
MEETING	LICENSING HEARING
DATE	5 NOVEMBER 2007
PRESENT	COUNCILLORS CREGAN, WISEMAN AND SUE GALLOWAY

49. Chair

RESOLVED: That Councillor Sue Galloway be elected as Chair of the meeting.

50. Declarations of Interest

Members were invited to declare any personal or prejudicial interests in any of the business on the agenda. None were declared.

51. Exclusion of Press and Public

RESOLVED: That the press and public be excluded from meeting prior to consideration of the personal data contained in annexes 5 and 7 to Agenda Item 5 as provided by the Data Protection Act 1998.

52. The Determination of an Application by Hotel du Vin (York) Ltd for a Premises Licence [Section 18 (3)(a)] in respect of Hotel du Vin, 89 The Mount, York, YO24 1BL. (CYC-011565)

Members considered an application for a premises licence submitted by Hotel du Vin (York) Ltd in relation to the Hotel du Vin, 89 The Mount, York.

At the commencement of the meeting the Chair clarified the following procedural points:

- The Chair asked if all parties were happy for Councillor Ayre to remain in the room during the decision making process (for training purposes). All parties agreed that they were happy with this.
- There had been some concerns raised by local residents regarding consultation and advertising of the application and the Licensing Officer stated that he was satisfied that consultation had been carried out in accordance with all regulations. After hearing evidence from all parties, Members adjourned the meeting for 10 minutes to establish whether they were happy that all regulations had been met. They concluded that they were quite satisfied that the Applicants had made all application notices available for the correct length of time and the application had been advertised according to the requirements

set out in all appropriate regulations and legislation. The Hearing then proceeded as follows as scheduled.

The Licensing Officer reported that this application incorporated an area to be used for al fresco dining and that a provisional statement had been granted at a Hearing held on 17th July 2006. The material changes contrary to the provisional statement were as follows:

- a. Provision of regulated entertainment extended to include films
- b. All licensable activities to take place both indoors and outdoors (the application for the provisional statement was for indoors only)
- c. The removal of condition (1) of the provisional statement namely 'Private functions shall cease at midnight Sunday to Thursday'

Representations were received from the Applicant's solicitor who confirmed that the removal of condition (1) of the provisional statement would allow them to offer customers the facility for hiring a small room for a private dining party, on any night of the week, until 01:00 hours. He stressed that these rooms would not be used for public events. He also confirmed that no regulated entertainment would take place outside of the building envelope. It was explained that the courtyard area would contain approximately 7 or 8 small tables (seating approximately 14 or 16 people) for al fresco dining and, on occasions, there may be live music, such as a string quartet or harpist in this area.

Representations were made by local residents in writing and at the hearing who raised concerns about the following:

- potential noise and disturbance to local residents
- operating hours
- smoking in external areas
- deliveries to the premises
- outside entertainment

The representations made by North Yorkshire Fire and Rescue Service were withdrawn prior to the Hearing as the Applicant had agreed to inform them once structural works had been completed at the premises in order for them to carry out an inspection to determine occupancy figures.

Members were presented with the following options:

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

Taking into consideration the representations made in writing and at the hearing, the licensing objectives and the City of York Council's Statement of Licensing Policy, the Sub-Committee agreed to grant the premises licence with the following additional conditions.

RESOLVED: That in line with Option 2, the premises licence be granted with the following additional conditions:

1. All licensable activities are to be confined to the building and courtyard only.
2. Condition 5 of the provisional statement to be amended to read: 'the courtyard shall be vacated, cleared and cleaned by 23:30 hours.'
3. Noise from regulated entertainment shall be inaudible at the nearest noise sensitive residential premises.
4. Door staff shall be required on race days, in consultation with the police.
5. There shall be no adult entertainment at the premises.
6. Mandatory conditions 19, 20 and 21 apply.

REASON: To address the representations made in respect of the prevention of public nuisance.

Councillor Sue Galloway
Chair of Sub-Committee

The meeting started at 10.15 am and finished at 12.30 pm.