

## ANNEX 4

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

Dear all

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

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

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

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

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

### **External area**

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

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

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

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

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

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

8. Door Supervisors shall be employed as follows:-

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

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

### **The outside area**

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

### **Hours for Licensable activities**

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

Monday – Saturday 10:00hrs – 01:00hrs

Sunday 10:00hrs – 23:00hrs

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

Regards

Michael Golightly  
**Technical Officer**

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