

Licensing/Gambling Hearing

To: Councillors Wiseman (Vice-Chair), Sue Galloway and Funnell

Date: Monday, 17 September 2007

Time: 11.30 am

Venue: The Guildhall

AGENDA

1. Chair

To elect a Member to act as Chair of the meeting.

2. Introductions

3. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

4. Exclusion of Press and Public

To consider excluding the public and press from the meeting prior to consideration of the personal data contained in annexes 2, 4 & 6 to Agenda Item 5 as provided by the Data Protection Act 1998.

5. The Determination of an Application by York Museum Trust for the grant of a Premises Licence [Section 18(3)(a)] in respect of the Hospitium, Yorkshire Museum, York. (CYC-013294)

If you require any further information, please contact Tracy Wallis on Tel 01904 552062 or Fax 01904 551035 or email tracy.wallis@york.gov.uk

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Libraries, Council Receptions



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

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

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

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

The purpose of the hearing is

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

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

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to

be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

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

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

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

A Representor **may not** introduce any new ground or objection not referred to in the written submission unless the Sub-Committee considers there are exceptional circumstances for doing so and the Representor is able to justify why the ground or objection should be raised. The Applicant may make representations to the Sub-Committee as to why any such request to introduce a new ground should or should not be granted. In considering whether to grant a request by a Representor to introduce a new ground, the Sub-Committee will consider why the new evidence has not been produced earlier and whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the Applicant or other Representors by reason of the extra cost or delay thereby caused.

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

Procedure prior to the Hearing

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

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

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties

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

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)
 - paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)

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

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

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

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Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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- Public libraries, Council Receptions and the Press get copies of **all** public agenda/reports.
- Applicant
- Representors & the relevant Responsible Authorities

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Licensing Act 2003 Sub Committee

17 September 2007

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for The Hospitium, Yorkshire Museum, Museum Street, York, YO1 7FR**Summary**

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-013294.
3. Name of applicant: York Museums Trust .
4. Type of authorisation applied for: Grant of Premises Licence.
5. Summary of application: The nature of the application is to permit the sale by retail of alcohol, the provision of regulated entertainment consisting of live and recorded music and the provision of entertainment facilities for dancing, and the provision of late night refreshment.

Background

6. A copy of the application is attached at Annex 1.

Promotion Of Licensing Objectives

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General: 1) Risk assessments in place. 2) Extensive training for events staff in relation to all four licensing objectives. 3) All events are private functions.
9. The prevention of crime and disorder: 1) Provision of security staff at all times for evening functions. 2) Limited numbers to events.
10. Public safety: 1) Risk assessments in place. 2) Safe working procedures in place. 3) First aiders and security staff on duty. 4) Fire practice and alarm tests in place.

11. The prevention of public nuisance: 1) Limiting volume of noise. 2) Keeping within parameters of licence.
12. The protection of children from harm: 1) Lost children policy in place. 2) Police checks for staff. 3) Parental/accompanying adults present at all times.

Special Policy Consideration

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

Consultation

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

Summary of Representations made by Responsible Authorities

16. A representation was received from North Yorkshire Police on the grounds of crime and disorder. This representation was subsequently withdrawn when the applicant agreed that the following conditions be attached to the licence:
 - 1) ON sales:
 - i) Limited to the area highlighted in red on the plan of the premises.
 - ii) Sales only to guests attending a pre-arranged function (wedding /conference etc).
 - iii) On pre-arranged outside catering events (whether the pay bar is inside or outside the Hospitium) there will be the use of a Security Industry Authority (SIA) registered door supervisor in attendance.
 - 2) Off Sales – None (this will limit guests to consuming alcohol in the area highlighted in red on the premises plan).
17. A representation was received from North Yorkshire Fire and Rescue Service on the grounds of public safety. This representation was subsequently withdrawn when the applicant agreed that the following condition be attached to the licence: The maximum occupancy of the premises should not exceed 300 persons.
18. A representation was received from CYC Environmental Protection Unit on the grounds of public nuisance. This representation was subsequently withdrawn when the applicant agreed that the following condition be attached to the licence: Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

Summary of Representations made by Interested Parties

19. Representations have been received from the interested parties listed at Annex 2 (confidential). Their representations are attached at Annex 3.
20. The addresses of the interested parties are indicated on the map attached as Annex 4 (confidential). A further map indicating the general area from which representations were received is attached at Annex 5. The representors were from the Marygate, Marygate Lane, Esplanade Court and Westgate areas of York. A 65 name petition was also received from residents of Marygate, Marygate Lane, Esplanade Court, Hetherton Street and Westgate. This petition is attached at Annex 6 (confidential).
21. An “interested party” is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.
22. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
23. On 21 August 2007 a meeting took place between representatives of York Museums Trust; Janet Barnes, Chief Executive and Jane Nicholls, Events Manager, and two Marygate residents. The purpose of the meeting was to address residents concerns regarding the application in relation to the crime and disorder and public nuisance licensing objectives. The result of the meeting is recorded in the minutes of the meeting, copy attached at Annex 7.

Planning Issues

24. There are no planning issues or restrictions in relation to this premise.

Options

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

Analysis

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

Corporate Priorities

35. 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.
36. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

37.
 - **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

38. 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.
39. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

40. Members determine the application.

Contact Details

Author:

John Lacy
Acting Licence Manager
Licensing & Regulation

Ext: 1593

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
Neighbourhood Services

Ext: 1814

Report Approved



Date 3 September 2007

Specialist Implications Officer(s)

Suzan Hemingway
Head of Legal & Democratic Legal Services

Ext: 1004

Wards Affected: Guildhall West

For further information please contact the author of the report

Background Papers:

Annex 1 - Copy of application form

Annex 2 (Confidential) - List of Interested Parties

Annex 3 - Copy of representations from Interested Parties

Annex 4 (Confidential) - Map of area indicating addresses of Interested Parties

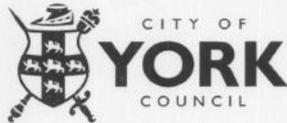
Annex 5 - Map showing general area from which representations received

Annex 6 (Confidential) - Copy of residents petition

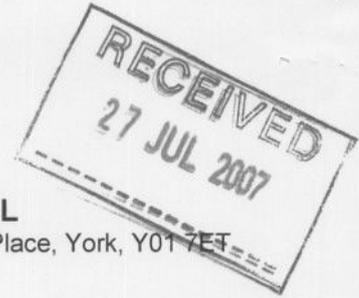
Annex 7 - Copy of minutes of meeting between York Museums Trust representatives and residents & copy of proposed conditions

Annex 8 - Mandatory Conditions

Annex 9 - Legislation and Policy Considerations and Note to Members



CITY OF YORK COUNCIL
Licensing & Regulatory Services, 9 St Leonards Place, York, YO1 7ET



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 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 YORK MUSEUMS TRUST (insert name(s) of applicant) apply for premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/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, ordinance survey map reference or description	
THE HOSPITIUM YORKSHIRE MUSEUM MUSEUM STREET	
Post town	YORK
Post code	YO1 7FR

Telephone number of premises (if any)

Non domestic rateable value of premises

Part 2 – Applicant Details

Please state whether you are applying for the 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 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 | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input checked="" 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 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 please complete section (B)
- h) The chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick ✓

- 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

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title (for example, Rev)	<input type="checkbox"/>
Surname				First names					
<input type="text"/>				<input type="text"/>					

I am 18 years old or over Please tick ✓ yes

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	YORK MUSEUMS TRUST
Address	ST MARY'S LODGE MARYGATE YORK YO30 7DR
Registered number (where applicable)	CHARITY NUMBER 1092466
Description of applicant (for example, partnership, company, unincorporated association etc.)	CHARITABLE TRUST
Telephone number (if any)	01904 687687
E-mail address (optional)	

Part 3 Operating Schedule

AS SOON AS POSSIBLE

When do you want the premises licence to start?

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

Please give a general description of the premises (please read guidance note 1)

An historic building in the Museum Gardens used as a space for conferences and weddings.

A free standing (detached) building into which we hire toilets/catering facilities and furniture as needed.

The building is empty when not in use.

The capacity for an event is maximum 250 people.

The building is located over two floors.

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

- 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) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 4)		
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 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			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					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			
Fri			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)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for the 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 (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	0800	24.00	Please give further details here (please read guidance note 3) <i>Live music for weddings/conferences</i>	Both	
Tue	0800	24.00			
Wed	0800	24.00		State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	0800	24.00			
Fri	0800	02.00		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	0800	02.00		<i>Timings vary - weekday events conclude at midnight, weekend events conclude at 2am</i>	
Sun	0800	02.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	0800	2400	Please give further details here (please read guidance note 3) <i>Recorded music played for wedding ceremonies, receptions + conferences</i>	Both	
Tue	0800	2400			
Wed	0800	2400		State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Thur	0800	2400			
Fri	0800	0200		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Sat	0800	0200		<i>Timings vary - weekday events conclude at midnight, weekend events conclude at 2am</i>	
Sun	0800	0200			

G

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

H ✓

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		
Day	Start	Finish		Indoors	Outdoors	
Mon	0800	2400	Please give further details here (please read guidance note 3) <i>Recorded music played for wedding ceremonies, reception & conferences</i>	<input checked="" type="checkbox"/>		
Tue	0800	2400		Both		
Wed	0800	2400		State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur	0800	2400				
Fri	0800	0200				
Sat	0800	0200		Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 5) <i>Timings vary - weekday events conclude at midnight, weekend events conclude at 2am</i>		
Sun	0800	0200				

I

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors Outdoors Both
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

J

Provision of facilities for dancing Standard timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors <input checked="" type="checkbox"/> Outdoors Both
Day	Start	Finish			
Mon	0800	2400	Please give further details here (please read guidance note 3) <i>Dancefloor space provided for wedding receptions / parties</i>		
Tue	0800	2400			
Wed	0800	2400	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur	0800	2400			
Fri	0800	0200	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5) <i>Timings vary - weekday events conclude at midnight, weekend events conclude at 2am</i>		
Sat	0800	02:00			
Sun	0800	02:00			

K ✓

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing							
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>									
Outdoors	<input type="checkbox"/>									
Both	<input type="checkbox"/>									
Day	Start	Finish	Please give further details here (please read guidance note 3)							
Mon	0800	2400								
Tue	0800	2400								
Wed	0800	2400								
Thur	0800	2400								
Fri	0800	0200								
Sat	0800	0200								
Sun	0800	0200								
			State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)							
			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list. (please read guidance note 5)							

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) <i>Buffet / bar facilities for wedding receptions / parties / conferences</i>	
Mon	2300	2400		
Tue	2300	2400		
Wed	2300	2400		
Thur	2300	2400		
Fri	2300	0200		
Sat	2300	0200		
Sun	2300	0200		
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
			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) <i>Timings vary - weekday events conclude at midnight, weekend events conclude at 2am</i>	

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon	0800	2400	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both		
Tue	0800	24.00				
Wed	0800	24.00				
Thur	0800	24.00		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)		
Fri	0800	02.00				
Sat	0800	02.00				
Sun	0800	02.00				
			Supply of alcohol would vary according to times of weddings/ conferences.			

<p>State the name and details of the individual whom you wish to specify on the licence as premises supervisor</p> <p>Name</p> <p>Address</p> <p>Postcode</p> <p>Personal licence number (if known)</p> <p>Issuing licensing authority (if known)</p>

N

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

The premises are used for family orientated events/weddings and conferences. Children are under adult supervision at all times and all events are private bookings.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2430	
Tue	0800	2430	
Wed	0800	2430	
Thur	0800	2430	
Fri	0800	0230	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5) The premises are open solely for private functions or museum staff events only.
Sat	0800	0230	
Sun	0800	0230	

P

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)

Risk assessments in place
Provision of trained SIA Certified staff (for security)
Extensive training for events staff
Safe working procedures in place
First aiders on duty

b) The prevention of crime and disorder

Provision of security staff at all times for evening functions
Limited numbers to events
All events are private functions

c) Public safety

Risk assessments in place
Extensive staff training
Safe working procedures in place
First aiders & security staff on duty
All events are private functions
Fire practice and alarm tests in place

d) The prevention of public nuisance

Limiting volume of noise
Keeping within parameters of licenses
Staff training
Security staff on duty
Limited numbers to events
All events are private functions

e) The protection of children from harm

Lost children policy in place
Police checks for staff
Staff training
Parental/accompanying adults present at all times
First aiders on duty
Safe working procedures & risk assessments in place, all events are private functions.

- | | | |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| | Please tick ✓ | Yes |
| • I have made or enclosed payment of the fee | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| • I have enclosed the plan of the premises | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| • I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| • I understand that I must now advertise my application | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be rejected | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

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

Part 4 – Signatures (please read guidance note 10)

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

Signature Jane Nicholls

Date 17/5/07

Capacity PREMISES SUPERVISOR / CORPORATE SALES CO-ORDINATOR

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

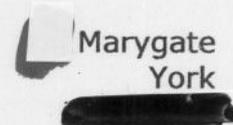
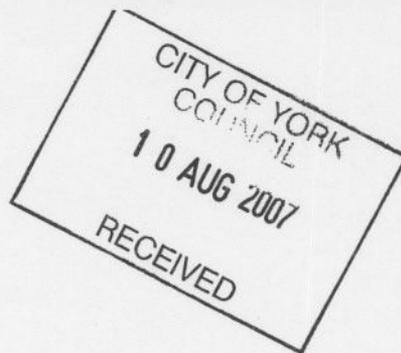
Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Jane Nicholls Corporate Sales Co-ordinator Yorkshire Museum Museum Gardens	
Post town <u>York</u>	Post code <u>YO1 7FR</u>
Telephone number (if any) <u>01904 687671</u>	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) <u>jane.nicholls@ymt.org.uk</u>	

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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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10th August 2007

Licensing Unit
City of York Council
9 St Leonards Place
York
YO1 7ET

①

Licensing Application: Hospitium, Museum Gardens

Dear Sir or Madam,

I note with some concern the application for an unrestricted license for the Hospitium in Museum Gardens.

My representation is to request restrictions be applied to the licence.

Our family house, at [redacted] Marygate is one of the nearest buildings to the Hospitium. We have three children of school age. Our bedroom windows, at first and second floor level are directly subject to noise emanating from the Hospitium. In addition, late night leavers from events leaving by the Museum Gardens gate in Marygate pass directly by our house – either via Marygate Lane or Hetherton Street to the Marygate car park.

Unfortunately it seems that the last leavers from events at the Hospitium are always the loudest. The ones who have partied and drunk the most often seem to like singing and/or shouting at one another up and down the street late at night as they go home.

At the current level, we have chosen not previously to complain, given their relative infrequency of events, though we are usually awoken by the disorder of the last leavers from nearly all events. For around two thirds of events we are not particularly disturbed by noise from the event itself, which in many cases stops anyway around 12.00 midnight on a Saturday night. Fortunately on Monday to Thursday I cannot recall a significant number of events in recent times. I am thus unclear why an unrestricted licence for weekdays is now necessary.

On some occasions when there has been live music (notably at a wedding in May/June time this year), the music was played unreasonably loud until around 2.40am, with some of the windows and doors open. The noise level in our house until this time was louder than we play our own music or television. Following the same event, some of the leavers (clearly non-musicians) appeared to be trying to play a trumpet for a further half hour or so. And the whole thing was topped off by singing/shouting from the last leavers.

Late night nuisance on Marygate Lane (particularly on Friday and Saturday nights) can include noise, theft, leaving empty bottles and cans, drug syringes

and graffiti, as well as urinating in the courtyard area of our garage and general vandalism: not all of the nuisance, but certainly "a good share" can be directly attributed to Hospitium leavers. I believe the Hospitium should have a business interest to restrict such nuisance.

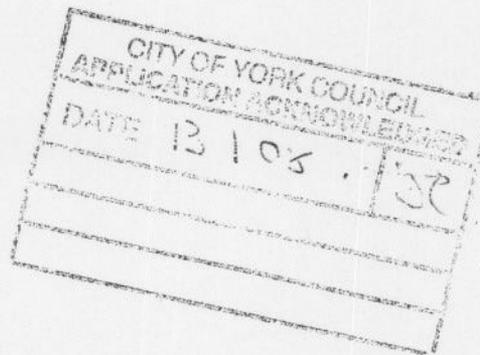
Given this background of nuisance and disorder, I feel it could become unbearable to continue to live in our house should an unrestricted licence be approved and the number of events were suddenly to explode. I can then expect noise nuisance and disorder (maybe from disco-like or "private club" events) until 2:00 three days a week and until well after midnight during the other four working days. Put simply, the current licence application, if approved, could represent a step change in nuisance and disorder - every day of the week.

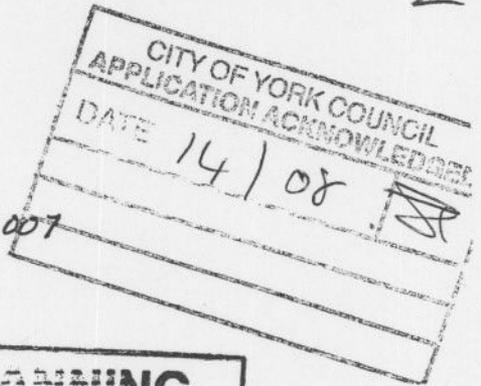
I would therefore like to propose the following restrictions:

- 1) there should continue to be a limitation on the overall number of events
- 2) events should be restricted to 12.00 midnight
- 3) there should be a clear obligation to keep doors and windows shut after 11.00 and meet measurable decibel noise limits, caused by either noise nuisance or disorderly leavers.

Yours sincerely

[Redacted signature area]





Licensing Unit
City of York Council
9 St. Leonard's Place
York YO1 7EP



②

Dear Sir or Madam

I was sorry when the tea room licence was withdrawn from the Hospitium for it seemed to fill a void within the community of York. I was astonished when all rubbish bins were removed from the (Museum) Gardens and then (making a total 3 in all) very large bins were placed outside my front door. And whereas I applaud the Trust's decision to lease the Hospitium for social functions, the notion that this lovely historic venue might be turned into a modern day disco is not something I find easy to comprehend.

It is an idyllic setting for weddings and for as long as I can remember there have been couples posing for photographs at the foot of the garden. I hope functions of this nature will be encouraged by the Museums Trust and wonder if a small space ad placed in a national periodical (such as Country Life) drawing attention to the Hospitium's amenities could be misplaced?

There was a time when dancing was a welcome diversion and most would welcome the thought of Lester Lewis playing in the garden. Alas, I doubt such will be the case and instead the sound of metallic thunder may roll across the grounds. But without wishing

to keep us busy on the negative, we cannot help but applaud the notion that under the new plan a wide cross section of functions proposed dancing and musical entertainment. ^{Whatever the case,} it is nice to think the building will not be derelict and that a broad segment of the community might even enjoy it, almost magical qualities.

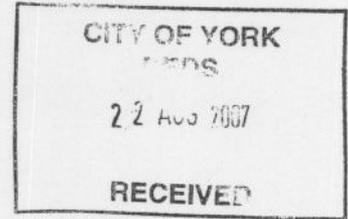
Yours sincerely,

P.S. Mr. and Mrs. [redacted] have also written you regarding this application and as their suggestions seem both logical and reasonable, I hope the Board will take them into consideration.

Margaret

1976

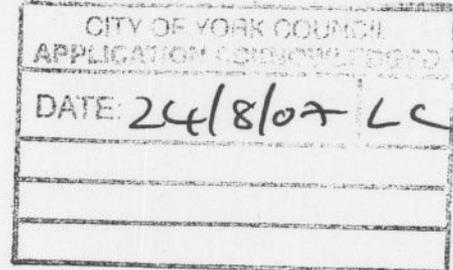
Marygate Lane
York



3

August 20, 2007

Licensing Unit
City of York Council
9 St Leonards Place
York
YO1 7ET



Dear Sir/Madam

Re: Hospitium (Museum Gardens) License Application

In addition to the petition we have signed, we wish to add these further comments which are very relevant and important in preventing the above license application from being approved by York Council.

The liberalisation of drinking laws has increased anti-social behaviour and made yobbish behaviour worse. Allowing clubs and pubs etc. to open around the clock has increased anti-social behaviour, and has recklessly unleashed it and all its consequences on our towns and communities. Alcohol causes anti-social behaviour, and increases violent crime, and there is a constant battle across the country against it. Adults feel scared to challenge these people who cause this anti-social behaviour fuelled by alcohol. These people who cause this anti-social behaviour do not think of the residents in the area, and it breeds fear and isolation.

When leaving clubs or bars, or in this case the Hospitium, these people are not at all considerate to the local residents. There is rowdiness, shouting, slamming car doors, revving car engines, and people generally making nuisances of themselves, especially at night. Noise is generally only one element of anti-social behaviour. There is now increasingly powerful equipment for reproducing sound, and modern sound speakers all increase the sound levels that can be heard at night, and cause unimaginable disturbance to local residents.

Playing loud music at night between 11.00 p.m. and 7.00 a.m. can result in confiscation of equipment or instruments or fines! Loud music and noisy parties cause the majority of neighbourhood disputes. Sound is essential to our daily lives but noise is not. Noise can be defined as unwanted sound, and it is a source of irritation and stress for many people. Too many of us are exposed to stressful levels of noise at home and at work, and noise is on the increase in our society.

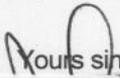
Allowing this license will not improve the environment and will cause overwhelming anxiety to the residents of this quiet and peaceful corner of York, especially the elderly and school children, not to mention those of us who have to get up early, and who have extremely demanding jobs. Broken sleep and sleep deprivation are not conducive to good health and a healthy work pattern.

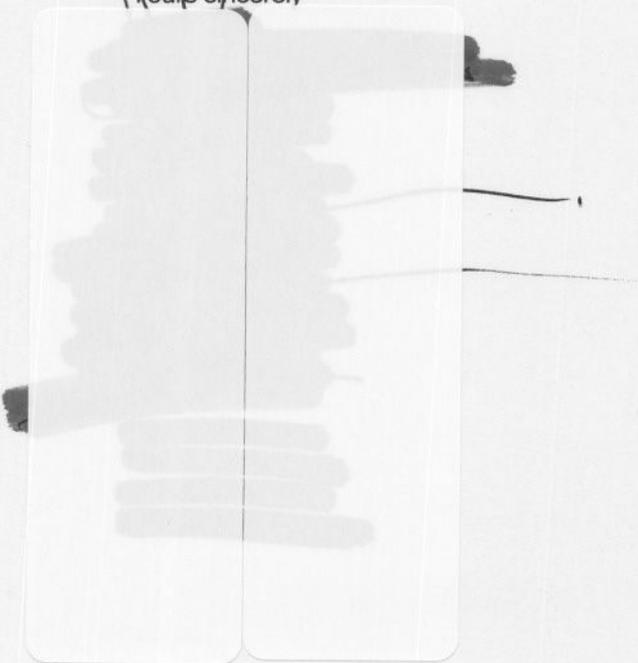
We also strongly support the closure of the Marygate exit from the time the gardens close. It should remain closed until the gardens re-open in the mornings. The Lendal exit to the centre of York away from residents must obviously be the exit of choice. Surely common sense must prevail.

August 20, 2007

Allowing alcohol to be sold or served from 8.00 a.m. every day will turn Museum Gardens into a 'beer garden', and a 'dustbin', and contradicts the fact that alcohol consumption in Museum Gardens is prohibited.

We strongly urge you to refuse this license application on the grounds of all the points we have raised in this letter and in the signed petition.

 Yours sincerely



119159

Mary Gable

York

Aug 19th 07.

4

Dear Sir. Hospitium Fuel License Application.

I have no problem with weddings leaving the garden at midnight - and on the whole are orderly. I would be opposed to a 2am extension. I think it is unfair for residence - like my self - living near the bottom of the hill should be subjected to possible disturbance, and drunkenness - as it is - we have to accept a fair amount of disorder.

Yours,

CITY OF YORK COUNCIL	
APPLICATION ACKNOWLEDGED	
DATE: 24/8/07	LL

CITY OF YORK	
DEDS	
22 AUG 2007	
RECEIVED	

5

Marygate
York

119155

CITY OF YORK
DEDS
22 AUG 2007
RECEIVED

August 20, 2007

Licensing Unit
City of York Council
9 St Leonards Place
York
YO1 7ET

CITY OF YORK COUNCIL
APPLICATION
24/8/07 LC

Dear Sir/Madam

Re: Hospitium (Museum Gardens) License Application

In addition to the petition we have signed, we wish to add these further comments which are very relevant and important in preventing the above license application from being approved by York Council.

The liberalisation of drinking laws has increased anti-social behaviour and made yobbish behaviour worse. Allowing clubs and pubs etc. to open around the clock has increased anti-social behaviour, and has recklessly unleashed it and all its consequences on our towns and communities. Alcohol causes anti-social behaviour, and increases violent crime, and there is a constant battle across the country against it. Adults feel scared to challenge these people who cause this anti-social behaviour fuelled by alcohol. These people who cause this anti-social behaviour do not think of the residents in the area, and it breeds fear and isolation.

When leaving clubs or bars, or in this case the Hospitium, these people are not at all considerate to the local residents. There is rowdiness, shouting, slamming car doors, revving car engines, and people generally making nuisances of themselves, especially at night. Noise is generally only one element of anti-social behaviour. There is now increasingly powerful equipment for reproducing sound, and modern sound speakers all increase the sound levels that can be heard at night, and cause unimaginable disturbance to local residents.

Playing loud music at night between 11.00 p.m. and 7.00 a.m. can result in confiscation of equipment or instruments or fines! Loud music and noisy parties cause the majority of neighbourhood disputes. Sound is essential to our daily lives but noise is not. Noise can be defined as unwanted sound, and it is a source of irritation and stress for many people. Too many of us are exposed to stressful levels of noise at home and at work, and noise is on the increase in our society.

Allowing this license will not improve the environment and will cause overwhelming anxiety to the residents of this quiet and peaceful corner of York, especially the elderly and school children, not to mention those of us who have to get up early, and who have extremely demanding jobs. Broken sleep and sleep deprivation are not conducive to good health and a healthy work pattern.

We also strongly support the closure of the Marygate exit from the time the gardens close. It should remain closed until the gardens re-open in the mornings. The Lendal exit to the centre of York away from residents must obviously be the exit of choice. Surely common sense must prevail.

Allowing alcohol to be sold or served from 8.00 a.m. every day will turn Museum Gardens into a 'beer garden', and a 'dustbin', and contradicts the fact that alcohol consumption in Museum Gardens is prohibited.

We strongly urge you to refuse this license application on the grounds of all the points we have raised in this letter and in the signed petition.

Yours sincerely

A large rectangular area of the document is redacted with a light grey box. The redaction covers several lines of text, including what appears to be a signature and several lines of a list or body text. The redaction is not perfectly uniform, with some lines appearing slightly darker than others.

6

CITY OF YORK
DEDS
23 AUG 2007
RECEIVED

Esplanade Court
York

14th August 2007

Licensing Unit
City of York Council
9 St Leonards Place
York
YO1 7ET

119163

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE: 24/8/07 LC

Dear Sir,

Hospitium (Museum Gardens) Full License Application

The undersigned wish to make a representation against the above application for a license which would apparently enable unlimited numbers of events of a private nature to be held each year in the Hospitium with late night entertainment, music and dancing, with a full alcohol licence.

At present the Hospitium is allowed to hold a limited number of wedding receptions per year. While this type of event does not normally cause too much of a problem, finishing around about midnight, there has been the odd occasion which has been excessively noisy. One event in early summer had a live band playing very loudly with all the windows open until 2.40 a.m., followed by further outside noise as guests departed.

We wish to object to the granting of a licence for an unlimited number of events to be held each year, on any night of the week of the week, Monday to Thursday 8 a.m. to 12 midnight, and Friday to Sunday 8 a.m. to 2 a.m., with an extra half an hour allowed for guests to leave.

In view of the disturbance which this would cause in the surrounding area, could there not continue to be a restriction to the number of events held per annum, particularly during the week, with a finishing time of 12 midnight (plus half an hour for leaving) with only the occasional granting of a late licence in exceptional circumstances, rather than a blanket extension of late nights to 2 a.m. (plus half an hour) every Friday to Sunday?

We would also seek clarification of how a ban on alcohol drinking in the Museum Gardens generally can allow for an alcohol licence for the Hospitium, as guests can often be seen taking drinks outside the building.

Given the noise nuisance and the disorder sometimes caused by rowdiness of late leavers, we wish to object to the granting of such a licence.

Signed

[Redacted signature]

ESPLANADE COURT
YORK.

[Redacted address]

[redacted] ; manypate (7)
york [redacted]
22.8.07

117185

Dear sir or Madam,

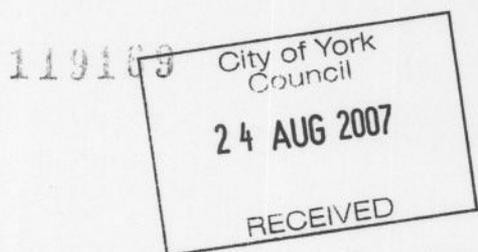
I am writing to register my husband's and my very strong objection to a licence for "late night entertainment, music and dancing" in the Hospitium (museum gardens). My husband also often works week-ends so needs undisturbed sleep at night; I have multiple sclerosis which is worsened by stress and this would be the case with increased traffic noise, people noise + roudy behaviour often increased + exaggerated by alcohol. Our residential homes and our cars would all be vulnerable so we hope no license is granted.

yours sincerely,

[redacted signature]

CITY OF YORK COUNCIL APPLICATION FOR LICENCES	DATE: 24/8/07	LC.
--------------------------------------------------	---------------	-----

CITY OF YORK DEDS 24 AUG 2007 RECEIVED



Marygate
YORK

23rd August 2007

8

Ref: License Extension for HOSPITIUM, Museum Gardens, York

Dear Sir

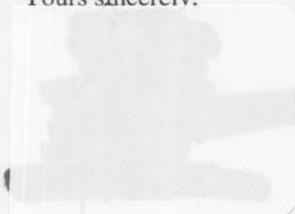
As a resident of Marygate I would like to express my views on the above application for consideration in the final decision and its terms.

Marygate is currently a relatively quiet street during the evening period being only affected by small numbers of late night people either returning to cars, homes or hotels in the locality. The approval for extended late night events during the whole week will undoubtedly add to the volume of people passing through Marygate. In our case we are almost directly opposite the Museum gardens entrance/exit and if the plan is to use this as the single exit point it will force all guests to leave passing our property.

Therefore, I would like to raise the following point for consideration:

1. There should be an appropriate restriction on number of guests permitted to attend evening events to limit the overall numbers attending and associated noise levels generated both during and on departure from an event.
2. The exit routes should be reorganised to prevent channelling all guests to exit via Marygate, specifically at night. This is the only residential street adjoining the Gardens. It is possible for people to leave via alternative routes to avoid disturbance it should be made a condition that Marygate is not the sole exit point.
3. The impact on the parking provisions should be reviewed. Currently Marygate is a Residents Parking zone, although the restrictions are relaxed in evening periods to allow none resident parking for longer than the daytime 1 hour limit. If unspecified evening events are permitted then it is very likely that parking will become more difficult for residents. We will see an increase in demand for guest parking and they are likely to choose the bays closest to the entrance leaving the vehicles for the whole evening so any resident out for the night will find difficulty parking on their return. This is already a problem on some limited occasions but I would not want to see this becoming a regular event. Guests may also travel to events by either mini-bus/mini-cab/coach if Marygate were to become a pickup point this would add to noise levels, nuisance and late night traffic flow on the street. Coaches, taxis and cars already regularly park directly outside our property, on the double yellow lines, while they wait to pick up people. Apart from being a traffic offence this could cause us considerable nuisance on an evening.
4. Security and policing impact should be considered to monitor and control the level of noise, traffic infringements, litter and damage. Certain events (e.g. weddings) are unlikely to cause problems with litter or damage but freedom to hold any type of event targeting specific groups may see this increase. Litter is already a daily problem in the Museum Gardens since the removal of the litter bins
5. Event noise should be controlled by:
 - Restricting the effect of the increased noise levels by restricting the closing time to midnight ensuring that noise levels do not continue until late into the night/early hours of the morning.
 - Use of noise monitors to limit/check compliance with a preset decibel limit permitted at a set distance from the building. The proximity of the Hospitium Building to Marygate means that noise from an event carries and can be heard inside our home in the rooms which overlook Marygate.

Yours sincerely,



CITY OF YORK COUNCIL	
APPLICATION ACKNOWLEDGED	
DATE: 24/8/07	LC

9

Marygate
York

23rd August 2007

CITY OF YORK
COUNCIL
24 AUG 2007
RECEIVED

Licensing Unit
City of York Council
9 St Leonards Place
York
YO1 7ET

HOSPITIUM; MUSEUM GARDENS
APPLICATION FOR LATE NIGHT LICENSE

REPRESENTATION OF LOCAL RESIDENTS: PETITION

Dear Sir or Madam,

Please find enclosed petition and statement of local residents in respect of the application by the Hospitium for a late night alcohol and entertainment license.

With best regards

[Redacted signature area]

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGEMENT
DATE: 24/8/07 LL

OBJECTION TO A FULL PREMISES LICENCE FOR THE HOSPITIUM IN MUSEUM GARDENS

We, the petitioners, object to any further extension of alcohol licencing in the Hospitium in Museum Gardens. Indeed, we feel it is appropriate already to consider restrictions on existing usage under temporary event notices:

- Current usage of this venue, particularly in conjunction with live bands (often with amplified drums and bass), always causes considerable noise nuisance and disorder of late leavers via Marygate regularly wakes local residents.
- More frequent late night usage, and heavy late usage on Sundays and during the week, would make local residence unbearable – particularly for schoolchildren, working and elderly (old people's centre) residents.
- The Hospitium already hosts "occasional private use" events which frequently overrun the normal 11pm alcohol deadline. An event held on Friday 17th August (during the period of licence application) played live music until around 12.20 and recorded music thereafter. An event in May/June comprised live music until around 02.40 am.
- Given that alcohol consumption in the Museum Gardens is prohibited, sale or serving of alcohol from 8am is inappropriate
- Extending the hours by "blanket licence" to 2am sends the wrong signal to prospective users of the venue – setting a "normal expectation" that "it is not appropriate" for modern parties to end earlier than this.
- The Hospitium building was not conceived as a modern entertainment venue and is not appropriately sound-proofed to become a "permanent" site of "late night drinking and dancing".
- Exit via Marygate is inappropriate for late leavers since this encourages the use of private cars parked on Marygate and Marygate car park. Guests, many of whom may have drunk more than they intended, should instead be encouraged to use the Taxi rank or public transport from the city centre as a result of a single exit via Lendal.

23rd August 2007

A petition was received containing 65 signatures of residents from the following locations:

Marygate
Esplanade Court
Marygate Lane
Hetherton Street
Westgate, Leeman Road

(10)

Marygate
York

CITY OF YORK
COUNCIL
24 AUG 2007
RECEIVED

24.8.2007

Dear Sir or Madam,

I am writing regarding the granting of a Full License for the Hospitium in Museum Gardens.

We, the occupiers of numbers [redacted] and [redacted] Margate would like to object to the above mentioned proposal.

We agree with the enclosed list of objections compiled by members of the Marygate community.

With regard to the second objection, we at number [redacted] have two children about to embark upon A-level and GCSE courses in September it concerns me greatly that their nights sleep will surely be disturbed by late night activity relating to the Hospitium if it is granted the Full License.

Yours faithfully

[Redacted signature block]

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE 24/8/07 LC

11

Westgate Apartments
Leeman Road
YORK

The Clerk to the Justices
York Licensing Office
Clifford Street
York

24th August 2007

Dear Sirs,

Re License application for The Hospitum, Museum Gardens.

We have been informed by the residents in Marygate of the above application which we believe is very concerning for the residents of Westgate Apartments particularly for the apartments directly facing the Hospitum as we are.

We experience a great deal of noise when the present license is granted and operated on the limited days allowed and are strongly opposed to the granting of this blanket application which includes extended hours. The noise presently experienced is unacceptable which we can hear with windows closed let alone sat on the balcony but due to the present restriction which was in force before the apartments were built we can live with.

The council taxes payable on the apartments are in the higher bracket and should the quality of living be affected a reduction would be put forward to compensate for this to be inflicted on us.

We therefore strongly object to the above application and wish the Licencing Officer to reject this application.

Yours sincerely,

[Redacted signature area]

YORK COUNCIL
24/08/07
LC

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

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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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Marygate
York
[Redacted]

23rd August 2007

CITY OF YORK
COUNCIL
24 AUG 2007
RECEIVED

Licensing Unit
City of York Council
9 St Leonards Place
York
YO1 7ET

HOSPITIUM; MUSEUM GARDENS
APPLICATION FOR LATE NIGHT LICENSE

NOTES OF A MEETING HELD WITH THE YORK MUSEUMS TRUST

Dear Sir or Madam,

As a further initiative to the local residents petition, [Redacted] and myself sought a direct meeting with the York Museums Trust regarding their application for a late night alcohol and entertainment license for the Hospitium in Museum Gardens. The notes of this meeting are attached for your consideration.

We believe that the agreements made at the meeting regarding restrictions will allay the fears of residents, although the short timeframe for representation does not allow us to either retract the petition or present these notes formally as part of it.

We hope these matters will be given due consideration.

With best regards

[Redacted Signature]

[Redacted Name]
Tel (mobile): [Redacted]

Copy: [Redacted]

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGEMENT
DATE: 26/8/07 LC

Meeting to Discuss Alcohol License for the Hospitium, Museum Gardens
York Museums Trust and Representatives of Marygate Residents

Held on: Tuesday, 21st August 09.45
Held at: St Mary's Lodge, Museum Gardens

York Museums Trust

Janet Barnes Chief Executive
Jane Nicholls Events Manager

Marygate Residents

[REDACTED] Marygate
[REDACTED] Marygate

1. The Meeting had been requested by [REDACTED] and [REDACTED] to discuss concerns of the residents with respect to the terms of the alcohol and entertainment license applied for by the Museums Trust for the Hospitium in Museum Gardens.
2. Janet Barnes explained that the Museums Trust had applied for a permanent license primarily to reduce the effort associated with applying for individual temporary event licences. The prime intention with respect to the use of the Hospitium would remain the promotion of daytime conferences and occasional use for weddings. She explained that the Hospitium tried to apply rules to event organisers and wished not to cause disturbance to local residents. She also explained that a number of license restrictions would be applied by the police (regarding the precise area in the direct vicinity of the Hospitium where alcohol may be consumed)
3. [REDACTED] explained that a petition had been organised to express the concerns of the residents with respect to the license which had been applied for:
 - a. Residents were concerned regarding the intended use of the Hospitium and a potential step-change rise in the number of events and consequent disturbance
 - b. Late night serving of alcohol until 2am is considered unreasonable by residents, due to the noise as well as the disorder of late leavers. [REDACTED] explained that many weddings had proven that events could be successfully conducted in the Hospitium (up to midnight) without disturbance, but that an event in June had generated unreasonable noise until after 3am
 - c. Residents are concerned about late night noise nuisance after 12 midnight
 - d. Residents are concerned about the adequacy of precautions for security and disorder of late leavers exiting via Marygate

- e. Residents are concerned about alcohol availability from 8am despite prohibition of consumption in the Museum garden
4. In a constructive discussion which followed the parties agreed a number of measures:
 - a. Alcohol availability and music at events would be limited by contract with venue users to 12 midnight, with clearance of the premises by 1am.
 - b. Music providers would be briefed on the need to restrict noise levels. In addition, the Museums Trust would investigate ways of restricting and self-monitoring of noise levels and would act on direct reports of noise nuisance
 - c. Leavers after the normal closure of the Museum Gardens would only be able to leave via the main entrance on Museum Street. This would encourage leavers to consider public transport or taxi or at least have a longer "cool off" period if returning to private cars parked on Marygate or Marygate car park.
5. [REDACTED] and [REDACTED] felt that these agreements would be sufficient to allay residents concerns, but explained that the short timescale associated with the representation process (which had resulted from its conduct during the holiday period) would not allow them sufficient time to stop the concerns being raised by the petition
6. However, with the agreed restrictions of the license as outlined in §4, and on the understanding that the number of annual evening events would not rise significantly and that the number of weddings/evening events in a month would be unlikely to exceed 4, these meeting minutes would be submitted with the petition and residents would not further oppose the license application.

Notes: [REDACTED], 22nd August 2007

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Proposed Conditions – Hospitium

1. The maximum occupancy of the premises not to exceed 300 persons.
2. Exits out of the gardens will be by the Museum Street entrance. The Marygate entrance will close at 2030 hrs.
3. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties. To support this a decibel level indicator will be fitted to the inside of the Hospitium which will monitor the level of sound and will alert the person in charge if the sound goes above the agreed level.
4. The sale of alcohol and regulated entertainment shall cease at 12 midnight and the premises closed by 1am.
5. Museum security will be present at all events who will monitor the drinking of alcohol outside the Hospitium within the physical limits agreed and that as an extra measure will make the demarcation line very clear with a system of soft barriers.
6. Announcements will be made at the end of the evening asking customers to leave quietly.

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**MANDATORY 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.

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).

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.

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; and ss19, 20 and 21 mandatory conditions.
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 and Paragraph 8.28 Steps to promote the licensing objectives.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 3.2 Crime and Disorder; 4.1 Consultation on New Premises Applications, Club Premises Certificates, Variations and Provisional Statements; 4.2 General Principles for Determination of Applications; 5.0 Guidelines for Applicants; 7.0 Licensing Hours and Appendix D Pool Conditions.
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.

NOTE FOR MEMBERS

Extracts from Revised Guidance issued under section 182 of the Licensing Act 2003 (in force 28 June 2007). The following amendments to paragraphs in the Guidance may have relevance at a hearing to determine an application for the grant, variation or review of a premises licence or club premises certificate.

Related Legislation and Strategies

1.26 Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and a public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or (once the smoking ban comes into force) in a smoking shelter, where and to the extent that these matters are within their control.

1.27 In addition, when considering a new premises licence or following reviews that have identified problems with a particular premises, licensing authorities may consider imposing conditions as appropriate, such as preventing customers from taking open containers outside the premises or installing CCTV. However, any conditions imposed must not be aspirational and must be within the control of the licensee. For example, a condition may require a premises to adopt a particular dispersal policy, but a licensee cannot force customers to abide by it.

Hours of Trading

10.19 In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises.

10.20 However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.21 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.