation either in support or objection. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted. 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.

**In view of the requirement to hold hearings within specified timescales (usually 20 working days from the last date for representations), the Licensing Authority is unable to enter into discussions to identify dates convenient to all parties concerned. In**

exceptional circumstances, the Licensing Authority will consider applications to hold hearings at a later date.

### **Representations at Licensing Hearings**

The Applicant may speak at the hearing. Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. 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 and question each other. **Each party will have 10 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.**

For the avoidance of doubt, if there is more than one individual making representations either for or against an application, this is classed as one party and consideration should be given to nominating a spokesperson. If necessary, the 10 minutes may be divided up between a number of people.

The Sub-Committee may take into account any documentary evidence or other information in support of the application or representations 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. 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 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 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 their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.

Any person behaving in a disruptive manner will be asked to leave the hearing.

### **Procedure prior to the Hearing**

The Members sitting on the Sub-Committee will have a briefing prior to the hearing, usually in the meeting room where the hearing is to take place. They will only be accompanied by the Democratic Services Officer and the Council's Legal Advisor. During the briefing, attention will only be drawn to the nature of the application and the premises or person to which it relates and any procedural matters.

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 called into the meeting room. Please arrive 15 minutes before the advertised start time.

### **Procedure at the Hearing**

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and Officers and welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will ask if this procedure document has been read and understood by all parties and clarify if necessary.
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 and gives an update on any recent changes.
7. The Chair will invite all present to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Applicant (or their representative) will present their case and may call any witnesses to support their case *[maximum 10 minutes]*.
9. The Chair will invite the Representors to ask questions of the Applicant in the following order *[maximum 5 minutes each party]*
  - (i) Police
  - (ii) Other Responsible Authorities
  - (iii) Ward Councillors
  - (iv) Interested Parties
10. The Chair will invite the Committee Members to ask questions of the Applicant
11. The Chair will invite the Representors 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 10 minutes each party]*
  - (i) Police
  - (ii) Other Responsible Authorities
  - (iii) Ward Councillors
  - (iv) Interested Parties
12. The Chair will invite the Applicant to ask questions of each Representor and/or their witnesses after each presentation *[maximum 5 minutes per Representor]*.
13. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
14. 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

15. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
16. 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 on law and jurisdiction.
17. 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**

18. 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.
19. 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. The Legal Adviser and Democratic Services Officer will remain present during the decision making process. 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.

20. If the decision has been made, all the parties will be invited back into the committee room by the Democratic Services Officer. The Chair will announce the decision including details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not) within 5 working days of the hearing. There can be no further questions or statements.
21. 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 5 working days of the decision being made.
22. The notification will include information about the rights of appeal against the determination made.





## Licensing Act 2003 Sub Committee

11 April 2019

Report from the Assistant Director – Planning & Public Protection

### **Section 18(3) (a) Application for a premises licence for Moxy Hotel, Stonebow, Black Horse Lane, York, YO1 7NE**

#### Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-063711
3. Name of applicant: QM Hotel (UK) Limited
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application: The proposal is to allow for the provision of the following activities:

<b>Proposed Activity</b>	<b>Timings</b>
Films (indoors)	Monday to Sunday 24 hours
Indoor Sport	Monday to Sunday 10:00 to 03:00
Live Music (indoors)	Monday to Sunday 10:00 to 03:00
Recorded Music (indoors)	Monday to Sunday 10:00 to 03:00
Performance of Dance	Monday to Sunday 10:00 to 03:00
Late Night Refreshment (indoors)	Monday to Sunday 23:00 to 03:00
Sale of alcohol (on & off	Monday to Sunday

sales)	10:00 to 03:00
Opening times	Monday to Sunday 24 hours
Non-Standard Timings for all licensable activities	New years eve 10:00 to terminal hour on new years day Residents and their bona fide guests will be entitled to be served alcohol 24 hours a day, 7 days a week

### **Background**

6. A copy of the application is attached at Annex 1. A copy of the plans of the premises are attached at Annex 2.

### **Promotion of Licensing Objectives**

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

8. General

None

9. The Prevention of crime and disorder

1. The use of doorstaff will be risk assessed on an ongoing basis by the licence holder or premises supervisor.
2. Alcoholic drinks may not be removed from the premises in open containers save for consumption in any external area provided or in hotel bedrooms.
3. Staff will receive training on matters concerning underage sales, drug policies and operating procedures.
4. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
5. A CCTV system shall be fitted to the reasonable satisfaction of the police with recording facilities. Recording will be retained for a

reasonable period and provided to a police officer upon reasonable request subject to data protection legislation.

10. Public Safety

6. The premises will have adequate safety and fire fighting equipment, such equipment will be maintained in good operational order.
7. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
8. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

11. The Prevention of Public Nuisance

None

12. The Protection of children from harm

9. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
10. Where children are admitted to the premises their presence shall not be inconsistent with the style and operation of the premises at the time and licensable activities that are being carried out.

**Cumulative Impact Assessment Consideration**

13. This premises are not located within the cumulative impact 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 made a representation on the grounds that the licensing objectives, prevention of crime and disorder and prevention of public nuisance will be undermined by the granting of this application.
17. The Police representation is attached at Annex 3.
18. 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 was to be granted in the terms applied for.
19. The Public Protection representation is attached at Annex 4.

### **Summary of Representations made by Other Parties**

20. Representations have been received from 17 other persons on the grounds that three of the licensing objectives would be undermined if the premises licence were to be granted. A list of representors is attached at Annex 5. Copies of the representations are attached at Annex 6.
21. A map showing the general area around the venue is attached at Annex 7.

### **Planning Issues**

22. There are no outstanding planning issues.

### **Options**

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

### **Analysis**

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

### **Council Plan**

33. 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.
34. The promotion of the licensing objectives will support the Council's Plan for a prosperous city for all and a council that listens to residents.

### **Implications**

35.
  - **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**

- 36. 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.
- 37. 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.

**Recommendation**

- 38. That Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

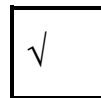
**Contact Details**

**Author:**  
Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**  
Mike Slater  
Assistant Director for Planning and Public Protection

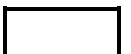
**Report  
Approved**



**28/03/19**

**Specialist Implications Officer(s)**  
Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall**



**For further information please contact the author of the report**

**Background Papers:**

- Annex 1** - Application form
- Annex 2** - Plans of the premises

- Annex 3** - North Yorkshire Police Representation
- Annex 4** - EPU Representation
- Annex 5** - List of Representors (confidential)
- Annex 6** - Other Representations
- Annex 7** - Map of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations

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**Application for a premises licence to be granted 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 that 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.

**We QM Hotel (UK) Limited apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
Moxy Hotel – York Stonebow, Black Horse Lane,	
Post town York	Post code YO1 7NE

Telephone number of premises (if any)	
Non-domestic rateable value of premises	£0

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

- |   | Please tick ✓                       |                             |
|---|-------------------------------------|-----------------------------|
| a) An individual or individuals*  | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual*   |                                     |                             |
| i. as a limited company   | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership  | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or  | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club  | <input type="checkbox"/>            | please complete section (B) |
| d) a charity  | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment   | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body  | <input type="checkbox"/>            | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/>            | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales   | <input type="checkbox"/>            | please complete section (B) |

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick  yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - Statutory function or
  - A function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

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

Surname  First names

Date of Birth:	I am 18 years old or over <input type="checkbox"/>
Nationality:	

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

**Second Individual Applicant (if applicable)**

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

Surname  First names

Date of Birth:	I am 18 years old or over <input type="checkbox"/>
Nationality:	

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name QM Hotel (UK) Limited
Address Rutland House, 148 Edmund Street, Birmingham B3 2JR
Registered number (where applicable) <b>08884622</b>
Description of applicant (for example, partnership, company, unincorporated association etc.) <b>Limited Company</b>
Telephone number (if any)
E-mail address (optional)

**Part 3 – Operating Schedule**

When do you want the premises licence to start?  
**As soon as possible**

Day    Month    Year

--	--	--	--	--	--	--	--	--	--

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day    Month    Year

--	--	--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A
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**Please give a general description of the premises (please read guidance note 1)**

This is a development site.

The premises are being developed into a new Hotel which will provide accommodation to guests being open 24 hours per day. In addition to providing the usual accommodation restaurant and bar facilities as would be expected with a hotel as detailed on the plans lodged with the application. Also included in the licensed area is an external licensed area.

The matters of particular note are as follows:-

1. It is proposed the bar/restaurant/meeting room/facilities will be open for licensable activities to non residents as follows:

- Monday to Sunday 10:00 hours to 03:00 hours the following morning.

2. In addition there will be certain extended hours request for Bank Holiday weekends and on other occasions such as New Years Eve and the Christmas period as detailed in the application.

3. For residents and their bona fide guests, facilities (including alcohol) will be available 24 hours a day as detailed.

4. There will be a request for live music and recorded music, limited sporting events and pre-recorded films.

5. The appropriate drawings deposited with the application are as follows:

- Site plan including external licensed areas
- Detailed layout for ground floor internal licensed area – U-01-01 C
- first floor plan – U-01-02
- Second floor plan – U-01-03
- Third Floor plan – U-01-04
- Fourth Floor plan – U-01-05

Please further note the appropriate fire safety precautions will be incorporated within the development in consultation with the Fire Officer and under the Building Regulation Approval process.

We do not anticipate the proposed development will adversely affect crime and disorder or public nuisance or any of the other licensing objectives.

It is proposed the development of this site will improve the area by providing jobs for the local community and the new hotel facility for this location.

It is proposed that the property will operate as part of the "Moxy" Hotel which is part of the Marriott brand of hotels.

It is understood that the premises do not fall within a Cumulative Impact Policy area.

**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick  yes

**Provision of regulated entertainment (please read guidance note 2)**

- a) Plays (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) performances 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)

**Supply 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 7)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick {Y}(please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish			
Mon	00:00	24:00	Please give further details here (please read guidance note 3)  Generally will be entertainment on screens and t.v. screens and in addition on demand to rooms and for other functions		
Tue	00:00	24:00			
Wed	00:00	24:00	State any seasonal variations for the exhibition of films (please read guidance note 4)  N/A - save as below		
Thur	00:00	24:00			
Fri	00:00	24:00	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	00:00	24:00			
Sun	00:00	24:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

## C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)  As stated in Part 3 above and restricted to traditional games in the presence of an audience, including (but not limited to) darts, pool, snooker, dominos and similar
Day	Start	Finish	
Mon	10:00	03:00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue	10:00	03:00	
Wed	10:00	03:00	N/A – save as below
Thur	10:00	03:00	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)  When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)
Fri	10:00	03:00	
Sat	10:00	03:00	
Sun	10:00	03:00	

## 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 {Y}(please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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)		
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 {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3) Live music and amplified voice as stated in part 3 above.		
Mon	10:00	03:00			
Tue	10:00	03:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	10:00	03:00			
Thur	10:00	03:00	N/A – save as below		
Fri	10:00	03:00	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	03:00			
Sun	10:00	03:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**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 {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish	Please give further details here (please read guidance note 3) Recorded music with or without a DJ, during normal business hours or as part of functions and including audience participation as specified in part 3 above.		
Mon	10:00	03:00			
Tue	10:00	03:00	State any seasonal variations for playing recorded music (please read guidance note 4)		
Wed	10:00	03:00			
Thur	10:00	03:00	N/A – save as below		
Fri	10:00	03:00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	03:00			
Sun	10:00	03:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		



**G**

Performances 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 {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3) As stated in Part 3 above		
Mon	10:00	03:00			
Tue	10:00	03:00	State any seasonal variations for the performance of dance (please read guidance note 4) N/A – save as below		
Wed	10:00	03:00			
Thur	10:00	03:00	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			

**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		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for 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 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					

**I**

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 {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon	23:00	03:00	Please give further details here (please read guidance note 3)  As stated in Part 3 above		
Tue	23:00	03:00			
Wed	23:00	03:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)  N/A – save as below		
Thur	23:00	03:00			
Fri	23:00	03:00	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)  When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sat	23:00	03:00			
Sun	23:00	03:00			

**J**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	
				Both	✓
Day	Start	Finish			
Mon	10:00	03:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00	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)  New Years Eve: 10:00 to New Years Day – terminal hour as proposed		
Fri	10:00	03:00			
Sat	10:00	03:00	Residents and their bona fide guests will be entitled to be served alcohol 24 hours a day , 7 days a week		
Sun	10:00	03:00			

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor**

**Name:** Donovan Sumner

**Date of Birth:** 19/01/1984

**Address:** 100, High Street, London, E1 1AA

**Postcode:** E1 1AA

**Personal ID Issuing lic:** .....

**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 9)

NONE save for the presence of AWP machines the use of which is not permitted by persons under the age of 18

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)  Please see box J above
Day	Start	Finish	Non standard timings. Where you intend to use 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)  The premises are a Hotel which will be open 24 hours a day 7 days a week.
Mon	00:00	24:00	
Tue	00:00	24:00	
Wed	00:00	24:00	
Thur	00:00	24:00	
Fri	00:00	24:00	
Sat	00:00	24:00	
Sun	00:00	24:00	

**M**

Describe the steps you intend to take to promote the four licensing objectives:

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

I have undertaken my own risk assessment to take the following proposed steps.

The steps identified in relation to the four licensing objectives are:-

**b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed, save as below

1. The use of doorstaff will be risk assessed on an ongoing basis by the licence holder or premises supervisor.
2. Alcoholic drinks may not be removed from the premises in open containers save for consumption in any external area provided or in hotel bedrooms.

3. Staff will receive training on matters concerning underage sales, drugs policies, and operating procedures.
4. There shall be a zero tolerance police in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
5. A CCTV system shall be fitted to the reasonable satisfaction of the Police with recording facilities. Recordings from the CCTV system shall be retained for a reasonable period and provided to a Police Officer upon reasonable request subject to Data Protection legislation.

**c) Public safety**

1. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
2. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
3. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

**d) The prevention of public nuisance**

No further risks have been identified which need to be addressed, save as below

**e) The protection of children from harm**

1. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
2. Where children are admitted to the premises their presence shall not be inconsistent with the style and operation of the premises at the time and licensable activities that are being carried out.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected
- {Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships} I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>{Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership} I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
--------------------	--

Signature: John Gaunt & Partners .....

Date: 15<sup>th</sup> February 2019 .....

Capacity: Solicitors.....

**For joint applications signed by applicant or applicant's solicitor or other authorised agent.** (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners .....

Date:.....

Capacity: Solicitors.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

**John Gaunt & Partners  
Omega Court  
372 Cemetery Road**

Post town  
**Sheffield**

Post code  
**S11 8FT**

Telephone number (if any)      **0114 2668664**

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
**TShield@john-gaunt.co.uk**

**Notes for Guidance**

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to

the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

*Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).*

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable

evidence that the person has an appeal or administrative review pending on an Immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



# Fire Strategy Key

## Notes:

DRAWINGS TO BE READ IN CONJUNCTION WITH ALL OTHER FIRE STRATEGY DRAWINGS - "U-SERIES".

All new steelwork / structure to receive intumescent paint finish to give 60mins fire rating REI

Product performance classification for all circulation routes to be Class 0 surface spread of flame.

Corridor doors, as indicated on plans, to be fitted with magnetic hold open devices, linked to fire alarm system. All hold open doors to have a minimum of 50mm clearance to edge of door leaf to allow for magnetic hold open hardware fixings.

All services within risers penetrating compartment floors / walls to be fitted with fire dampers to maintain fire integrity.

All partitions to be taken to under side of compartment floors.

All elements of structure to achieve min 60min Fire Resistance.

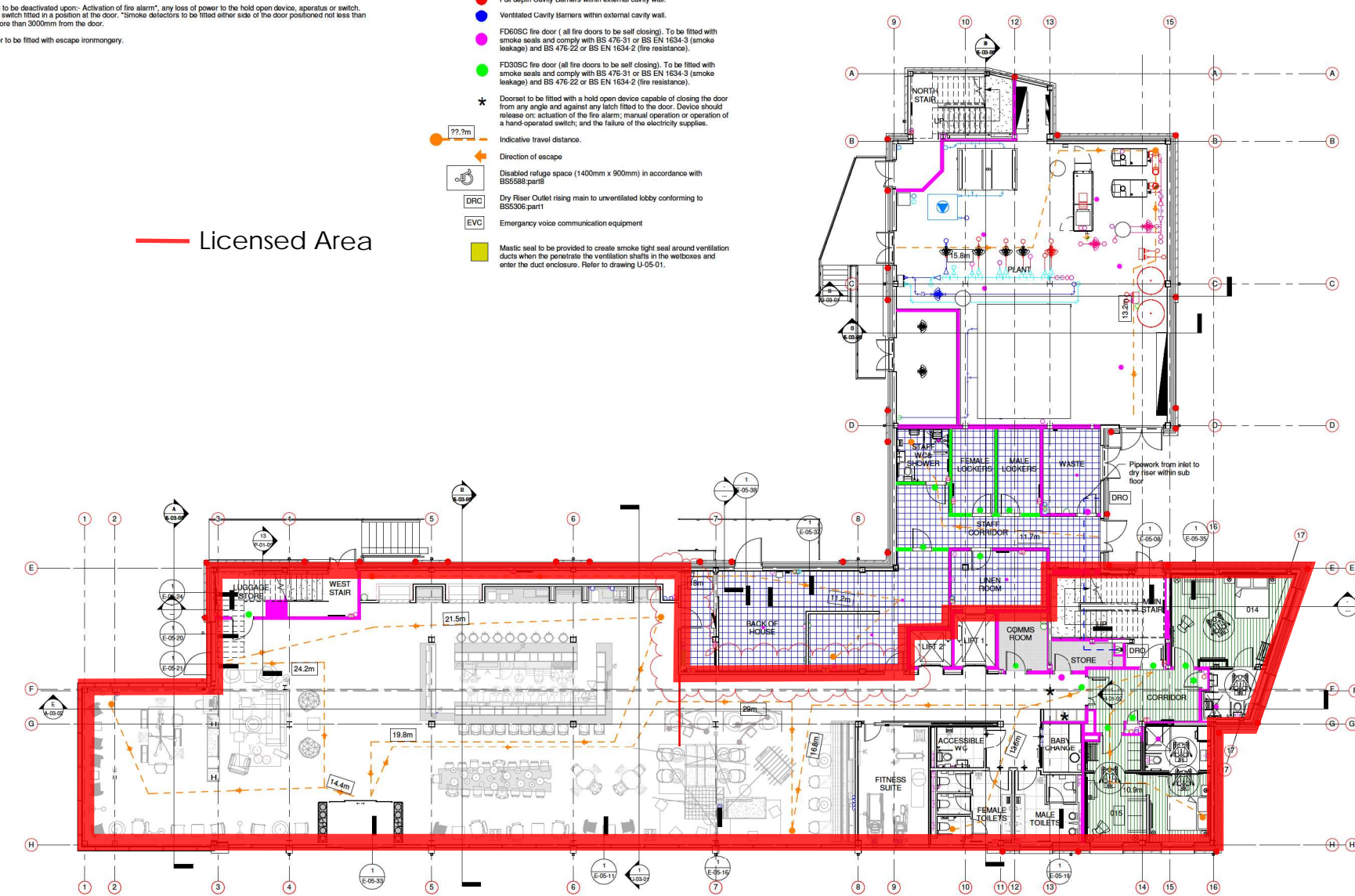
All Fire Strategy to be in line with and meet Moxy Brand Standards

Hold open devices to be deactivated upon:- Activation of fire alarm, any loss of power to the hold open device, operatus or switch. Manually operated switch fitted in a position at the door. "Smoke detectors to be fitted either side of the door positioned not less than 500mm and not more than 3000mm from the door.

All fire escape door to be fitted with escape ironmongery.

- Compartment wall / floor achieving 60 minutes fire resistance rating REI - (Stability, integrity and insulation) in accordance with BS476:part9/20:24 and relevant recommendations of appendix A of the technical guidance document B, and in the case of a wall is to extend full storey height.
- - - Compartment ceiling achieving 60 minutes fire resistance rating from bedroom side only. As per Woodbaton drawing 08PS17-400\_A - 402.8 for slab BU57.
- Compartment wall / floor achieving 30 minutes fire resistance rating REI - (Stability, integrity and insulation) in accordance with BS476:part9/20:24 and relevant recommendations of appendix A of the technical guidance document B, and in the case of a wall is to extend full storey height.
- Continuous Cavity Barriers within ceiling voids to be at 20m crs max.
- Full depth Cavity Barriers within external cavity wall.
- Ventilated Cavity Barriers within external cavity wall.
- FD60SC fire door (all fire doors to be self closing). To be fitted with smoke seals and comply with BS 476-31 or BS EN 1634-3 (smoke leakage) and BS 476-22 or BS EN 1634-2 (fire resistance).
- FD30SC fire door (all fire doors to be self closing). To be fitted with smoke seals and comply with BS 476-31 or BS EN 1634-3 (smoke leakage) and BS 476-22 or BS EN 1634-2 (fire resistance).
- ★ Doorset to be fitted with a hold open device capable of closing the door from any angle and against any latch fitted to the door. Device should release on: actuation of the fire alarm; manual operation or operation of a hand-operated switch; and the failure of the electricity supplies.
- ??,?m Indicative travel distance.
- Direction of escape
- DR Disabled refuge space (1400mm x 900mm) in accordance with BS5588:part8
- DRC Dry Riser Outlet rising main to unventilated lobby conforming to BS5306:part1
- EVC Emergency voice communication equipment
- Mastic seal to be provided to create smoke tight seal around ventilation ducts when the penetrate the ventilation shafts in the wallboxes and enter the duct enclosure. Refer to drawing U-05-01.

— Licensed Area



**1 GROUND FLOOR - FIRE STRATEGY PLAN**  
Scale: 1 : 100

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Date	No.	Description
27-05-18	C	Half hour FR doors and wall removed to BOH
20-05-18	B	Cavity Barriers Added per Building Control
28-07-18	A	Sprinkler Pump Room & Access now required Tase

Drawing Status: RIBA STAGE 5 - CONSTRUCTION

alison house  
6 castlehill  
aberdeen  
ab11 5sq

tel 01224 355800  
fax 01224 350603  
info@cummingandco.com  
www.cummingandco.com

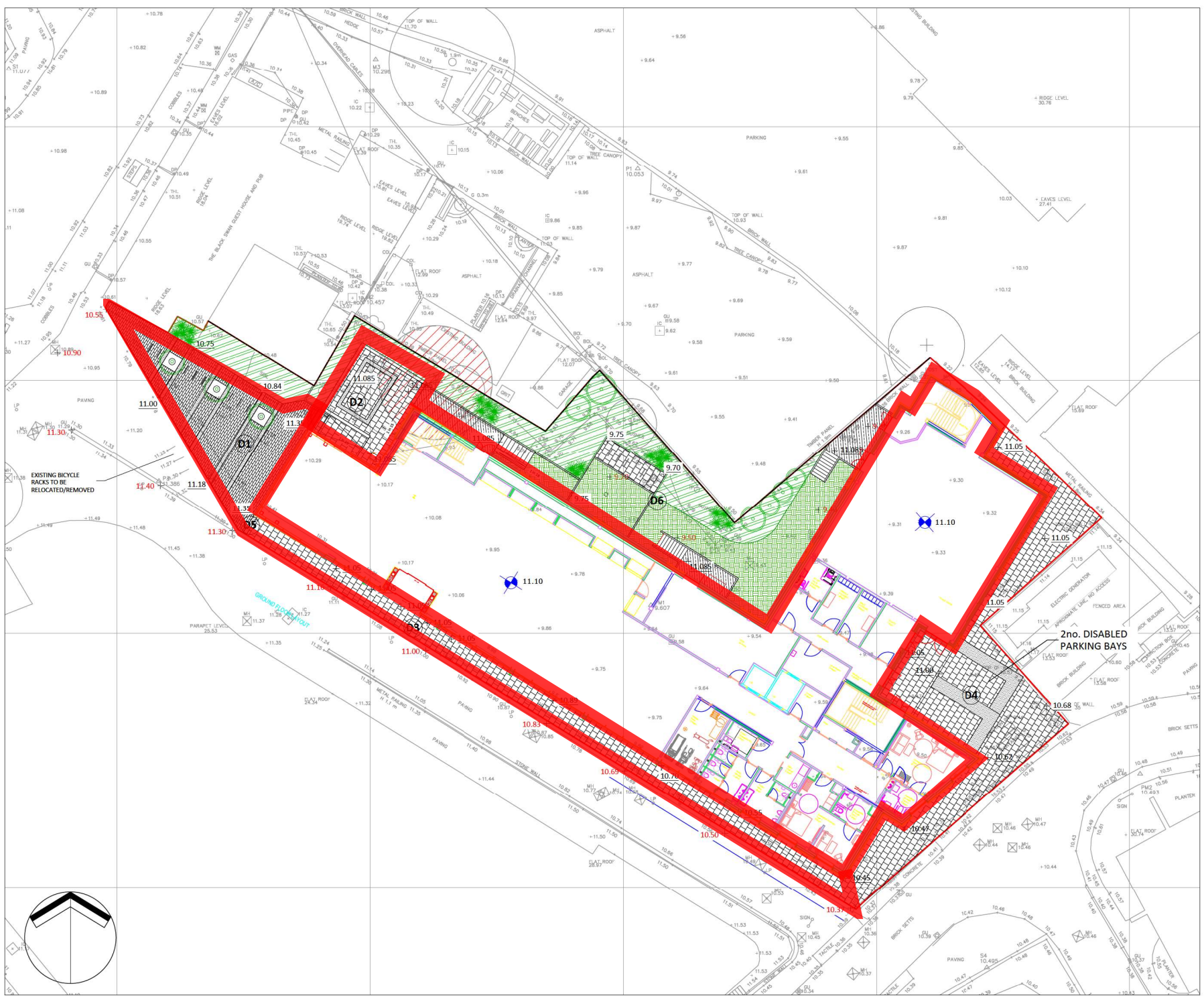
CLIENT: VASINI HOSPITALITY B.V.

PROJECT: MOXY HOTEL - YORK

CONTENT: FIRE STRATEGY - GROUND FLOOR

SCALE:	As indicated @ A1	DATE:	JAN 18
JOB REFERENCE	17-030	DRAWING	U-01-01
REV	C	CHECKED BY:	PM
DRAWN BY:	FM		

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- KEY**
- MIDNIGHT GREY (300x300x80mm) AND LIGHT GREY (600x200x50mm) CHARCON AND/OVER (OR SIMILAR APPROVED) CONCRETE PAVING
  - PAVING TO MATCH EXISTING ADJACENT TO HISCOX BUILDING MARSHALLS SAWN IN NATURAL / CHARCON ECOPAVE TEXTURED IN GREY FLECK (OR SIMILAR APPROVED) (450x450x50mm)
  - SHRUB PLANTING
  - PROPOSED TREE PLANTING
  - ECOGRID PERMEABLE PLASTIC REINFORCED PAVING (OR SIMILAR APPROVED) FILLED WITH TOPSOIL AND SEED.
  - COVERED CYCLE SHELTER. BROXPAP REGAL 5m LONG OR SIMILAR APPROVED.
  - SUSPENDED STEEL WALKWAY TYPE SP FROM ELEFANT GRATINGS OR SIMILAR APPROVED. 20 x 50 x 40mm DEPTH MESH, 3mm WIDE.
  - PROPOSED RAILING AND GATE ACCESS TO REAR OF BUILDING.
  - PROPOSED 1800mm HIGH, CLOSE BOARDED TIMBER FENCE.
  - BROXPAP RIVIERE TREE GRILLE 1200 x 1200mm OR SIMILAR APPROVED.
  - EXISTING BICYCLE RACKS RELOCATED ON FRONTAGE, SUPPLEMENTED WITH 4no. ADDITIONAL TO MATCH EXISTING.
  - 11.05 PROPOSED LEVELS
  - 9.50 EXISTING LEVELS

Internal and External Licensed Area



7 The Square, 95 Morrison Street, Glasgow G5 8BE  
 Tel: 0141 429 2999  
 Suite 5 Third Floor, Adamson House, 65 Westgate Road,  
 Newcastle upon Tyne, NE1 1SG  
 Tel: 0191 383 9955  
 info@tgp.uk.com / www.tgp.uk.com / @tgp\_landscape

Project		YORK STONEBOW MOXY HOTEL			
Title		SITE PLAN			
Date	Scale	Drawn	Checked		
09.11.17	1:200 @ A2	DR	AG		
Job	Suitability	No.	Issue	Revision	
D151	-	D151.L.101	EXT	H	
LI WORKSTAGE: 0/1 2 3 4 5 6					
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					

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 Do not scale from this drawing.  
 All dimensions to be verified on site prior to commencement of works.  
 Drawing to be read in conjunction with related TGP drawings, consultants drawings and any other relevant information.  
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# Fire Strategy Key

### Notes:

DRAWINGS TO BE READ IN CONJUNCTION WITH ALL OTHER FIRE STRATEGY DRAWINGS - 'U-SERIES'.

All new steelwork / structure to receive intumescent paint finish to give 60mins fire rating REI

Performance classification for all circulation routes to be Class 0 surface spread of flame.

Corridor doors, as indicated on plans, to be fitted with magnetic hold open devices, linked to fire alarm system. All hold open doors to have a minimum of 80mm clearance to edge of door leaf to allow for magnetic hold open hardware fixings.

All services within risers penetrating compartment floors / walls to be fitted with fire dampers to maintain fire integrity.

All partitions to be taken to under side of compartment floors.

All elements of structure to achieve min 60min Fire Resistance.

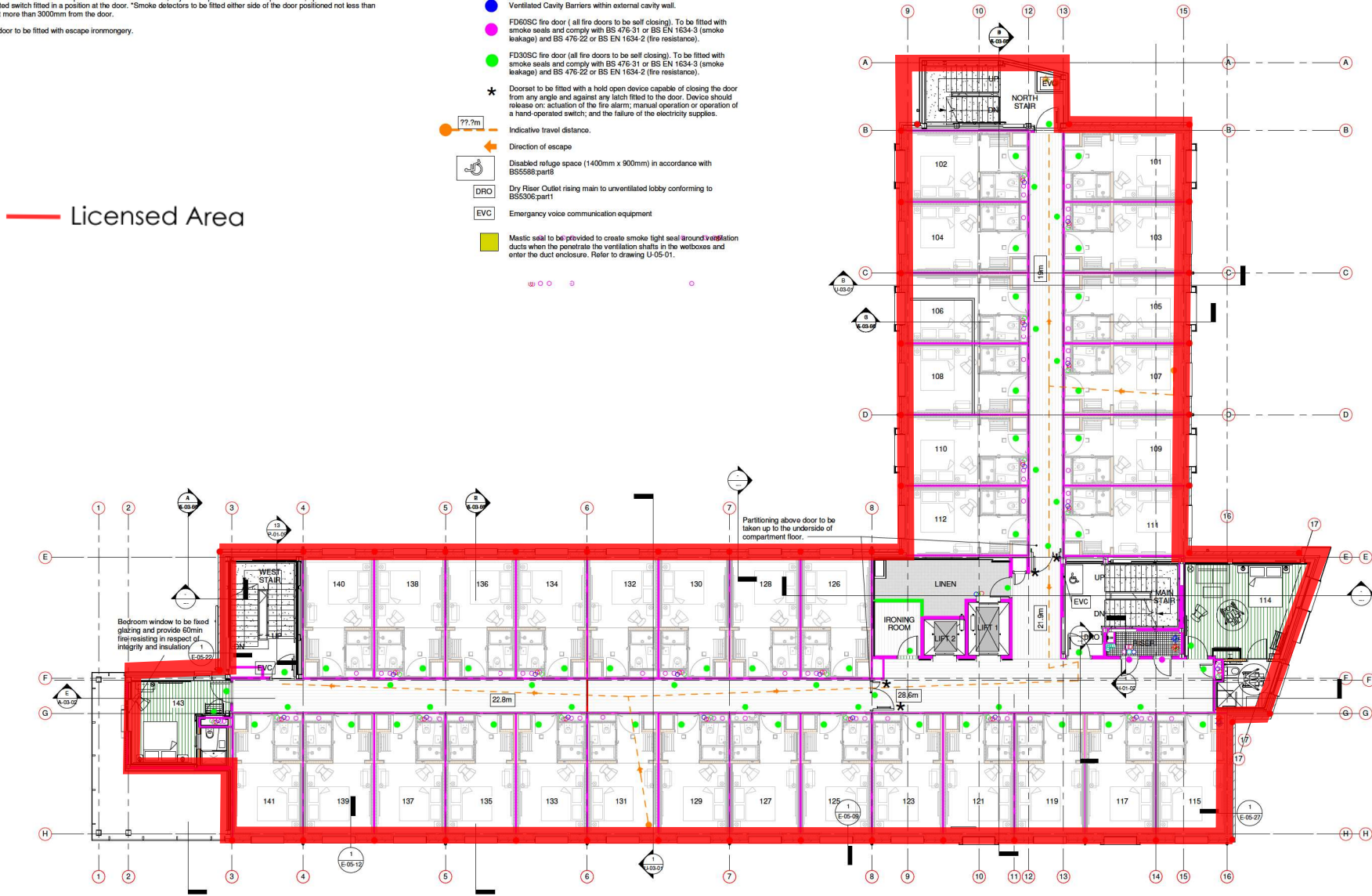
All Fire Strategy to be in line with and meet Moxy Brand Standards

Hold open devices to be deactivated upon: Actuation of fire alarm, any loss of power to the hold open device, separator or switch. Manually operated switch fitted in a position at the door. \*Smoke detectors to be fitted either side of the door positioned not less than 500mm and not more than 5000mm from the door.

All fire escape door to be fitted with escape ironmongery.

- Compartment wall / floor achieving 60 minutes fire resistance rating REI - (Stability, integrity and insulation) in accordance with BS476:part8:20-24 and relevant recommendations of appendix A of the technical guidance document B, and in the case of a wall is to extend full storey height.
- Compartment ceiling achieving 60 minutes fire resistance rating from bedroom side only. As per Woodbeton drawing 08PS17-400\_A - 402.8 for slab BU57.
- Compartment wall / floor achieving 30 minutes fire resistance rating REI - (Stability, integrity and insulation) in accordance with BS476:part8:20-24 and relevant recommendations of appendix A of the technical guidance document B, and in the case of a wall is to extend full storey height.
- Continuous Cavity Barriers within ceiling voids to be at 20m crs max.
- Full depth Cavity Barriers within external cavity wall.
- Ventilated Cavity Barriers within external cavity wall.
- FD60SC fire door (all fire doors to be self closing). To be fitted with smoke seals and comply with BS 476-31 or BS EN 1634-3 (smoke leakage) and BS 476-22 or BS EN 1634-2 (fire resistance).
- FD30SC fire door (all fire doors to be self closing). To be fitted with smoke seals and comply with BS 476-31 or BS EN 1634-3 (smoke leakage) and BS 476-22 or BS EN 1634-2 (fire resistance).
- ★ Doorset to be fitted with a hold open device capable of closing the door from any angle and against any latch fitted to the door. Device should release on: actuation of the fire alarm; manual operation or operation of a hand-operated switch; and the failure of the electricity supplies.
- 77.7m Indicative travel distance.
- Direction of escape
- DRO Disabled refuge space (1400mm x 900mm) in accordance with BS5586:part6
- EVC Dry Riser Outlet rising main to unventilated lobby conforming to BS9306:part1
- EVC Emergency voice communication equipment
- Mastic seal to be provided to create smoke tight seal around ventilation ducts when they penetrate the ventilation shafts in the voidboxes and enter the duct enclosure. Refer to drawing U-05-01.

## — Licensed Area



**1 LEVEL 1 - FIRE STRATEGY PLAN**  
Scale: 1 : 100

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Date	No.	Description

Drawing Status: RIBA STAGE 5 - CONSTRUCTION

alston house  
6 castlehill  
aberdeen  
ab11 5sq

tel 01224 355800  
fax 01224 350603  
info@cummingandco.com  
www.cummingandco.com

CLIENT: VASTINI HOSPITALITY B.V.

PROJECT: MOXY HOTEL - YORK

CONTENT: FIRE STRATEGY - 1ST FLOOR

SCALE: As indicated @ A1 DATE: JAN 18

JOB REFERENCE: DRAWING REV

17-030 U-01-02

DRAWN BY: CHECKED BY:

FM PM

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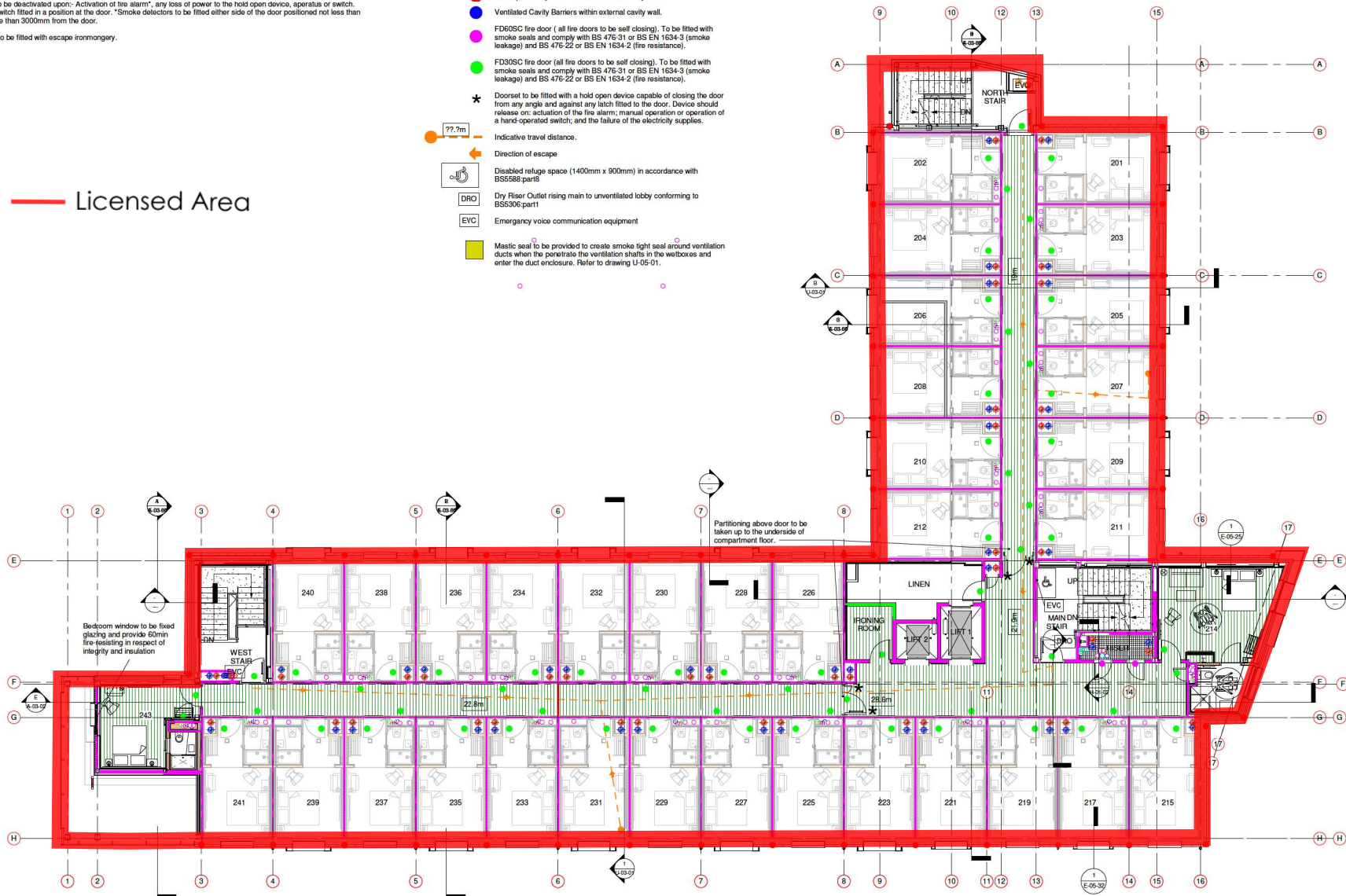
### Fire Strategy Key

**Notes:**  
DRAWINGS TO BE READ IN CONJUNCTION WITH ALL OTHER FIRE STRATEGY DRAWINGS - "U-SERIES".

All new steelwork / structure to receive intumescent paint finish to give 60mins fire rating REI  
Product performance classification for all circulation routes to be Class 0 surface spread of flame.  
Corridor doors, as indicated on plans, to be fitted with magnetic hold open devices, linked to fire alarm system. All hold open doors to have a minimum of 80mm clearance to edge of door leaf to allow for magnetic hold open hardware fixings.  
All services within risers penetrating compartment floors / walls to be fitted with fire dampers to maintain fire integrity.  
All partitions to be taken to under side of compartment floors.  
All elements of structure to achieve min 60min Fire Resistance.  
All Fire Strategy to be in line with and meet Moxy Brand Standards  
Hold open devices to be deactivated upon: Activation of 'fire alarm', any loss of power to the hold open device, aperatus or switch. Manually operated switch fitted in a position at the door. "Smoke detectors to be fitted either side of the door positioned not less than 500mm and not more than 3000mm from the door.  
All fire escape door to be fitted with escape ironmongery.

- Compartment wall / floor achieving 60 minutes fire resistance rating REI - (Stability, integrity and insulation) in accordance with BS476:part9/20:24 and relevant recommendations of appendix A of the technical guidance document B, and in the case of a wall is to extend full storey height.
- - - - - Compartment ceiling achieving 60 minutes fire resistance rating from bedroom side only. As per Woodbeon drawing 08PS17-400\_A - 402.8 for slab B/57.
- Compartment wall / floor achieving 30 minutes fire resistance rating REI - (Stability, integrity and insulation) in accordance with BS476:part9/20:24 and relevant recommendations of appendix A of the technical guidance document B, and in the case of a wall is to extend full storey height.
- Continuous Cavity Barriers within ceiling voids to be at 20m crs max.
- Full depth Cavity Barriers within external cavity wall.
- Ventilated Cavity Barriers within external cavity wall.
- FD0SG fire door ( all fire doors to be self closing). To be fitted with smoke seals and comply with BS 476-31 or BS EN 1634-3 (smoke leakage) and BS 476-22 or BS EN 1634-2 (fire resistance).
- FD30SC fire door (all fire doors to be self closing). To be fitted with smoke seals and comply with BS 476-31 or BS EN 1634-3 (smoke leakage) and BS 476-22 or BS EN 1634-2 (fire resistance).
- ★ Doorset to be fitted with a hold open device capable of closing the door from any angle and against any latch fitted to the door. Device should release on: actuation of the fire alarm; manual operation or operation of a hand-operated switch; and the failure of the electricity supplies.
- Indicative travel distance.
- Direction of escape
- DR Disabled refuge space (1400mm x 900mm) in accordance with BS5588:part1
- DRO Dry Riser Outlet rising main to unventilated lobby conforming to BS5306:part1
- EVC Emergency voice communication equipment
- Mastic seal to be provided to create smoke tight seal around ventilation ducts when the penetrate the ventilation shafts in the wallboxes and enter the duct enclosure. Refer to drawing U-05-01.

— Licensed Area



**LEVEL 2 - FIRE STRATEGY PLAN**  
Scale: 1:100

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Date	No.	Description

Drawing Status: RIBA STAGE 5- CONSTRUCTION

albion house  
6 castlehill  
aberdeen  
ab11 5sq

tel 01224 355800  
fax 01224 350603  
info@cummingandco.com  
www.cummingandco.com

CLIENT: VASTINI HOSPITALITY B.V.

PROJECT: MOXY HOTEL - YORK

CONTENT: FIRE STRATEGY - 2ND FLOOR

SCALE: As indicated @ A1 DATE: JAN 18

JOB REFERENCE	DRAWING	REV
17-030	U-01-03	
	DRAWN BY: FM	CHECKED BY: PM

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## NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003

North Yorkshire Police hereby give notice of objection to the Premises Licence as listed below:

<b>Postal Address of premises or club premises:</b> Moxy Hotel Black Horse Lane	
<b>Post town:</b> York	<b>Post code (if known):</b> YO1 7NE

**Notice of Objection relates to the following licensing objective:** *(Please tick one or more boxes)*

1. The prevention of crime and disorder	<input checked="" type="checkbox"/>
2. Public safety	<input type="checkbox"/>
3. Prevention of Public Nuisance	<input checked="" type="checkbox"/>
4. The protection of children from harm	<input type="checkbox"/>

### GROUNDINGS FOR RELEVANT REPRESENTATION

Please provide as much information as possible to support this relevant representation:  
(e.g. please list any additional information, e.g. dates of problems which are included in the grounds for review)

This application relates to a contemporary modern Hotel, part of the International Marriott Hotel chain at a prominent City centre location, Hungate, offering accommodation for guests and bar/restaurant/entertainment facilities for non-residents.

Hungate is a brownfield site located on the banks of the River Foss on the south-east edge of the city. The area is subject to a major regeneration scheme and has planning approval for a mix of high quality office, retail and residential uses. When fully completed the development will provide nearly 1,000 new city centre apartments, alongside commercial outlets in a new urban quarter. The Moxy Hotel site is set amongst the new residential apartments.

The Moxy chain of hotels has a number of sites around the world, and in the UK there are three located in London, and one in Glasgow, with further proposed locations set to open in 2019. All three sites in London have been issued a Premises Licence in accordance with the Licensing Act 2003 however none have licensable activities until 3am for non-residents.

North Yorkshire Police are asking the Licencing Committee to consider the implications of allowing non-residents to use the venue until 3am, with patrons then dispersing directly onto the streets in a residential area and the potential for disorder.

The plans attached to the application refer to an external Licensed area and there are concerns that licensable activities can take place in this area until 3am which could cause Public Nuisance to nearby residents. The applicant has failed to provide information as to how this outside area is to be managed, whether it has a Smoking Policy which would incorporate this external area and how it would mitigate the affect the use of this area would have on local residents.

Should committee members be minded to grant this application North Yorkshire Police would seek robust and enforceable conditions, in addition to what the applicant has offered, listed below and would ask the committee members to also consider their obligation under Section 17 of the Crime and Disorder Act 1998 which states " it shall be the duty of each authority to which this section applies to do all it reasonably can to prevent crime and disorder in its area".

**Suggested conditions/amendments:-**

North Yorkshire Police would suggest that all licensable hours for non-residents be drawn back to 23:00 hours Sunday-Thursday and 0100hrs on a Friday and Saturday Night. (The 0100hrs for non-residents is consistent with the London sites).

1. Request to replace the CCTV condition offered in the operating schedule, with the following which is consistent with the conditions at other Moxy Hotel locations (Great Eastern Road Stratford and Dockside Road West Beckton).

a)The CCTV system shall be maintained in working condition and record the premises 24 hours every day. Recordings shall be retained for a minimum of 31 days and be made available to the Police or officers of the Council upon request and shall be of evidential quality in any light conditions.

b)The equipment MUST have a suitable export method i.e. CD/DVD/USB facility so that the Police and officers of the Council can make an evidential copy of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturers proprietary), then the licence holder shall within 14 days of being requested supply the replay software to ensure that the video on the CD can be replayed by the Police and officers of the Council on a standard computer. Copies shall be made available to the police and officers of the Council upon request.

c)Staff working at the premises shall be trained in the use of the equipment and a log will be kept to verify this. At all times when the premises is open to non-residents a trained member of staff shall be present at the premises who is capable of downloading the CCTV when requested to do so by a Police or Local Authority officer.

d)Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the premises, i.e. capable of identification in any light conditions.

e)There shall be signs displayed in the customer area to advise that CCTV is in operation.

f)Should the CCTV become non-functional this will be reported immediately to the Licensing Authority and the fault repaired as soon as practicable.

g)CCTV cameras shall monitor all areas used by premises patrons including any external area to monitor numbers and prevent crime and disorder

2. Where appropriate prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

3. The External licensed area shall not be used between the hours of 2300- 0700hours (with the exception of any designated smoking area).

4. A designated smoking area shall be provided by the Premises Licence holder as hatched red on the "Landscape General Arrangement Plan" attached to the premises Licence. A maximum of 15 persons will be allowed in the area at

any one time

If the applicant is agreeable to the suggested amendments North Yorkshire Police would formally withdraw its representation.

Signature:

Date: 18/03/19

Contact name: PS 133 Jackie Booth

Address for correspondence: Alcohol Licensing Department Fulford Road Police Station

Post town: York

Post code: YO10 4BY

Tel. number (if any): 01609 643273

Email address if preferred option of contact: NYPLicensing@northyorkshire.pnn.police.uk





---

**From:** Golightly, Michael  
**Sent:** 18 March 2019 13:40  
**To:** EAP Licensing Unit  
**Subject:** Premises License Grant for Moxys Hotel, York Stonebow, Black Horse Lane, York

Dear all

Public Protection are objecting the above application on grounds of public nuisance.

The application is for a hotel as part of the Marriott Hotel chain in the Hungate development of the City Centre of York. This area includes office space, retail and a large number of residential dwellings. Noise can travel substantial distances in this area of the City and Public Protection have received a large number of complaints about other licensed premises in the Stonebow area.

These complaints have included complaints about noise from customers shouting in external areas of these premises and being loud whilst leaving the premises and loud amplified music from both inside and outside licensed premises. The noise complaints have resulted 2 noise abatement notices being Served on licensees and has resulted in current residents becoming very sensitive to noise issues generated from licensed premises in the area.

It is not clear from the application the numbers of customers expected nor the location where noisy licensable activities will take place. The application has not adequately demonstrated that noise from the premises can and will be controlled. I have tried to liaise with the agent but been unable to discuss the proposed use and possible noise mitigation.

The advertisement on the internet for Moxy's hotels shows people seemingly drinking in excess, partying wildly and the hotel appears to be advertising itself as a party hotel which would attract stag do's and hen do's and appears to be contrary to the ethos of promoting responsible drinking. It is also worth noting that the Moxy chain has two premises in London and these do not have a license until 3am for non-residents.

#### **External area**

Public Protection are particularly concerned by the proposed use of the external area for recorded music until 3am in an area surrounded by residential dwellings and where residents have experienced unacceptable noise levels from other licensed premises.

There is not enough information about the external area, details of numbers of seats, numbers of customers that will be able to use this area, there is no smoking policy or noise management plan for controlling the numbers and levels of noise from customers. It is not clear whether the external area will be open to the public from the street all the way through the night or whether it will be enclosed and therefore lockable.

Should Committee members be minded to grant this application Public Protection would seek the following robust conditions be attached to any approved license.

1. Clear notices shall be prominently displayed requesting customers to respect local residents and leave the premises and area in a quiet and orderly manner.

2. All doors and windows shall be closed when regulated entertainment is provided (except for ingress and egress).
3. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
4. Whilst live music is being played all music shall be played or reproduced through loudspeakers and a tamper-proof noise limitation device. The device, the levels set and the installation shall be approved in writing by the local planning authority before the use hereby approved commences. Thereafter the, approved levels, equipment, installation and position and type of loudspeakers shall be maintained in accordance with the planning approval; at no time shall they be modified without the written approval of the local planning authority.
5. A noise management plan shall be submitted before the premises is opened and implemented thereafter. (Note include details of how people will be managed dispersing from the premises, a noise complaints procedure and details of noise monitoring, including locations where monitoring will take place and any noise mitigation that will be proposed).
6. When used door supervisors shall use their best endeavours to ensure that customers leaving the premises do so quickly and quietly without loitering outside.
7. Bottles should not be disposed of into bins at night and will only be disposed of between 07:00hrs and 23:00hrs

A condition on the numbers of door staff has been proposed but as York experiences a large number of people who are in drink on weekends and race days I would advise that this condition be slightly modified to the following:

8. Door Supervisors shall be employed as follows:-

Sunday – Thursday the use of door staff will be risk assessed by the license holder or premises supervisor and adequate number of door staff employed and at least two SIA registered Door Supervisor will be provided from 21:00 hrs until the close of business on the following evenings:-

- (i) Friday and Saturday evenings.
- (ii) York race days (except for the Sunday meeting in September and the first May meeting).

#### **The outside area**

9. Tables, chairs and barriers/other outside furniture shall only be placed outside the premises between 09:00hrs and 21:00 hrs daily.
10. All tables and chairs to be removed by 21:00hrs.
11. After 21:00hrs the outside area shall only be used by customers wishing to smoke. This area shall be clearly defined.
12. No drinks to be taken into the outside area after 21:00hrs
13. No regulated entertainment shall take place in the outdoor area of the premises after 21:00hrs

**Hours for Licensable activities**

Public Protection would also advise that the hours the premises is open to non-residents be restricted to the following hours which are in line with the Moxy sites in London.

Monday – Saturday 10:00hrs – 01:00hrs

Sunday 10:00hrs – 23:00hrs

Should you have any further queries please contact me on 01904 551580.

Regards

Michael Golightly  
**Technical Officer**

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

Document is Restricted

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**Sefton, Helen**

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**From:** [redacted]@watsonpm.co.uk  
**Sent:** 25 February 2019 11:40  
**To:** licensing@york.gov.uk  
**Subject:** FW: CYC - 063711

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.

Good Morning

I am trying to find out if there is anywhere on line we can object to the Moxy Hotel of Black Horse Lane, York YO1 7NE from gaining a late license for music and serving of alcohol to non-residents of the hotel.

We are the managing agent for the Hungate development and feel this would have a detrimental effect on the residents of the Hungate development.

We are also concerned for residents and the general public who are walking around the development. In the past, there have been several incidents of a sexual nature local to the development and feel that allowing alcohol to be served to the general public who would be leaving the Moxy hotel could cause an increase in crime for people who use the Hungate development.

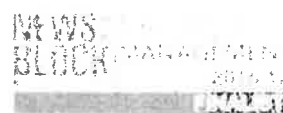
There are also many thefts from the car park of the Hungate development and rough sleepers again we feel this could increase if the license is allowed.

If I need to put the above on your website please advise where I can make these objections.

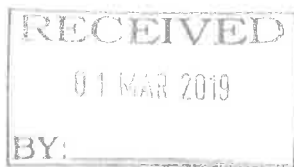
Kind regards



Telephone: 0113 273 8788 | 0845 458 1228 Website: [watsonpm.co.uk](http://watsonpm.co.uk)  
Correspondence & Registered Office Address: Glendevon House, 4 Hawthorn Park, Leeds, LS14 1PQ  
J H Watson Property Management Ltd Trading as Watson. Registered in England & Wales No. 1883919

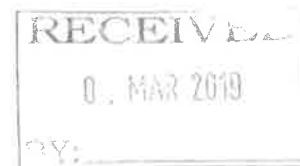


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Lime House  
Harmston Park Avenue  
Harmston  
Lincoln  
LN5

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



26<sup>th</sup> February 2019

Dear Sirs

**Re: Licensing Act 2003 – application made by QM Hotel (UK) Ltd.,**

I am the owner of flat number     in Adventurer's Court, Hungate, York, YO1

I formally object to the proposed licence application on the grounds that it will create both a public nuisance and the prevention of crime and disorder.

Why would non residents want to drink until 3am unless the Hotel wishes to cash in on a lot of late night drinkers particularly Stag and Hen Night revellers whom seem to be so attracted to York. These parties together with general drinkers coming out of bars as they close wishing to carry on drinking would, no doubt, be noisy and possibly drunk with all the associated mess that creates. I am sure you are aware that this area is our direct access into our underground car park. This kind of behaviour will surely be a public nuisance.

The Hungate development has already suffered from crime and disorder because the site is open to public access at York City Council's insistence. This has created a haven for drug addicts and Palmer Street particularly also suffers from drunkards urinating and vomiting on their way home now that the new bridge has shortened the route to some of their homes. I do not want this situation exacerbated and feel that a 3am licence is totally unnecessary for non residents.

Since the granting of the revised planning application for Letham House the narrowness of the space between Adventurer's Court and this new development has created a tunnel effect concentrating the sound and late night revellers are now extremely noisy and seriously affect the sleep patterns of residents of Hungate. Granting the licence can only make this worse.

Yours sincerely





Lime House  
 Harmston Park Avenue  
 Harmston  
 Lincoln  
 LN5

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



26<sup>th</sup> February 2019

Dear Sirs

Re: Licensing Act 2003 – application made by QM Hotel (UK) Ltd.,

I own a flat on the corner of Black Horse Lane exactly opposite the new hotel known as 33 Cordwainers Court.

I formally object to the proposed licence application on the grounds that it will create both a public nuisance and the prevention of crime and disorder.

If non residents area allowed to drink until 3am it will attract a lot of late night revellers and general drinkers who would be noisy and probably drunk will all the associated mess that can make. Please note this area is our direct access into our underground car park.

The Hungate development has already suffered from crime and disorder because the site is open to public access at York City Council's insistence. This has created a haven for drug addicts and Palmer Street particularly suffers from drunkards urinating and vomiting on their way home now that the bridge has shortened the route to some of their homes. I do not want this situation exacerbated and feel that if this 3am licence is granted it may well do

Yours sincerely

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



Leetham House  
Pound Lane  
YORK  
North Yorkshire  
YO1

04 March 2019

Dear Sirs,

**Application** CYC - 063711: Moxy Hotel, YO1 7NE

**I object to the granting of a licence until 3am for non-residents on the grounds of nuisance.**

In the early hours, particularly at closing time there will be little or no public transport. Those leaving by foot will likely pass through the network of paths through the (what will shortly be) a very densely populated area of flats. The behavior of those with excessive alcohol will inevitably result in littering of part consumed takeaways, vomit and other litter within our grounds & beyond. There will inevitably be harm done to the landscaping from detritus, alcohol fueled abuse and urinating.

As there is no parking in the area, those seeking vehicular transport will create a nuisance by the arrival, waiting (with engines running creating noise & pollution), slamming of doors and the revving of engines on departure. This will be a particular issue at the rear where the road is relatively narrow and with minimal space for turning. This applies not only to the 3am closure but to those coming from outside seeking a late night bar throughout the early morning hours.

I have concern that access to our underground car park will be obstructed by these cars which may well disregard any parking restrictions as they are unlikely to be enforced at that time of night.

It is clear from the damage done to glass windows etc. within the city centre at weekends that there is a strong likelihood that damage or attempted damage will be inflicted by some, causing cost, let alone fear to sleeping residents.

A further reason for objecting is the rationale used against the original Stonebow license, that being one of containing this form of entertainment to within the existing boundaries of the city centre and not creepage into wholly residential areas.

**I object to the granting of a licence until 3am for non-residents on the grounds of noise.**

As stated above, much of the non-residential customers will leave in the middle of the night and inevitable create noise at a point when most residents will be asleep. Those fueled with alcohol are well known to walk in groups talking loudly, singing and some are minded to shout with very loud voices which will reverberate around the narrow high rise paths disturbing our right to a peaceful sleep.

Any non-residents using the very narrow gap between the hotel and glass sided Hiscox building will have their shouting strongly reverberated by the glazing.

As stated above, the vehicular activity associated with this non-residential licence will significantly add noise to this residential area.

PTO

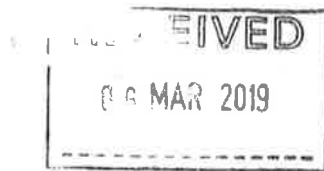
**I object to the (near) 24x7 activities on the grounds of both noise and nuisance.**

The application is effectively one for an 24x7 entertainment centre with sleeping accommodation attached which is totally inappropriate for the very dense residential area. A key objective of the Hungate development was to avoid and severely restrict vehicular traffic but unless these activities are strictly limited to hotel residents with no non-residential involvement, there will be a 24x7 procession of arrivals and departures to an area ill equipped to handle it and will result in unmitigated noise and nuisance destroying the peaceful enjoyment of our residential properties.

Even with restrictions to solely hotel residents, there will be noise and disturbance from servicing these activities such as the loading and taking away of band equipment from the live music session and staff movement in excess of what would occur for a conventional hotel activity.

Yours sincerely

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



Leetham House  
Pound Lane  
YORK  
North Yorkshire  
YO1

04 March 2019

Dear Sirs,

**Application** CYC - 063711: Moxxy Hotel, YO1 7NE

**I object to the granting of a licence until 3am for non-residents on the grounds of nuisance.**

In the early hours, particularly at closing time there will be little or no public transport. Those leaving by foot will likely pass through the network of paths through the (what will shortly be) a very densely populated area of flats. The behavior of those with excessive alcohol will inevitably result in littering of part consumed takeaways, vomit and other litter within our grounds & beyond. There will inevitably be harm done to the landscaping from detritus, alcohol fueled abuse and urinating.

As there is no parking in the area, those seeking vehicular transport will create a nuisance by the arrival, waiting (with engines running creating noise & pollution), slamming of doors and the revving of engines on departure. This will be a particular issue at the rear where the road is relatively narrow and with minimal space for turning. This applies not only to the 3am closure but to those coming from outside seeking a late night bar throughout the early morning hours.

I have concern that access to our underground car park will be obstructed by these cars which may well disregard any parking restrictions as they are unlikely to be enforced at that time of night.

It is clear from the damage done to glass windows etc. within the city centre at weekends that there is a strong likelihood that damage or attempted damage will be inflicted by some, causing cost, let alone fear to sleeping residents.

A further reason for objecting is the rationale used against the original Stonebow license, that being one of containing this form of entertainment to within the existing boundaries of the city centre and not creepage into wholly residential areas.

**I object to the granting of a licence until 3am for non-residents on the grounds of noise.**

As stated above, much of the non-residential customers will leave in the middle of the night and inevitably create noise at a point when most residents will be asleep. Those fueled with alcohol are well known to walk in groups talking loudly, singing and some are minded to shout with very loud voices which will reverberate around the narrow high rise paths disturbing our right to a peaceful sleep.

Any non-residents using the very narrow gap between the hotel and glass sided Hiscox building will have their shouting strongly reverberated by the glazing.

As stated above, the vehicular activity associated with this non-residential licence will significantly add noise to this residential area.

PTO

**I object to the (near) 24x7 activities on the grounds of both noise and nuisance.**

The application is effectively one for an 24x7 entertainment centre with sleeping accommodation attached which is totally inappropriate for the very dense residential area. A key objective of the Hungate development was to avoid and severely restrict vehicular traffic but unless these activities are strictly limited to hotel residents with no non-residential involvement, there will be a 24x7 procession of arrivals and departures to an area ill equipped to handle it and will result in unmitigated noise and nuisance destroying the peaceful enjoyment of our residential properties.

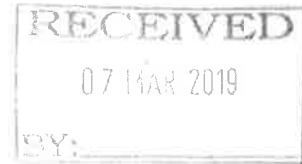
Even with restrictions to solely hotel residents, there will be noise and disturbance from servicing these activities such as the loading and taking away of band equipment from the live music session and staff movement in excess of what would occur for a conventional hotel activity.

Yours sincerely

6

A handwritten signature in black ink, consisting of a stylized, cursive 'S' followed by a horizontal line underneath.

Palmer Street  
Hungate  
YORK  
YO1



Application Reference CYC - 063711  
QM Hotel UK Ltd  
Moxy Hotel

New Premises Grant

Dear Sir/ Madam,

I write with reference to the above application.

Firstly I must say how horrified I am at the list of requests this company have asked for.

We are in a residents area and the items asked for with times surely cannot be considered when the premises are so close to the apartments and houses located alongside.

I know many premises in York who provide these services are located next to residents but I do know that live music and beer/ drinking gardens do have rules for closing the gardens at a reasonable hour. 11:00 pm say.

Looking at the application it seems that they have asked for a  
number of things that will disturb neighbours.

Annex 6

6

Drinking for non residents until 03:00 am.

Live music

Recorded music

Events

I know that when the folk festival happens at the Black Swan pub we get 3 days of music but to be fair the live music stops between 10:00 and 11:00 pm.

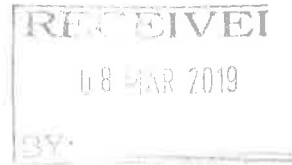
So we can sleep with our windows open in the hot weather!

I notice the plans show a beer garden. This will be a Mecca for drinkers all year round.

I really want to register my annoyance about this and the residents who own the properties alongside must be fuming as their property values will drop considerably.

*Yours faithfully*

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



Leetham House  
Palmer Street  
York  
YO1

(Also by email to: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk))

4 March 2019

Dear Sirs

**Representation regarding Application CYC – 063711 for a new premises grant by QM Hotel (UK) Limited at the Moxy Hotel, York Stonebow, Black Horse Lane, York YO1 7NE**

I wish to object to the above proposal on the following grounds:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance

To explain, the locale of the Moxy Hotel is currently occupied by offices and residential apartments, and the provision of both of these will increase over the next few years. At present, the only licensed premises in the area is one public house, the Black Swan.

If approved, the proposed premises grant will have a significant negative impact on the immediate area, and upon the streets leading from the city centre to the hotel, particularly Stonebow, Navigation Road, Palmer Street, Spen Lane and Aldwark.

The reason for this is that the extended hours of operation proposed for "Indoor Sporting Events, Live Music, Recorded Music, Dance, and Late Night Refreshment" will attract a clientele that is undesirable given the nature of the surrounding area. The activities in the hotel will generate noise, disturbance, and public nuisance in the evening and night hours, and residents and guests entering and leaving the hotel will carry that disturbance (and crime and disorder) into the surrounding streets.

In particular, it will attract inebriated people from the city centre after the pubs close, and discharge even more inebriated people into the streets after 3am, when the hotel's music and alcohol stops.

I speak from personal experience, having moved from Piccadilly Plaza because of the disturbance caused, mainly, by stag and hen parties staying at the Travelodge and Hotel 53 (now a Holiday Inn). We regularly heard groups of people heading into town at around 8pm, obviously pre-loaded with alcohol. They would return between 2 and 4am, even more drunk, always shouting at each other, usually mouthing off with obscenities, and occasionally having a fist fight along the way. If the Moxy hotel is permitted the extended licensing hours it seeks, the outcome will be similar there.

The premises grant for the Moxy Hotel should be compatible with a family-friendly hotel (which York needs), and encourage dining and a "cafe society", not yet another party palace.

Yours faithfully



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



25<sup>th</sup> February 2019

Your Ref: CYC – 063711 20/2/19

Licensing Application: By QM Hotel (UK) Ltd, Moxy Hotel York, Stonebow, Black Horse Lane, York, YO1 7NE

Dear Sir/Madam

We wish to record our objection to the application made by QM Hotel (UK) Ltd to serve alcohol to non-residents between 10am and 3am Monday to Sunday, also to be licensed for indoor sporting events, live music, recorded music, dancing & late-night refreshments during those times.

As local residents we believe that it is unacceptable to encourage non-residents of the hotel to drink at all hours of the day and into the early hours of the morning. We feel this will create noise nuisance and disturbance for residents who need to sleep and be alert and suitably rested in order to carry out their employment. The availability of alcohol to non-residents will encourage anti-social behaviour, creating a public nuisance in a residential area.

We are also concerned for public safety, particularly of residents walking home late at night, being harassed or confronted by individuals under the influence of alcohol.

York is already inundated with bars and restaurants serving alcohol at all hours and particularly at weekends suffers from drunken behaviour which provokes crime and disorder and consequently is a risk to public safety. We feel that by granting this licence it will only increase the incidence of such unacceptable behaviour.

In view of the above we would urge the licensing authority to refuse the application.

Yours faithfully

Adventurers Court  
Pond Garth  
Hungate  
York  
YO1

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



Pond Garth, YORK YO1  
10th March 2019

Licensing Application CYC-063711  
QM Hotel (UK) Limited  
Moxy Hotel York Stonebow  
Black Horse Lane, York YO1 7NE

Dear Sir or Madam

I have lived at the Hungate for 6 years, it is a quiet residential area. It is a well-lit place to walk at night where you feel safe. We were disappointed with the closure of the alley between Hiscox and the Moxy (the Alley) while the hotel is being built as this was a safer way into town, we now only have the one route which is fraught with many obstacles. So the idea that when we get the Alley back it will be full of drunken party goers seven days a week and most of the night is unacceptable.

The City of York Council website states:-

- The site [Hungate] has **planning approval** for a mix of high quality office, retail and residential uses and will be set within a framework of city squares and green spaces.
- when fully complete, the Hungate development will provide nearly 1,000 new city centre apartments together with commercial and community space, as well as high quality public spaces and landscaping

Where does the **planning approval** mention a Las Vegas style party venue? Granting of these licences would make a nonsense of the grounds on which the Hungate development was allowed. Residents should be able to sleep with their windows open at night and come and go safely. I imagine that a proposal to build a nightclub open until 3am in the middle of other residential developments like Germany Beck or St Andrews Place would be met with a flat refusal.

I am writing to object to this set of applications on the following grounds.

#### **Granting of a licence to serve alcohol to non-residents 10am – 3am.**

This hotel is in a high-density residential area, with many dwellings in close proximity on both sides of the hotel. As it would affect Aldwark and St Saviourgate as well as the Hungate Residents. The number of households affected will vastly increase as more blocks are built, people who have put down deposits for the block nearly complete may have no idea what is happening with this application. There will eventually be around a thousand flats and houses in Hungate which will be adversely affected. An alcohol licence until 3am will inevitably lead to drinkers leaving in the small hours adding to noise and disorderly behaviour which will affect a great number of people. Smoking will be an issue, the clients of the hotel will inevitably go outside to smoke in Black Horse Lane, should residents have to put up with abusive behaviour from drunken smokers or get tangled up in their inevitable fights. Crime and alcohol are related, look at the high police presence needed in the city at night. The area around the hotel is already affected by sporadic noise and disorder as students return their accommodation. But this is not strictly comparable as students are absent for long periods when there is virtually no nuisance to residents. This would not apply to those attracted to the hotel by the prospect of drinking until 3am after pubs and bars have closed. The public nuisance will increase considerably in the area if this application is granted. This development is supposedly a hotel, not a nightclub. Public safety is certain to be adversely affected if alcohol is available to non-residents over such a long period each day. The application is wholly inappropriate for this location.

#### **Licensing of Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment, and Supply of Alcohol to 3am.**

Licensing such activities until 3am seven days a week will inevitably cause noise nuisance and compromise public safety. Stag and hen parties are already a problem in York city centre, bringing public drunkenness and loud and aggressive behaviour to the city. They represent an embarrassment to York residents and a

## Annex 6

orry to visitors. Granting these licences would lead to increases in groups of noisy and aggressive people in this residential area. There will be nuisance from vomit and litter, broken glass and so on in the streets surrounding the hotel. This would add to cleaning costs, degrade the environment and tarnish the reputation of York as a family destination. Many people already consider the city centre to be a no-go area in the evenings; this proposal would increase the area where nuisance behaviour is committed.

There is also another issue, that of taxis. Granting these applications will lead to more taxis idling around the area. Creating a further noise nuisance including engine noise, loud chats of people waiting for taxis, slamming of car doors and the fights over whose taxi it is. Before the construction got to its current level the taxi cabs congregated at night on Dundas Street or outside the old Marketing suites. When walking home in the dark this was disturbing, groups of men standing round taxis with their lights on, laughing, joking, doing no harm maybe. You couldn't see them properly and it was intimidating. If you approve these applications you will create this again, only much closer to the most affected residents on the corner of Black Horse Lane and Palmer Street. Please don't fob us off with "Yellow Lines" the police or traffic wardens never bothered to move them and they won't in future, they haven't the time or resources. So you either walk past the smoking drunks in the Alley or past the ever present cabbies and in the morning through the litter of food wrappers and cigarette butts and vomit.

If granted these applications will lead to public nuisance, noisy, dirty and dangerous, affecting a large number of residents. These applications must be turned down.

Yours sincerely, 

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

Licensing Application CYC-063711  
QM Hotel (UK) Limited  
Moxy Hotel York Stonebow  
Black Horse Lane  
York YO1 7NE



Dear Sir or Madam

I am writing to object to this set of applications on the following grounds.

**Granting of a licence to serve alcohol to non-residents 10am – 3am.**

This hotel is in a high-density residential area, with many dwellings in close proximity on both sides of the hotel. The number of households affected will vastly increase as more blocks are built. There will eventually be around a thousand flats and houses in Hungate which will be adversely affected. An alcohol licence until 3am will inevitably lead to drinkers leaving in the small hours adding to noise and disorderly behaviour which will affect a great number of people. Crime and alcohol are related, look at the high police presence needed in the city at night. The area around the hotel is already affected by sporadic noise and disorder as students return their accommodation. But this is not strictly comparable as students are absent for long periods when there is virtually no nuisance to residents. This would not apply to those attracted to the hotel by the prospect of drinking until 3am after pubs and bars have closed. The public nuisance will increase considerably in the area if this application is granted. This development is supposedly a hotel, not a nightclub. Public safety is certain to be adversely affected if alcohol is available to non-residents over such a long period each day. The application is wholly inappropriate for this location.

**Licensing of Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment, and Supply of Alcohol to 3am.**

Licensing such activities until 3am seven days a week will inevitably cause noise nuisance and compromise public safety. Stag and hen parties are already a problem in York city centre, bringing public drunkenness and loud and aggressive behaviour to the city. They represent an embarrassment to York residents and a worry to visitors. Granting these licences would lead to increases in groups of noisy and aggressive people in this residential area. There will be nuisance from vomit and litter, broken glass and so on in the streets surrounding the hotel. This would add to cleaning costs, degrade the environment and tarnish the reputation of York as a family destination. Many people already consider the city centre to be a no-go area in the evenings; this proposal would increase the area where nuisance behaviour is committed.

The City of York Council website states

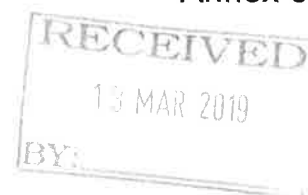
- The site [Hungate] has planning approval for a mix of high quality office, retail and residential uses and will be set within a framework of city squares and green spaces.
- when fully complete, the Hungate development will provide nearly 1,000 new city centre apartments together with commercial and community space, as well as high quality public spaces and landscaping

Granting of these licences would make a nonsense of the grounds on which the Hungate development was allowed. I imagine that a proposal to build a nightclub open until 3am in the middle of other residential developments like Germany Beck would be met with a flat refusal. This situation is no different. This raft of applications must be turned down.

Pond Garth  
YORK YO1  
March 8 2019

11

Annex 6



Adventurer's Court  
Pond Garth  
YORK  
YO1  
8 March 2019

Dear Sirs,

Moxy Hotel, Peasholme Green, YORK

I write to object to the terms of the 'late licence' application made for the Moxy Hotel.

I live in the adjacent Hungate development where I already suffer from late night and early hour disturbances. The thought that this hotel is seeking a licence to be open to non-residents until 3.00am every day of the week with live music, recorded music and dancing is appalling. There is already enough late night crime and public nuisance in the area without adding to it. This is a budget hotel and likely to attract hen parties and other undesirables into the area. I sincerely hope the Council has the wisdom to curtail this application. The immediate area is increasingly residential with over 1,000 units scheduled/exisiting. A hotel with the licensing conditions sought is incompatible with an essentially residential area.

Yours sincerely,

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



Leetham house  
 Pound lane  
 York YO1

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

07 March 2019

Representation regarding Application CYC – 063711 for a new premise grant by QM Hotel (UK) Limited at the Moxy Hotel, York Stonebow, Black Horse Lane, York YO1 7NE

I wish to object to the above proposal on the following grounds:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance

The Moxy hotel is set in a residential area which is also served by the Black Swann (Known to all as the Mucky Duck). If approved, the proposed premises grant will have a significant negative impact on the immediate area, and upon the streets leading from the city centre to the hotel, particularly Stonebow, Navigation Road, Palmer Street, Spen Lane and Aldwark.

The reason for this is that the extended hours of operation proposed for "Indoor Sporting Events, Live Music, Recorded Music, Dance, and Late-Night Refreshment". It should be noted that we never have an issue with the mucky duck, but this based on their hours and behaviour, their events are one offs and are finished at a reasonable time. The Moxy on the other had are advertising themselves as a fun location this will attract a clientele that is undesirable given the nature of the surrounding area. The activities in the hotel will generate noise, disturbance, and public nuisance in the evening and night hours, and residents and guests entering and leaving the hotel will carry that disturbance (and crime and disorder) into the surrounding streets.

In particular, it will attract inebriated people from the city centre after the pubs close, and discharge even more inebriated people into the streets after 3am, when the hotel's music and alcohol stops. There is also the danger posed by the river, should the venue become a late-night drinking club for university Students, then by their own standards there is the proven danger of water and drunk students to consider.

In closing I have no object to the Hotel being licenced for residents but I would strongly object to the licence as it is proposed now. The premises grant for the Moxy Hotel should be compatible with a family-friendly hotel (which York needs), and encourage dining and a "cafe society", not yet another party palace. Which would site more at home on the Micklegate run.

l.com

Cordwainers Court  
Black Horse Lane  
York  
YO1

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



11 March 2019

Dear Sir or Madam,

I am writing to register my objection to the application for a premises licence to QM Hotel (UK) Limited for Moxy Hotel, Stonebow, Black Horse Lane, York YO1 7NE. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. I will address my concerns about the potential impact on each of these objectives in turn.

- **Prevention of crime and disorder**

The granting of a premises licence permitting alcohol to be served until 3am to non-residents of the hotel would increase the risk of crime and disorder in the local area. The impact of alcohol on crime and disorder is already well known and quite simply York does not need another venue where late night alcohol can be obtained, especially one such as this where the serving of alcohol is and should continue to be ancillary to its primary function as a hotel.

The specific location of this venue also has its own issues as far as possible crime and disorder is concerned. The entrance of the hotel is down a fairly narrow footpath/cycle path which runs between the hotel and the Hiscox office block. This is the main pedestrian and cycle route to and from the Hungate development and the various residences and student accommodation in the Navigation Road area. Mixing a popular and narrow access route with potentially drunk people entering or leaving the hotel, or standing outside the building to smoke, may well lead to altercations, intimidation or collisions with pedestrians or cyclists who are passing by.

- **Prevention of public nuisance**

Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night due to its proximity to the City centre and the existence of the nearby York St John Percy's Lane residential block. This will inevitably increase with a late-night bar in the local area.

The nearby Black Swan pub frequently has live music events and the sound can clearly be heard from the nearby Hungate development, however this does not particularly cause a nuisance due to their limited licensing hours. Live or recorded music for the purpose dancing until 3am in this hotel together with late-night use of the hotel's outdoor space would certainly cause a disturbance for nearby residents.

Furthermore, opening the bar to members of the public until 3am will inevitably lead to noise and disruption as people leave the premises. The hotel has very specifically and purposefully not provided



a designated vehicle pick up and drop off point to discourage the use of cars within the vicinity of the hotel and so it is foreseeable that the nearby forecourt in front of the Hiscox office block on Peaseholme Green or the residential street Black Horse Lane/Palmer Lane will become taxi pick up and drop off points for anyone frequenting the hotel whether as a legitimate overnight guest or as a visitor to the bar. This will cause disruption for people driving along Peaseholme Green and noise, nuisance and congestion for people in the Hungate development.

- **Protection of Children from Harm**

The premises are a hotel and many of the guests are likely to be families with children who wish to relax in the hotel's communal areas in the evening. Use of these areas as a late-night bar for members of the public and permitting the playing of live and recorded music and dancing means that children may well be at risk of becoming exposed to alcohol and all the issues surrounding it. These elements of the licensing application suggest the possibility of the venue being turned into a nightclub by stealth which is clearly not a suitable environment for children and families.

In view of the above, I would urge the Licensing Authority to refuse those parts of the application relating to the opening of the premises and service of alcohol to non-hotel guests, and to ensure that suitable licensing conditions are put in place to limit the noise and disturbance caused by hotel guests both inside and outside the hotel.

  
Yours sincerely

14

Annex 6

Sefton, Helen

From:  
To:  
Subjec

cohol to non-residents by Moxy Hotel

-----O

From

[redacted]@mail.com]

Sent: 13 March 2019 16:57

To: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

Subject: Application for late license for serving alcohol to non-residents by Moxy Hotel

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

Dear Sir

I write to register my strong opposition to the application by Moxy Hotels to have a late license (3am) to serve alcohol to non-residents at their new hotel between Hiscox and the Black Swan. I object to their application on the grounds that it will cause significant public nuisance. The entrance to the hotel on the cycle way past Hiscox will mean that significant numbers of late drinkers will inevitably choose to walk along Palmer Street and across the Fosse bridge , returning to the Navigation Road area and to the many student residences in the Walmgate area. This will lead inevitably to noise in the middle of the night for the many residents ( with many more to come when the development is completed) of the Hungate development, and likely also other nuisance such as discarded food waste and pools of vomit.

I feel strongly that this whole Moxy development was misrepresented at the outset by the developers. All of the initial publicity was of a 3 star hotel for the young tech/savvy emphasising professionals and high quality internet access , but it has metamorphosed into just another sports and music bar where much of the revenue comes from sale of alcohol, with all the attendant nuisance that brings.

Yours faithfully

Flat

Cordwainers Court

York

YO1

Sent from my iPad

15



Pond Garth 6  
York  
YO1

E:  
T:

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

16 March 2019

Re: Licensing application CYC - 063711, Moxy Hotel, Stonebow.

Dear Sir/Madam,

We wish to register our objection to the above application in the strong belief that the granting of such an application will dramatically increase the levels of litter, public nuisance and anti social behaviour in what is essentially a residential development. Living at Pond Garth, approx 50m from the Moxy Hotel development, we already have to endure frequent disturbance by inebriated individuals returning from a 'night out in the city centre' and no end of detritus left by them on their journey home. The extended hours requested in the application by QM Hotels are excessive, later than most city centre establishments and hence is likely to dramatically increase the level of disturbance as the hotel will become a magnet for those wishing to continue to drink after other venues close. We feel that a midnight cessation for non-residents and 1am cessation for residents is more than adequate considering the proximity to so many local residents. Equally, there are sufficient hostelries in the city centre already offering late night drinking without a further addition in a location that is far from suitable and not covered by the City's CCTV network.

We also seek reassurance that any granting of permissions relating to music and events will be on the condition that provisions will be made to ensure noise is contained within the building and not allowed to cause nuisance to those living adjacent to the property.

Given that the hotel has no resident parking, the granting of any permission will therefore significantly increase the number of taxi pick-ups in the locality. The noise and pollution caused by the additional traffic alone will be unwelcome in a residential development however further nuisance will be created as groups of individuals will end up waiting outside the hotel for their ride, inevitably making noise that will add to the nuisance experienced by residents of Hungate 1 in which we reside.

We accept that hotel guests expect to be able to relax and purchase alcohol on property and a reasonable application would not have resulted in us making this representation. However, this application is not reasonable. The combination of the "lively" demographic targeted by the Moxy brand and excessively long licensing hours is totally unsuitable for a largely residential area and the current request should therefore not be granted.

Finally, due consideration should be given to The Black Swan pub adjacent to the Hotel site. The success of York as a destination is founded in its traditional and historic hostelries. This application would without doubt jeopardise the future of one of York's oldest and historically significant Inns. The City would be poorer for its demise.

We trust that due consideration will be given to the points raised above and that the right decisions will be made for the benefit of the wider community that you both serve and represent.

Kindest regards,

A horizontal line with a slight curve, indicating a signature.

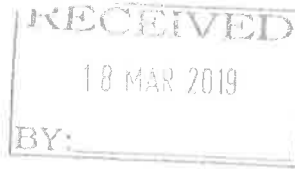
, Leetham House, Leetham Lane, York. YO1

Telephone

e-mail:

15<sup>th</sup> March 2018

Dear Sirs,



Re Licensing Application CYC-063711 for QM Hotel (UK) Ltd; Trading as Moxy Hotel, York Stonebow, Black Horse Lane, York YO1 7NE

**OBJECTION**

We write to **object** in the strongest possible terms to the duration of licensing hours requested By QM Hotel (UK) Ltd., for permission to provide the following:

**Indoor Sporting Events**  
**Live Music**  
**Recorded Music**  
**Performance of Dance**  
**Late Night Refreshments**  
**Supply of Alcohol**

The requested hours Monday-Sunday 10.00-03.00, with even later hours on Bank Holidays, are extreme, given that the Hotel has or will have within a radius of 180 metres, upwards of 1000 flats/houses with a population of c2000 people in the Hungate development alone. The potential for **unacceptable noise disturbance and nuisance** into the early hours to this residential population is **significant**. There are already a large number of licensed premises in York offering extended opening hours in locations well away from such densely populated locations, we do NOT need any more such premises and certainly not in close proximity to such dense settlement. To permit the extended opening hours of the Moxy Hotel to 03.00 hours EVERY day is unacceptable, especially as all occupants of the Hungate apartments have noise restriction within their leases of 11pm. Furthermore, disturbance will **continue WELL AFTER** 03.00hours, as non-residents leave the Hotel, no doubt waiting for taxis etc in Black Horse Lane.

This application for the proposed licensing hours **MUST** be refused, as the potential for persistent noise disturbance into the early hours everyday for a large number of people is not acceptable. The latest permitted limit for all of the above activities should be midnight, and this **ONLY** at weekends.

Yours faithfully.

City of York,  
 Licensing services,  
 Hazel Court EcoDepot,  
 YORK. YO10 3DS

17.

Annex 6

09/03/2019

**Licensing Act 2003 – application made by QM Hotel (UK) Ltd, 20/02/2019 CYC - 063711**

Sat 09/03/2019 19:12

North Yorkshire Police Headquarters  
The Licensing Section  
Fulford Road  
York  
YO10 4BY



Licensing officers,

Re: Licensing Act 2003 – application made by QM Hotel (UK) Ltd, 20/02/2019 CYC - 063711

I am the Chairman of The Hungate (1) Leaseholders Association, Cordwainers Court, Hungate, York, YO1

Our Association Members and I formally object to the proposed licence application on the grounds that it will create both a public nuisance and the prevention of crime and disorder.

I am also the owner of flat number 11 Cordwainers, Hungate, York, YO1

I formally object to the proposed licence application on the grounds that it will create both a public nuisance and ~~the prevention of crime and disorder.~~

This hotel is close to our high-density accommodation. Hundreds of people already live within 50 yards of the Moxy Hotel and on completion of the Hungate Development there will be hundreds more. It is simply not appropriate that this premises should be given a late night licence when there are so many people at our Development who will wish to sleep before work and may find regular public nuisance, noise, disorder and possibly increased crime. At such a late hour, entering and departing patrons will most like create noise and possible public nuisance. There is also an increased risk of crime and disorder on our properties.

The Moxy Hotel may wish to cash in on a lot of late night drinkers particularly Stag and Hen Night revellers whom seem to be so attracted to York. These parties together with general drinkers coming out of bars as they close and wishing to carry on drinking would, no doubt, be noisy and possibly drunk with all the associated mess that creates. I am sure you are aware that the Moxy Hotel entrance is adjacent to the main entry into our development housing and underground car park.

The Hungate development has already suffered from crime and disorder. We are always vigilant of the adjacent land on all sides being a haven for drug addicts and rough drinkers. Palmer Street In particular suffers from drunkards urinating and vomiting on their way home now that

09/03/2019

the new bridge has shortened the route to some of their homes. This Association and our residents do not want this situation exacerbated.

We formally request that you do not grant this licence extension.

Chairman  
Hungate1 Leaseholders Association

Licence Details noted for reference:

20/02/2019 CYC - 063711

Applicant

QM Hotel (UK) Limited

Premise Address

Moxy Hotel

York Stonebow Black Horse Lane York

YO1 7NE

Summary

Application for a new premises grant for:

Films

00:00-00:00 (24 hours) Monday - Sunday

Indoor Sporting Events 10:00-03:00

Monday - Sunday

Live Music 10:00-03:00 Monday - Sunday

Recorded Music 10:00-03:00 Monday - Sunday

Performances of Dance 10:00-03:00

Monday - Sunday

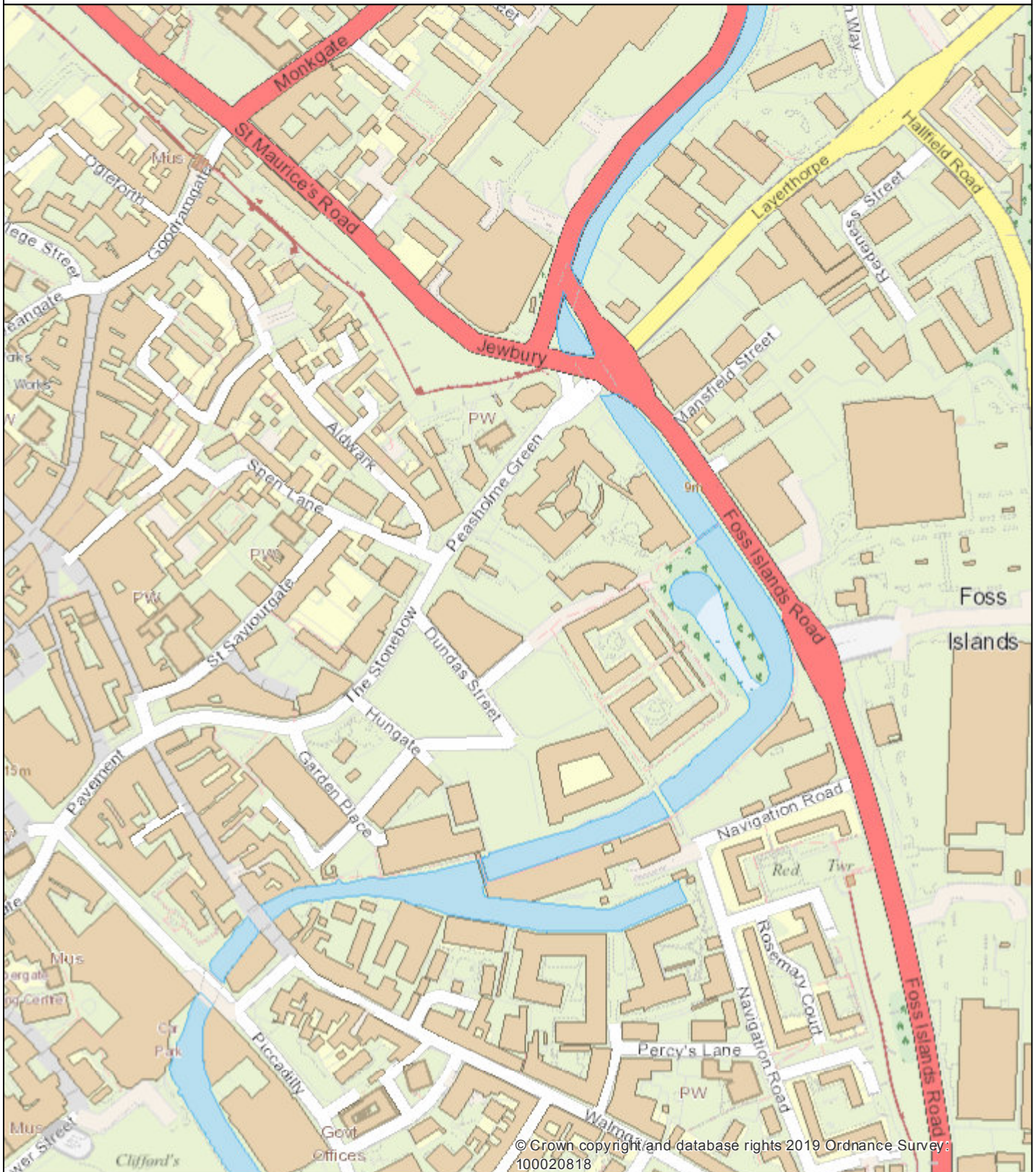
Late Night Refreshment 23:00-03:00

Monday - Sunday

Supply of Alcohol 10:00-03:00 Monday - Sunday

Sent from my iPad

# Annex 7



**Date:** 19 Mar 2019  
**Author:** City of York Council  
**Scale:** 1:4,000



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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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