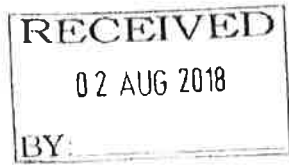


ANNEX 6. ①



YORK
Y01 7JH
01/08/18

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

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

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

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

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

Yours faithfully

2

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



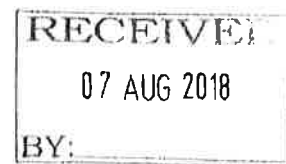
YORK
MINSTER

Church House
10-14 Ogleforth
York
YO1 7JN

Telephone: 01904 557210
Email: chapterclerk@yorkminster.org

Monday 6 August 2018

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



Dear Sir/Madam,

Application for Variation of Premises Licence

Application Reference: CYC 018630

Applicant: Helen Mary Heraty

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

Deadline for Representations: 15 August 2018

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

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

Mon – Sun

10:00 – 23:30

- ii) Late Night Refreshment

Mon – Sun

23:00 – 23:30

Opening/Closing Times

Mon – Sun

08:00 – 23:30

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

All other aspects of the licence to remain the same

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours faithfully

Andy Oates
Legal Adviser & Chapter Clerk

(3)

RECEIVED
11 AUG 2018
BY:

Ogileforth, U.
York.
YO1 7JG.

Wednesday, 8th August '18

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

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

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

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

Yours faithfully,

4



Ogleforth
York YO1 7JG

City of York Licensing Services
Hazel Court
York
YO10 3DS

13 August 2018

Dear Madam

Application to vary premise licence CYC 018630

Applicant: Mary Hegarty Premises: Grays Court

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

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

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

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

Yours faithfully



Chapter House Street
York, YO1 7JH

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

14 August 2018

Also by email: licensing@york.gov.uk

Dear Sirs,

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

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

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

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

Background

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

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

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

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

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

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

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

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

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

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

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

Current Application – Variation of Conditions

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

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

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

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

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

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

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

In the minutes to the 2011 meeting the Committee considered:

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

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

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

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

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

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

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

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

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

Proposed changes to licensing hours designation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours faithfully,

Chapter House Street
York
YO1 7JH

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

Also by email: licensing@york.gov.uk

Wednesday 13 July 2011

Dear Sirs,

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

Applicants: Helen Mary Heraty and John Douglas Edwards

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

Interested parties

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

Licensing history

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

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

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

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

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

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

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

Supply of alcohol (M)

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

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

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

Live (E) and recorded (F) music

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

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

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

Facilities for the making of music (I)

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

Facilities for dancing (J)

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

Performances of dance (G)

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

Plays (A) and films (B)

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

Late night refreshment (L)

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

Opening hours (O)

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

Licensed area

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

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

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

Deletion of conditions

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

Operation to date

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

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

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

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

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

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

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

Sunday to Thursday 08.00-22.00

Friday and Saturday 08.00-23.00

With the exception of the external licensed areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prevention of public nuisance

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

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

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

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

Public safety

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

Prevention of crime and disorder

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

Plans

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

Planning

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

Hearing

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

Yours faithfully,

Report of the Director of Communities and Neighbourhoods

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

Summary

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

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

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

Background

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

Promotion of Licensing Objectives

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

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

Special Policy Consideration

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

Consultation

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

Summary of Representations made by Responsible Authorities

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

thumb print or pupil recognition, is adopted by the Premises Licence Holder).

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

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

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

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

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

Summary of Representations made by Interested Parties

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

Planning Issues

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

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

Options

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

Analysis

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

Corporate Priorities

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

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

Implications

34.

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

Risk Management

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

Recommendations

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

Contact Details

Author:

Lesley Cooke
Licensing Manager

Tel No. 01904 551526

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director– Housing & Public Protection.

**Report
Approved**



Date 12 August
2011

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Gulldhall East

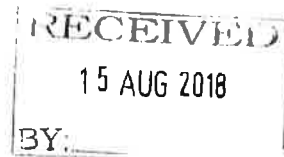
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For further information please contact the author of the report

Background Papers:

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



City of York Licensing Services
Hazel Court
York
YO10 3DS

Ogleforth
York
YO1 7JG
14 August 2018

Dear Sir

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

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

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

We would appreciate acknowledgement of receipt of this submission.

Yours faithfully

7

RECEIVED

15 AUG 2018

Ogleforth,
York YO1 7JG
15 August 2018

Dear Sirs,

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

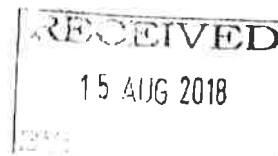
We strongly object to any extension of the licensing area and hours. The immediate neighbours suffer from the noise now, and if the area is extended towards Monk Bar Court then the rear of our premises will be affected too.

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

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

Yours faithfully,

8



Ogleforth,
York, YO1 7JG

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

14 August 2018

Also by email: licensing@york.gov.uk

Dear Sirs,

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

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

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

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

Background

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

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

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

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

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

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

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

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

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

Current Application – Variation of Conditions

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

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

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

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

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

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

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

In the minutes to the 2011 meeting the Committee considered:

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

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

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

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

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

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

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

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

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

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

Yours faithfully,

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

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

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

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

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

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

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

Proposed changes to licensing hours designation.

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

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

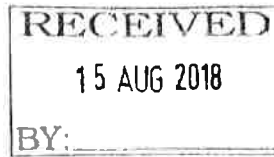
We would object to any variation of the licence to expressly permit recorded music in external areas of the premises due to the obvious negative impact this could have on the licensing objective seeking to prevent public nuisance.

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

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

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

9



Monk Bar Court
York
YO1 7LH

By email to licensing@york.gov.uk

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

Dear Sir or Madam,

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

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

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

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

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

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

Kind regards,

