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MEETING	LICENSING HEARING
DATE	9 SEPTEMBER 2008
PRESENT	COUNCILLORS HYMAN, MOORE AND REID

**5. CHAIR**

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

**6. DECLARATIONS OF INTEREST**

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

**7. THE DETERMINATION OF AN APPLICATION BY DEBRETTON HOSPITALITY LTD FOR THE VARIATION OF A PREMISES LICENCE [SECTION 35 (3) (A)] IN RESPECT OF MARMADUKES, 4-5 ST. PETERS GROVE, YORK, YO30 6AQ. (CYC-010461)**

Members considered an application by Debretton Hospitality Ltd for the determination of an application to vary a premises licence in respect of Marmadukes, 4&5 St. Peters Grove, Bootham, York, YO30 6AQ.

In coming to their decision the Sub-Committee took into consideration all of the evidence and submissions that were presented and determined their relevance to the issues raised and the licensing objectives; the prevention of public nuisance and the prevention of crime and disorder including:

- 1) The Application Form
- 2) The Licensing Officer's report and his comments made at the hearing. The officer outlined his report and reiterated that the premises is located in a predominantly residential area. He confirmed that the original licence already had 8 stringent conditions attached to it. Members were reminded that the rear garden was not licensed under the current licence and presently it could not be used for any licensable activities.
- 3) The Applicants representation including the fact that the hotel is run in an orderly manner and no complaints regarding noise or disorder had been made to any relevant authority to date. The applicants Counsel advised Members that there had been a consultation with local residents to attempt to address their concerns.

- 4) The representations received in writing and at the hearing from local residents, the Headmaster of St. Peters School, City of York Councils Environmental Protection Unit and the Ward Councillor on behalf of a resident. All representors raised concerns regarding the proximity of the rear garden area to residential properties. All were concerned about the possibility of noise nuisance if this area was to be used for licensable activities.

City of York Councils Planning Department also spoke at the hearing. The officer advised that a condition was attached to the planning consent which required the applicant to sound proof the conservatory. The officer felt the condition had not yet been formally discharged. The officer agreed that planning and licensing issues were separate matters.

- 5) Written representations made during the consultation period

Members were presented with the following options:

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

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

The Sub-Committee then imposed the following additional conditions:

- 1) That the hours that the premises shall be open to the public shall be Monday-Sunday between 07.00-02.00 on each and every day.
- 2) That the supply of alcohol and late night refreshment shall be served between the hours of 10.00-01.40 on each and every.
- 3) That the following regulated entertainment activities shall take place at the following times

Plays, films, live music, performance of dance and anything similar to live music and the performance of dance, making music, dancing and anything similar to making music and dancing

- (i) Outdoors between 10.00-22.00 Monday-Sunday

- (ii) Inside between 10.00-Midnight Monday-Sunday

That recorded music shall take place at the following times

- (i) Outdoors between 10.00-Midnight Monday-Sunday

- (ii) Inside between 10.00-02.00 Monday-Sunday

- (iii) Roman Garden 10.00-22.00 Monday-Sunday

4) All windows shall be kept closed after Midnight

5) That conditions 2-8 of the existing licence shall be carried forward to the varied licence.

6) CCTV will be installed to cover the premises. It will be maintained, working and recording at all times that the premises are open. Copies of the recordings shall be kept available for any relevant authority for 14 days.

7) The only proof of age identification shall be a current passport, photo card driving licence or identification carrying the PASS logo.

8) Drinking glasses of any type shall not be allowed to enter or leave the boundary of the hotel grounds whilst under customer care.

9) All off sales that are to leave the boundary of the hotel grounds shall be made in sealed containers.

10) Documented staff training will be given regarding the retail of alcohol and such records kept accordingly.

11) Prominent clear and legible signs shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

12) Alcohol on sales shall not be served after 01.40 hours to allow a period of 20 minutes drinking up time.

13) Regular monitoring of all areas shall be undertaken by staff after 22.00 to address the possibility of noise nuisance to residents living in the vicinity of the premises.

14) A direct contact number for the Duty manager shall be made available to residents living in the vicinity of the premises on request.

15) Mandatory conditions 19,20 and 22 shall apply.

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

Councillor Reid, Chair  
[The meeting started at 10.25 am and finished at 1.20 pm].