

From:
Sent: 08 April 2025 18:11
To: licensing@york.gov.uk
Subject: Licensing at Gray's Court - Helen Heraty

Categories:

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Dear Helen Sefton

I wish to object to the above Application.

1. The Application as presented would allow residents at the Coach House to consume alcohol purchased from the outside of the property. At present alcohol consumed at the Coach House is limited to indoors only (i.e. on sales). As the Coach House is adjacent to our property and, as residents they are entitled to 24/7 sales, guests at the Coach House could consume alcohol outside until the early hours of the morning.
2. The Applicant does not propose any curfew for Coach House residents or any controls on their consumption at all on the driveway or at the Coach House. One might see conditions such as the following, if the application was granted:
 - a. Drinks sold by the hotel for consumption in the Coach House shall be in sealed containers only.
 - b. Signage shall be placed within the Premises prohibiting the consumption of alcohol on the driveway or in external areas.
3. Guests defying the signage will not be committing an offence, nor will the Premises therefore this proposed signage solution has no teeth and will not mitigate the risk of a noise nuisance arising. Therefore any conditions such as the ones above or proposed in the Application are unsatisfactory and do not meaningfully promote the Licensing Objectives.
4. An alternative to bring the driveway within the permitted area of the premises licence is not acceptable due to the implications this would have on live and recorded music in that area. Customers transporting their drinks via the hotel is the most reasonable and proportionate solution.
5. Although the Applicant suggests that purpose of the off sale is to allow convenience to people on site, there is no limitations on who may purchase alcohol and therefore this application is in effect creating a late off-licence in the centre of York, indeed next to the Minster, and may therefore lead to nuisance and disorder associated with customers attending the venue in the late evening only for the purpose of purchasing alcohol. A further condition may be requested as follows:
 - a. Alcohol sold for consumption off the premises shall be limited to consumption within the grounds of the hotel only.

Yours sincerely,

Ogleforth
York

2

Chapter House Street
York, YO1 7JH

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

Only by email: licensing@york.gov.uk

8th April 2025

Dear Licensing

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 8th April 2025.

I live at the Chapter House Street, York, YO1 7JH, which is to the application premises.

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

Background

2010 – First Application

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

Although a licence was granted in the face of opposition, the Committee imposed time limitations and conditions upon the licence after a full airing of the issues. These measures persuaded me not to appeal that decision. I hoped that the Operator, Mrs. Heraty, would demonstrate through her actions her ability to operate the premises in compliance with the licence conditions, ensuring the promotion of the licensing objectives.

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

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

2011 – Second Application

Less than one year later an application to vary the licence was submitted by Mrs. Heraty to vary the terms of the licence. Although I had been party to the early proceedings, there was no pre-consultation in any way regarding their plans.

Again, I opposed this application and attach a copy of my 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.

The Applicant is seeking to creep forward the hours of their licence without addressing the central 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.

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

Although disappointed that any extension had been permitted, I chose not to appeal the 2011 decision.

2018 – Third Application

A third application was submitted by Mrs Heraty in July 2018. Once again Mrs Heraty sought to incrementally extend the licence terms in respect of both hours and the trading areas.

I again opposed this application along with several other interested parties and a copy of my 2018 representation is attached to this letter for your information.

Following a lengthy hearing on Thursday 11th October 2018, the third application was refused outright by the Committee and a copy of the Committee's decision is also attached for your information.

2023 – Fourth Application

In 2023 a fourth variation application was submitted, which mirrored the third (2018) application again in respect of hours.

The fourth application did not seek to vary the area covered by the licence as they did in 2018.

That application was granted by the Committee at a Sub-Committee meeting on the 23rd November 2023.

Again, although disappointed that any extension had been permitted, I again chose not to appeal the 2023 decision in the hope that the Applicant would deliver on their statements to the Committee to address the concerns of myself and others as neighbours of the premises. In the past complaints raised by objectors regarding general nuisance around the operation of the hotel arising from deliveries, which block the road outside the premises and from noisy recycling collections at 6:30 am persist.

I do not feel the Applicant has made meaningful efforts to address concerns repeatedly raised with them over several years and Applicant and I conclude that any further relaxation of the Licence cannot and should not be tolerated.

2025 – Fifth Application

After the Applicant's persistence was rewarded by the Committee in 2023, the Applicant has returned to vary the licence again and expand the scope of the Licence further encroaching closer to the property boundary.

I note that in the Application the Applicant recites that the application is submitted "*because the Government easement permitting those premises licensed for on sales only can also sell alcohol for consumption off the premises until 23:00 is due to end on 31st March 2025.*

In my representation of 2023, I noted that the premises were currently exploiting the relaxations introduced by the Business & Planning Act 2020 (*the easement* referred in the Application) to permit customers to enter the driveway which abuts my home carrying alcohol under the authority of the off-sale relaxations implemented as a Covid measure by the Business & Planning Act 2020. This area was the subject of the 2018 application to allow customers to consume alcohol on the driveway. This proposal was rejected in 2018 by the Committee. The use of the Business & Planning Act was confirmed by Mrs Heraty in correspondence.

Although I accepted in 2023 and again now that was not unlawful. It is, in my opinion, against the spirit of the Business & Planning Act 2020. The Licensing Authority will be well aware that the Business & Planning Act 2020 excluded certain premises which had made application or had been refused permission to amend their licences to permit off-sales within the 3 years leading up to the Business & Planning Act 2020's introduction. The effect of this section was to ensure that the Licensing Authorities' earlier decisions were not circumvented or undermined.

The 2018 application did not, I accept, seek to add off-sales but the use of the land adjacent to my property was specifically considered in that application and the Committee took a decision to refuse that application on the grounds of prevention of public nuisance.

The Applicant has therefore circumvented the decision of the Committee by exploiting the Business & Planning Act 2020 in this way.

I would however again reiterate that I do not say that the Applicant is acting unlawfully, simply that this appears to be contrary to the spirit of the Act which sought to prevent previously contentious uses from the terms of the general relaxation.

Current Application – Addition of off-sales to the licence

The use of the driveway for the consumption of alcohol has been previously identified as a potential source of nuisance in 2018 and earlier in 2011, when the use of the area was considered by the Committee. In the Minutes of the 2011 meeting, the Committee commented:

"..... the written representations to be relevant to the issue raised under the licensing objectives listed above as concerns were raised in particular, regarding noise nuisance."

And again, in the 2018 decision, the following statement was included:

"The Sub Committee was satisfied that the evidence of the representors was sufficiently compelling to show that on the balance of probabilities the inclusion of the L-shaped drive and the extension of an hour during the week would undermine the licensing objectives of preventing public nuisance".

The Application describes two scenarios.

The first is the transport of alcoholic drinks to or from the currently licensed, but still undeveloped, 'Coach House' into the licensed areas.

The 'Coach House' has not been visibly progressed since the grant of planning permission in 2022. The issue therefore is limited in reality to the transport of alcohol from the front courtyard area of the

premises to the garden. As described in the application all active areas of the licence can be accessed without leaving the overall demise of the licence. When initially limited by the Committee, the Applicant described purpose of the application was to permit mini bars only.

I attach some recent images of the Coach House to show its current state of repair. It appears to me that in the past 3 years, the Coach House development has not moved forward to any significant degree.

The second is the transport of alcohol drinks by customers to or from the 'front of the hotel' into the licensed garden or to the undeveloped 'Coach House'.

Which is not a lengthy or arduous journey and from my own experience of other licensed premises I have often had to pass through a venue to reach a private garden located to the rear. The journey through the property, as opposed to the nuisance which will arise from drinking next to my kitchen window and beneath a bedroom window, could not be reasonably described as a disproportionate measure.

I am sure any reasonable person would accept this. I believe that the Applicant has held a licence for the premises since 2010 and this 'issue' has not manifested in the past 20 years or led to enforcement action against either the venue or members of the public. This leads me to the conclusion that the 'issue' is non-existent either because of public compliance or existing site management.

The concept of travelling through the premises or restricting the uses of certain areas (by curfew etc) is not a novel idea for licensed premises. Directing customers away from residential homes / areas, as in this case. The Committee has, through its earlier decisions, consistently maintained the driveway buffer/barrier between the Grays Hotel and my property. Due to the decision of the Committee in 2023 to extend the public trading hours, this need is increased, not diminished.

I note that the Applicant does not consider in their application customers taking drinks from the venue altogether, other than the drink should be in a sealed container as they leave.

This may well lead to customers leaving the venue into the late evening with alcohol which could be opened and consumed on the streets around the premises including under bedroom windows of my property.

A simple solution to the 'issue' the Applicant claims to be addressing would be to place signage at the entrance to the driveway (highlighted yellow on the Applicant's plan) indicating that no drinks are permitted beyond that point. In addition, a sign at the exit to the 'Coach House' (which can be added when it is developed) advising guests not to take alcohol outside.

The Applicant, in their proposed conditions, are already proposing several instructive signs around the premises (each with a different message).

My proposed solution is also signs, which are simple to understand and consistent.

Also, I note that a gate across the driveway at point 'z' on the Applicant plans is normally observed to be closed and locked. This route to the Garden is not usually open to guests, therefore the Applicant is proposing to introduce a new route to the garden, not preserve a route they have been using under the previous easement.

I note that the Applicant did not include a request for off-sale in their 2023 application, which could have easily been included. At the time of the 2023 application the easement was already scheduled to expire.

The proposed conditions require only signage and not compliance with the proposed restrictions. This may be because the Applicant recognizes, as I do, that micro-managing customers in this way would be almost impossible.

As the application is drafted the presence of signage would be sufficient to comply with the licence, customers drinking on the driveway 24 hrs a day would not be in breach of the licence. This would certainly lead to a noise nuisance.

As stated previously and identified by previous Sub-Committees the presence of guests on the driveway would, on the balance of probabilities, lead to a noise nuisance directly effecting my property.

In May 2024, an event at hotel involved live music. I attach a video demonstrating the noise experienced from musicians in the garden on that occasion. I am concerned that by 'Licensing' the area marked yellow on the Applicant's plan, live and recorded music would automatically be permitted on this ground, closer to my home.

I have tried to negotiate with the Applicant in the past if there have been many issues when I have tried to call the Hotel to resolve the issue but to no avail. I have also attempted to reach the Applicant via her mobile number, that she has previously supplied, again to no avail.

I have had to go around on numerous occasions, to complain regarding the noise and the Applicant has refused to engage reasonably with me. When I have tried to engage with the Applicant I have been abruptly asked to leave and to contact the Council directly and not to involve her directly again in anyway. I have therefore resorted to complaints to the Council in the hope of resolving the issue.

Although the Applicant, through her lawyers, has confirmed to the Committee that she is committed to a working relationship with her neighbours, her actions have suggested the opposite. As stated above, I have seen no improvement in the Applicant's approach towards their neighbours.

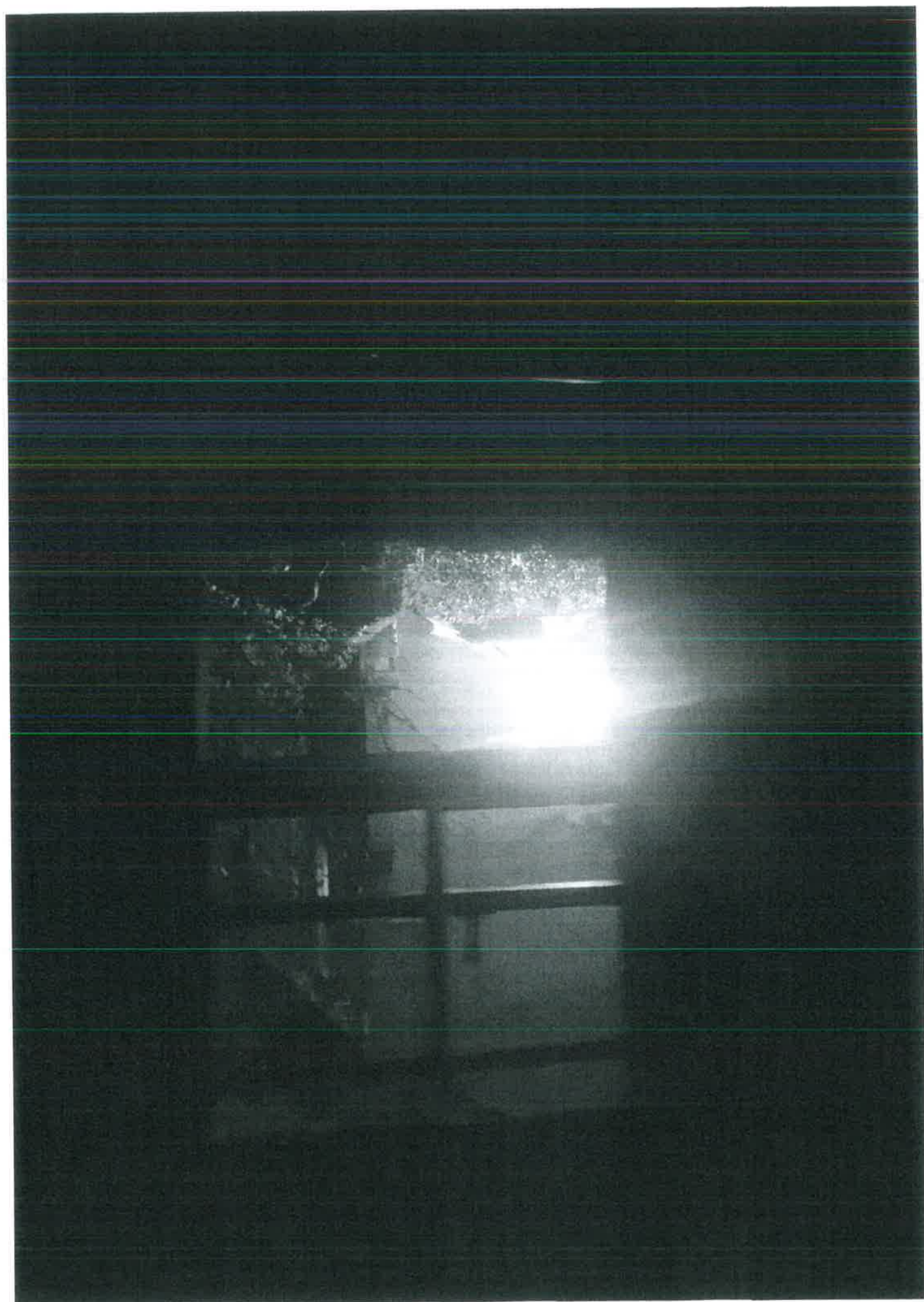
This Application appears to us to be a huge expense to resolve what is a very simple issue that could be resolved by the signage I have proposed above. This leads me to believe that the Applicant has other motives or plans linked to the Application.

I object to the proposed addition of an off-licence permission to the existing licence as this will lead to venue customers consuming alcohol and remaining longer on the driveway potentially 24 hrs a day.

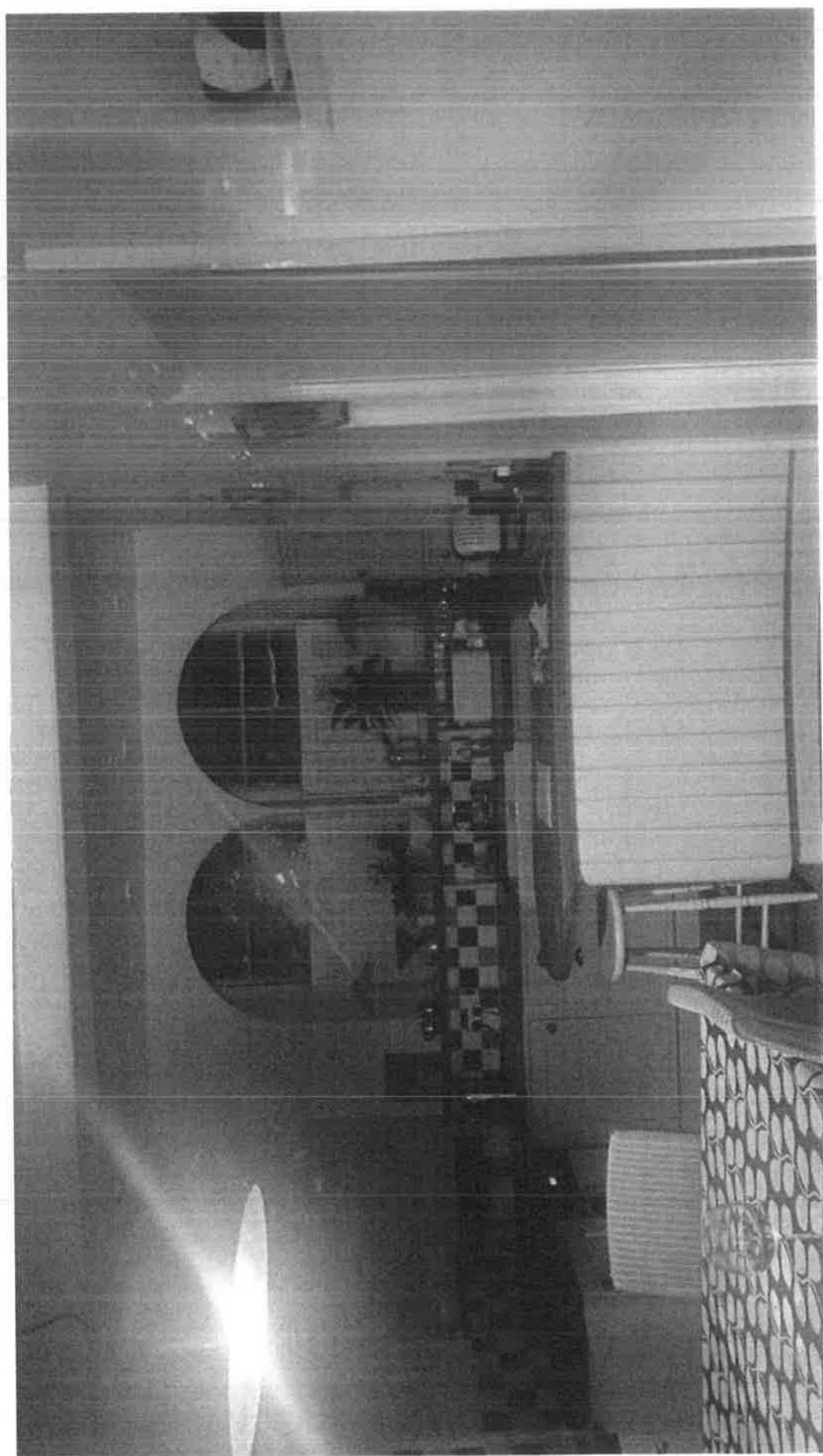
If the Application is granted, I request that the Committee prohibit any furniture of any kind, including benches, being placed on the driveway (marked yellow on the Applicant's plan) at any time and also applying a cap on no more than 6 persons on the driveway at any time.

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

Yours faithfully















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Also by er

Applicants: Helen Mary Heraty

day for representations of 15th August 2018.

which is immediately adjacent to the application premises.

hearing.

19th August 2010. At that time, [redacted] and I were directly involved in the [redacted] process, and opposed the granting of a licence outright.

conditions, ensuring the promotion of the licensing objectives.

decisions of the Committee.

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 daughter'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,

CS

Copy to all objectors for information



Helen Heraty
Grays Court
Chapter House Street
York
YO1 7JH

Customer and Corporate Services
Directorate

Democratic Services
2nd Floor
West Offices
Station Rise
York YO1 6GA

18 October 2018

Dear Ms Heraty

**Re: Licensing Sub-Committee Hearing – Application to Vary a
Premises Licence in respect of Grays Court, Chapter House Street,
York, YO1 7JH (CYC-018630). – Adjournd from Thursday 11
October 2018 at 10.00am**

I am writing to inform you of the decision of the Licensing Sub-Committee which met to consider your application to vary a premises licence on 11 October 2018.

In considering your application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this Hearing:

1. Prevention of public nuisance

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The Licensing Manager's report and the comments of the Senior Licensing Officer given at the Hearing. The Senior Licensing Officer outlined the report noting the nature of the application which was to extend the existing licensed hours for all licensable activities for one additional hour to closing times Sunday to Thursday (which would bring the hours in line with existing hours

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for Friday and Saturday) and for an amendment of Condition 1 to include the L-shaped driveway within the licensed area. She outlined the information contained within the annexes to the report. She advised that the premises were not located in the special policy area. She reported that the consultation had been carried out correctly in accordance with the Licensing Act 2003.

The Senior Licensing Officer stated that City of York Council Public Protection (Environmental Protection) (EPU) made a representation on the grounds that the prevention of public nuisance licensing objective would be undermined if the premises licence were to be granted in the terms applied for. Public Protection withdrew their representation after mediation with you and following your agreement to this condition being attached to the licence if granted by the Sub-Committee:

1. The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence. The L-shaped driveway section shall be for alcohol only. The licensed area shall exclude the Bar Walls and the step access to the Bar Walls.

The Senior Licensing Officer noted the representations that had been made and she reported that there were no planning issues in relation to your application. She added that on 3 September 2018 a list of complaints received by CYC Licensing Section and Environmental Protection relating to Grays Court was circulated to Members and parties to the hearing and she noted that most of the complaints had been unsubstantiated. She ended by outlining the 4 options available to the Sub-Committee.

In response to Member questions, the Senior Licensing Officer clarified that:

- Music could be played if it came under deregulation.
- There had been two previous licences. This was a new grant and this is the first variation application.

Mr Grunert, Solicitor for Mr [redacted] and Ms [redacted] (Representors) referred to Section F of the Application Form – Annex 1) concerning the playing of recorded music and pointed out that you had requested that music be played indoors and outdoors. However, the current licence only allowed recorded

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music to be played indoors only. The Senior Licensing Officer apologised that this had not been referred to in the report.

3. The representations made by Mrs Johnson, solicitor on your behalf at the hearing. She said that the application was for a change to an additional hour Sunday to Thursday and the current hours to 22:30 were less than the 1964 Act; that you ran a high quality venue aimed at over those aged over 50+; that there was an absence of evidence that extending the licence by one hour would be detrimental to the licensing objectives; that the additional hour during the week would be in relation to a small restaurant at Grays Court with 22 covers; that you would like to develop the stable block into accommodation and that the stable block was currently licensed but could not be accessed from the main building, other than via the L shaped driveway.

Mrs Johnson outlined the background to the application, and she highlighted that the building was sold to you by the Dean and Chapter of York Minster on the understanding that the building would be developed for hotel use. She then went on to update the Sub-Committee as to the history of the actions undertaken by Mr [redacted] which included review proceedings (with three other residents) which were unsuccessful.

Mrs Johnson stated that to refuse the application, the Sub-Committee needed to be confident that there was evidence to support the representations made. She claimed that the evidence was flimsy and there was no evidence and there had been no review proceedings over the last 7 years. She challenged the objectors to provide evidence. She then pointed out that subject to the agreement regarding the L shaped drive, there had been no objections from the responsible authorities. She added that the Senior Licensing Officer had noted that most of the noise complaints contained within the Freedom of Information (FoI) request from representors (contained within the hearing papers) had been unsubstantiated. She noted that this year there had been two instances of staff emptying bottles and she apologised for this.

Mrs Johnson then went through the noise complaints list detailing the date and nature of the complaints, whether they were justified and what action, if required was taken. She noted incidents where noise recording equipment had been offered to and declined by the complainant. She stated that there were nine unsubstantiated

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incidents. Mrs Johnson noted that there were no dates, time or evidence to support the claims made by the representors.

All were then given the opportunity to ask you questions, which Mrs Johnson responded to on your behalf. Members asked where the coach house was located and using the aerial photo provided by Mr Grunert as additional information prior to the meeting, the City of York Council (CYC) Legal Services Manager confirmed with all the location of the coach house.

Mr [redacted] (Representor) noted that in the recent application he had heard nothing to explain or justify the playing of recorded music outdoors. Mrs Johnson said that this was an error and she explained that under deregulation in 2012, the government introduced the Live Music Act which allowed live music until 23:00. Mr Grunert added that over the last two years music had come from functions at the venue and not from the 22 covers in the restaurant. Mrs Johnson replied that there was no evidence before the Sub-Committee to support this.

Mr [redacted] (Representor, [redacted]) asked if the courtyard and garden were part of the L shape. Using the map provided by the Senior Licensing Officer, Mrs Johnson explained that the whole of the driveway was required to be licensed. Mr Grunert explained that on the aerial photo, the Grays Court external areas including the courtyard were highlighted yellow, the 'L-Shaped' driveway was highlighted red and Mr [redacted] and Ms [redacted]'s garden (Mr Grunert's clients) was highlighted blue (the aerial photograph referred to is attached to this letter). Mrs Johnson stated that the entire driveway was part of the Grays Court garden and this was refuted by Mr [redacted].

Mr [redacted] asked what stage the coach house was at and Mrs Johnson noted that it was already licensed and that you would like to develop seven rooms in the coach house.

Sub-Committee Members then asked where the coach house was located and the CYC Legal Services Manager confirmed with each person present where the coach house was located on the aerial photograph.

Members asked how many functions were held at Grays Court and Mrs Johnson explained that she had not looked into this as there

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had been no complaints regarding functions substantiated. You then explained that there were 2-3 functions a week and weddings (of approximately 60 guests) every weekend during summer. There was also a small number of conferences and funerals.

4. The representations made by Mr [redacted] ([redacted]) in writing and at the hearing. He explained that it had been anticipated that Grays Court would have hotel use and he noted that the Minster itself had a licence and held different events to those at Grays Court. He noted that Grays Court was located in a very fragile part of the city and that the 2011 licence was appropriate, adding that the Grays Court gardens were framed by other buildings. Using the red highlighted 'L-Shaped' driveway on the aerial photo, he stated that the Minster had no objection to the first part of the 'L shape' being included in the licence variation.

Mr [redacted] noted that he was in attendance to represent the occupants of Minster owned properties to the west of the south side of the Grays Court area. He stated that if there was any relaxation of the licence application he would have no objection to the relaxation to the first part of the area being included in the licence and that the extension to the existing licensed hours for all licensable activities for one additional hour to closing times Sunday to Thursday was appropriate.

5. The representations made by Mr [redacted] and Ms [redacted] in writing and by Mr [redacted] and Mr Grunert, Solicitor on their behalf at the hearing. Mr Grunert explained that Grays Court was a residential premises for a number of years and was in use term time only until 2004. He referred back to the building's original use in the planning application. He noted that at no point had you said why you hadn't appealed any of the previous Sub-Committee Licensing hearing decisions. He stated that there was no mention of functions in your statement of case and that the Sub-Committee could condition that additional licensed hours could only apply to the restaurant.

Mr Grunert noted that because the representations were unsubstantiated, this did not mean that they were untrue and he asked why residents would decide to start complaining about Gray's Court. With regard to Mr [redacted] refusing visits from CYC, Mr Grunert noted that the visits from CYC usually took place

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several hours after a function had finished. Furthermore, with reference to the use of CYC sound recording equipment he noted that his clients would have to be put on a waiting list for the equipment. He added as currently operated, there was sporadic noise nuisance from Grays Court which would increase with the variation of the licence.

Mr Grunert stated that Licensing Policy did not define what the late night economy was and he noted that the special policy area was at the end of the street where Grays Court was located. He advised that his client would like no additional hours to be granted. Concerning the L-Shaped drive in Grays Court, Mr Grunert asserted that this was not a garden and was a gravel covered drive. He noted that the L shaped drive surrounded his client's property and that there was a 6-7ft wall delineating his client's property to your property and this should but did not provide a buffer to your property.

Mr Grunert referred to section L of the application form under which you are asked to identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking. In this section you stated that this would be:

'The inability to offer alcohol of late night refreshment beyond 22:30 and that a guest may breach the licence by stepping onto the drive with a drink in hand..this would allow a guest to move from the courtyard to the garden'

Mr Grunert said that there were a number of other entrances that would be manageable with a roped off area, adding that the coach house at the bottom of the garden was licensed but not habitable.

Mr Grunert then addressed the condition you agreed with CYC Public Protection (Environmental Protection). He expressed concern regarding the use of the L-shaped driveway section being for alcohol only as this could bring in greater deregulation because live or recorded music could be played until 23:00 pursuant to the 2012 Live Music.

[The hearing paused for a break at 11:15 and reconvened at 11:17]

6. The representations made by Mr [redacted] and Ms [redacted] in writing and by Mr [redacted] at the hearing. Mr [redacted] said that he would be

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concentrating on the L shaped drive way included in the application and he explained that he and his wife were the owners of [redacted] which was joined to the back of the Grays Court coach house. He noted that the coach house was licensed and that you would like your customers to have access via the driveway to the coach house. He pointed out that you had not got planning permission to use the coach house for accommodation and that the red line on the aerial photo was not accurate because the L shaped driveway went beyond the coach house from the gateway to the lane on Goodramgate to the windows on his house. Mr [redacted] then used the aerial photograph to show this. The CYC Legal Services Manager confirmed with each person present where on the aerial photograph Mr [redacted] was referring to. Mr [redacted] noted that should the Sub-Committee grant the licensing to the parallel point of the driveway, alcohol supply and consumption would be allowed closer to his property. This would mean that if the licence variation was granted, alcohol would be consumed outside his toilet, bathroom and kitchen windows. He explained that because the driveway was higher than [redacted] rt, this would allow guests at Grays Court to sit on the windowsills of his toilet, bathroom and kitchen windows whilst causing a public nuisance. He noted that you may not have been aware of this.

Mrs Johnson then asked the representors present a number of questions:

In response to a question from Mrs Johnson, Mr [redacted] confirmed that the tepee had been on the Minster grounds all summer. Referring to proposals to remove the exclusion of the L-shaped driveway and include this in the licensed area Mrs Johnson asked Mr [redacted] whether he accepted that this was a part of the application. Mr [redacted] confirmed that he did. In answer to Mrs Johnson, Mr [redacted] confirmed that he was concerned about the effect of the variation on the residential properties referred to in his written representation. Mrs Johnson then read out the addresses listed in the written representation pointing out only one resident had put in a representation and the resident closest to Grays Court had also not made representation.

In answer to the points raised by Mr Grunert, Mrs Johnson noted that you had chosen not to appeal the decisions of previous hearings as the fees had been prohibitive. She asked Mr Grunert to show one piece of relevant evident apart from the incidents with

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the bottle bins. Mr Grunert stated that they were general ongoing issues. When asked whether it was just his clients' word against that of Public Protection (Environmental Protection) Mr Grunert responded that his evidence was that the complaints were true.

Concerning the acoustic reports, Mr [redacted] explained that the equipment had not been able to be supplied by CYC. Mrs Johnson asked Mr [redacted] if he had appointed an independent noise consultant to which Mr [redacted] responded that CYC Public Protection did not accept this.

Mrs Johnson asked if Mr [redacted] was aware of condition 16 and Mr [redacted] noted that the windows were closed but the doors were open. Mr Grunert stated that his clients would like the back doors not to be used as an entrance to the premises and he confirmed that his clients were aware of condition 16. Mr [redacted] explained that when he phoned CYC at 23:00 no officers were available to attend.

In response to a question from Mrs Johnson, Mr [redacted] confirmed that the area outside his kitchen and bathroom was approximately 30ft.

Members then asked the Representors present a number of questions:

In response to a question from a Member, Mr [redacted] explained that in respect of the noise complaints, when a CYC officer attended in the licensed hours, the noise officers had to ascertain that the noise is from the area being complained about. He said the noise was directly outside his daughter's bedroom and that sometimes the noise went on until 01:30. He had contacted CYC but the noise recording equipment was not available.

A Member asked Mr [redacted] whether it was his view that an extension of the licensed area to include the whole of the L-Shaped area was still unacceptable to him. Mr [redacted] confirmed that it was.

A Member asked Mr [redacted] whether the sound equipment had been unavailable. Mr [redacted] confirmed that it was unavailable and he had been informed by CYC that he could not use his own sound recording equipment. Mr [redacted] noted that although CYC

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could put him on the waiting list for the sound recording equipment, it was difficult because he did not know when large functions were being held at Grays Court.

In response to a question from a Member, Mr [redacted] confirmed that he had kept a diary but was told by CYC noise officers that he could not use this as it had not been witnessed.

Mr [redacted] was and confirmed to a Member that when Grays Court had been sold to you that they had not specified what it could be used for.

Highlighting Annex 4 in light of the impact of the 2012 deregulation, Members asked the lawyers for their views on this. Mrs Johnson stated that they were two different issues and that you could play music on the driveway as it had been covered by deregulation.

At this point, the CYC Legal Services Manager clarified that the Public Protection (Environmental Protection) objection was only withdrawn if the following condition was attached to the licence if granted:

1) The area referred to for the purpose of this licence is as shown edged red on the plan attached to the licence. The L-shaped driveway section shall be for alcohol only. The licensed area shall exclude the Bar Walls and the step access to the Bar Walls.

Mrs Johnson stated that you would give an undertaking that there would only be alcohol and no playing of live or recorded music on the L shaped drive. Mr Grunert stated that this was unenforceable and there would have been no complaints if there had been no issues. He added that his client would have no comfort from that undertaking and he noted that the perpendicular area went past his clients' bedroom. Mrs Johnson responded that the undertaking would have the desired effect.

The representors present then summed up. Mr [redacted] stated that he hoped that a compromise on the L shaped drive could be reached. Mr Grunert outlined the reasons why the noise from Grays Court could not be recorded and stated that his client did not orchestrate the representations made against the application. He explained that guests' dispersal into the area included in the application caused noise to his clients.

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Mr Grunert noted that because the representations were unsubstantiated, this did not mean that they were untrue. He highlighted that the complaints had come from different people which was evidence that the premises does cause noise. He added that a later time would mean later dispersal (the additional hour to closing times Sunday to Thursday). With reference to the L shaped drive being included in the variation, he stated that his clients objected outright to this. He said that Members would be disagreeing with the two previous refusals to include it if the licence was approved.

Mr [redacted] closed by stating that he had heard nothing in defence of his representation. He noted that whilst he shared the concerns of the other residents, he did not wish to disassociate from the other representations that had been made.

Mrs Johnson summed up your case by stating that the reason she had not referred to functions, was that these were held at weekends whereupon the premises was already licensed until 23:30. She noted that the Sub-Committee had to determine the application based on the evidence. She stated that Mr [redacted] had 7 years to ask CYC to put noise monitoring equipment in place. She questioned why Mr Mohan had not instructed noise consultants and stated that there was no evidence to support his claims.

Mrs Johnson noted that the police had not objected and that the Public Protection (Environmental Protection) had withdrawn their objection. She confirmed that you would not have any form of music on the L shaped driveway. She noted that there were no issues from Public Protection (Environmental Protection) in relation to danger to children. In summing up, Mrs Johnson referred to paragraph 9.12 of the S182 Statutory Guidance and asked the Sub-Committee to grant the licence.

Then, in response to a question from the CYC Legal Services Manager, you and Mr [redacted] confirmed that the exclusion of a lesser area of the L-shaped drive (as put forward by Mr [redacted]) was not acceptable to either of you.

As a point of clarification, a Member asked Mrs Johnson if you accepted that the objection from Public Protection (Environmental

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Protection) stood as the proposed condition was unenforceable due to the operation of the deregulation aspect of the 2012 legislation. Mrs Johnson accepted that you could play music because of the 2012 Live Music Act, however, she noted that you could provide an undertaking that no live music could be played. She accepted that Public Protection (Environmental Protection) had no problem with the variation if this was limited to alcohol only. She stated that if the Sub-Committee granted the licence with your undertaking attached and a breach was made, the Sub-Committee could suspend the licence.

7. Written representations made during the consultation period.

The representations made CYC Council Public Protection (Environmental Protection) were withdrawn prior to the Hearing, subject to the imposition of the agreement to have alcohol only in the L-shaped driveway.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

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.

In coming to their decision to choose Option 4 above to reject the application, the Sub-Committee refused the application on the grounds of public nuisance.

The Sub-Committee was satisfied that the evidence of the Representors was sufficiently compelling to show that on a balance of probabilities the

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inclusion of the L-shaped drive and the extension of an hour during the week would undermine the licensing objective of preventing public nuisance.

In reaching this conclusion the Sub-Committee had regard to the number of complaints made (albeit not all substantiated by EPU); the evidence of Mr [redacted] as to the proximity of the L-shaped driveway to his property; the noise that would be generated by the number of functions taking place both during the week and at weekends (which had not been referred to by the Applicant until questioned); the quiet and sensitive historic location of the specific area of York close to the Minster; and the implications of the Live Music Act 2012 in respect of the potential use of the L-Shaped driveway for unregulated entertainment.

The Sub Committee considered that the condition suggested by EPU would not be enforceable, as music could not be prevented if the L-shaped driveway were to be included within the licensed area. The proposal by the Applicant to offer an undertaking that music would not be played in the L-shaped drive area and that it would only be used for alcohol was not of sufficient comfort to them having regard to the turbulent history between the applicant and her neighbours, as it would not be legally enforceable. It was therefore insufficient to overcome the concerns regarding the undermining of the licensing objectives of preventing public nuisance.

The Sub-Committee made this decision taking into consideration the representation, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

Right of Appeal

There is a right of appeal for the Applicant and the Representors to the Magistrates Court against this decision. Any appeal to the Magistrates Court (preferably in writing), must be made within 21 days of receipt of this letter and sent to the following address:

Chief Executive
York and Selby Magistrates Court
The Law Courts
Clifford Street
York
YO1 9RE

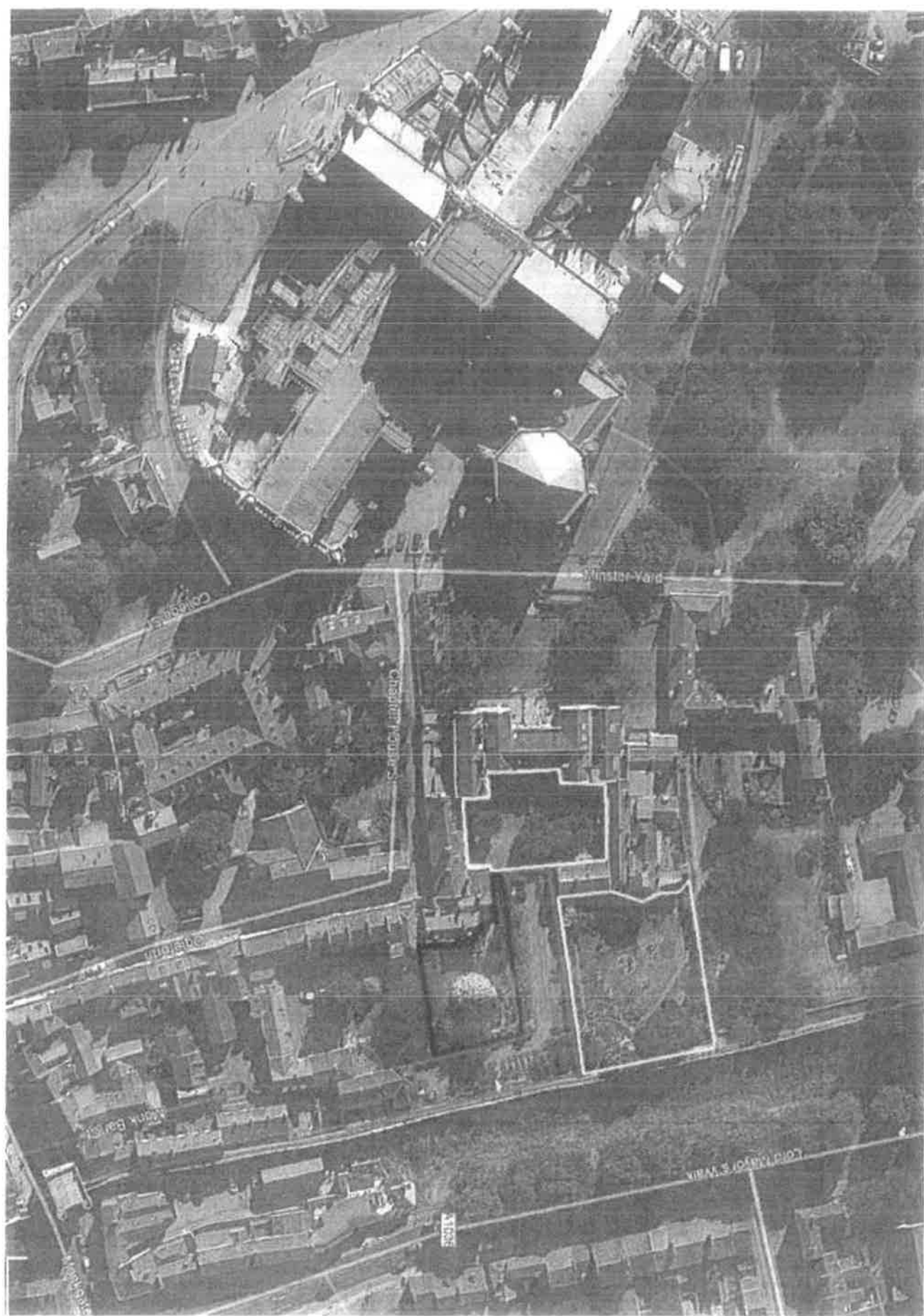
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Thank you for attending the hearing.

Yours Sincerely,

Angela Bielby
Democracy Officer
(01904) 552599

CC: representors, licensing officer



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 partner Ms. We
live with our young daughter at Chapter House Street,
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 Ms. 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.

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 daughter's 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, use 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 daughter 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 23:58, 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. It and to the extent that the music was incidental and not a regulated entertainment, then it still constitutes a breach of condition 21 and former 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

(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,

Licensing Act 2003 Sub Committee

30th August 2011

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: Guildhall 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











From:
Sent: 08 April 2025 21:48
To: licensing@york.gov.uk
Subject: Objection to Application to vary Licence

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Application to vary a Premises Licence under section 34 of the Licensing Act 2003
Applicant: Helen Heraty
Premises: Grays Court, Chapter House Street, York, YO1 7JH

Dear Sir/Madam,

I write in the capacity of having stayed at Chapter House Street (adjacent to the driveway and gardens of Grays Court) on numerous occasions as a guest and dog sitter of the present occupants. I am also a York resident located elsewhere in the city centre.

This application by Grays Court seeks to permit the sale of alcohol for consumption off the premises to the same hours currently permitted for the sale of alcohol for consumption on the premises, in light of the relaxations introduced by the Business & Planning Act 2020 coming to an end this year.

My concern is that nothing in the application proposes any curfew or restrictions in the consumption or transportation of drinks to or from the (as yet undeveloped) Coach House into the licensed areas. The impact on the use of the L-shaped driveway for such purposes was identified as a potential source of nuisance in both Grays Court's previous applications of 2011 and 2018. By permitting the sale of alcohol for consumption off the premises to the same hours (in effect 24/7) and given the adjacency to Chapter House Street, the presence of guests on the driveway would inevitably affect the property in terms of noise and nuisance into the early hours of the morning.

The application makes no consideration of customers taking drinks from the venue altogether, only that the purpose of seeking consumption off premises is to allow convenience for those on site. This is particularly worrying that no limitations have been proposed by the applicant in terms of who may purchase alcohol and where it may be consumed.

Therefore a condition, that alcohol sold for consumption off the premises should be limited to consumption within the existing licensed grounds of the hotel only, would be wise if the application was granted.

In addition a condition that simple signage be put in place at both the entrance to the driveway and at the exit to the proposed Coach House (if/when developed) to not take alcohol beyond these points, would do much to mitigate the potential effects of this proposed application.

My fear is if conditions are not mandated for the addition of an off-licence permission to the existing licence, the character of the venue and surrounding area would be negatively impacted in terms of noise and nuisance. It does not seem befitting that customers could in effect attend the venue for the sole purpose of purchasing alcohol, especially given the tranquil and ecclesiastical area the venue is

situated in - something both residents and tourists are used to in such a historically significant part of York.

I therefore ask the Licensing Authority to take note of the issues and concerns outlined here, and that I firmly reject these proposals of variations to the Applicant's current Premise's Licences.

Yours Faithfully,

Bootham Row Apartments
Bootham Row
York
YO30 7BP

Sent from my iPad