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MEETING	LICENSING HEARING
DATE	30 AUGUST 2011
PRESENT	COUNCILLORS GILLIES, HYMAN AND WISEMAN

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**11. CHAIR**

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

**12. INTRODUCTIONS****13. DECLARATIONS OF INTEREST**

At this point, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

**14. MINUTES**

RESOLVED: That the minutes of the Licensing Hearing held on 24 January 2011 be approved and signed by the Chair as a correct record.

**15. THE DETERMINATION OF AN APPLICATION BY HELEN HERATY AND JOHN EDWARDS FOR A PREMISES LICENCE SECTION 18 (3)(A) IN RESPECT OF GRAYS COURT, CHAPTER HOUSE STREET, YORK, YO1 7JH. (CYC-018630)**

Members considered an application by Helen Heraty and John Edwards for a Premises Licence in respect of Grays Court, Chapter House Street, York, YO1 7JH.

In coming to their decision the sub-committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives.

The following were taken into account:

1. The application form.
2. **The Licensing Officer's report and her comments made at the Hearing. She advised that the application was for a new grant although the premises had been operating under a previous licence. The police had agreed some conditions with the applicant, as had the Environmental Protection Unit. There had been no representations from the Planning Department.**
3. The representations made on your behalf at the hearing, including the fact that you had been granted a premises licence in August 2010 but the conditions and hours do not allow you to compete with similar establishments. The business had operated responsibly and the representations from residents could be addressed by the conditions put forward by the Environmental Protection Unit.
4. The representations made by the solicitor on behalf of Mr Mohan. He raised concerns regarding noise, including noise generated when people were leaving Grays Court and in respect of the bin area. Attention was also drawn to the residential nature of the area and the impact that an extension to licensing hours would have on neighbouring properties.
5. The representations made in writing by local residents and verbally by the Reverend Canon Dr Draper.

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.

Members chose Option 2 and added the following conditions to the licence:

1. The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence and will exclude the L-shaped driveway, the Bar Walls and the step access to the Bar Walls.
2. The only licensable activity in the coach house will be the supply of alcohol to residents of the coach house.
3. The licensable activities authorised and the times they may be carried out subject to the other conditions of this licence:-

Licensable Activity		Days	Hours
Plays and Films	Indoors	Sunday - Thursday	10:00 – 22:30
		Friday - Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
	Outdoors	Each and every day	10:00 – 21:00
Live music	Indoors	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
	Outdoors	Each and every day	10:00 – 21:00
Recorded Music	Indoors only	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Year's Eve	Until 01:00
Performance of dance	Indoors	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30

		Christmas Eve and New Years Eve	Until 01:00
	Outdoors	Each and every day	10:00 – 21:00
Provision of facilities for making music	Indoors Outdoors	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
Provision of facilities for dancing	Indoors Outdoors	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
Late night refreshment	Indoors Outdoors	Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		24 hours for hotel residents	
Supply of alcohol		Sunday – Thursday	10:00 – 22:30
		Friday – Saturday	10:00 – 23:30
		Christmas Eve and New Years Eve	Until 01:00
Supply of alcohol to hotel residents		24 hours	

4. The opening hours of the premises – 24 hours each and every day.
5. Bottles shall not be placed in the bins between 20:00 and 09:00 on each and every day.
6. The following conditions recommended by the Police and the Environmental Protection Unit shall apply:

- (i) CCTV will be installed to cover the front entrance of the premises. It will be maintained, working and recording at all times when the premises are open. The recordings should be of sufficient quality to be produced in Court or other such Hearing. Cameras should be positioned so to capture images of customers as they enter the venue via the front entrance from the courtyard.
- (ii) Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48 hours of request.
- (iii) Copies of the recordings will display the correct time and date of the recording.
- (iv) The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo (until other effective identification technology, e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
- (v) Standard one pint capacity, half pint capacity and “highball” tumbler drinking glasses will be of strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
- (vi) Drinking glasses of any type shall not be allowed to enter or leave the licensed area whilst under the customer’s care.
- (vii) Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and operating times of the venue. Such records shall be kept for at least one year and they will be made available upon a reasonable request from any Responsible Authority.
- (viii) The management of the venue will comply with any written, reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors should the need arise.
- (ix) A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunken people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for one year.

- (x) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs local residents and to leave the premises and area quietly.
- (xi) The venue shall not open or operate (other than by way of Temporary Event Notice) earlier or later than the times listed in Part 1 of the premises licence. (i.e. the opening hours of the premises).
- (xii) No recorded music outdoors.
- (xiii) Noise and vibration shall not emanate so as to cause a nuisance at nearby sound sensitive properties.
- (xiv) Regulated entertainment in the form of recorded and/or live music indoors shall be restricted to the Bow room as shown on the plan GC02. All windows in the Bow Room and the door between the Bow Room and the Long gallery room shall remain closed at all times during regulated entertainment, other than for emergency escape.
- (xv) Plays, films and performance of dance externally shall cease at 21:00 hours on every day of the week.
- (xvi) Live music externally shall not use electronic amplification and shall cease at 21:00 hours on every day of the week.
- (xvii) Documented patrols shall be carried out by members of staff at no less than hourly intervals whilst live or recorded music is being played. These checks shall be undertaken around the perimeter of the premises and findings recorded. Details of any remedial action necessary to reduce noise to an acceptable level shall also be recorded. Records shall be made available for inspection by authorised officers of the City of York Council upon request.
- (xviii) Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years. (similar to Police condition (vii)).
- (xix) A direct contact number for the duty manager shall be made available on request to residents living in the vicinity of the premises.
- (xx) A documented procedure for investigating noise complaints received by Gray's Court shall be submitted to and approved by the City of York Council within 2 months of the licence being granted and once approved it shall be implemented.

- (xxi) Notices shall be placed on exit doors and staff shall remind customers that there are residential premises in the area and to be quiet when leaving the property.

Mandatory conditions 19, 20 and 21 shall apply.

### Informatives

The Sub-Committee advised that the following actions be implemented:

- Taxis to be requested to collect passengers from St William's College rather than Gray's Court.
- Canon Draper to be invited to meet with the applicants to discuss the issues he raised in his representation and to seek a way forward.

RESOLVED: That in line with Option 2 the licence be granted.

REASON: To address the representations made.

Chair

[The meeting started at 10.00 am and finished at 1.00 pm].