

Report of the Director of Communities and Neighbourhood

**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-016907
3. Name of applicant: Ms Helen Heraty & Mr John Edwards.
4. Type of authorisation applied for: Grant of Premise Licence.
5. Summary of application: The nature of the application is as follows: -
  1. To provide regulated entertainment (recorded music, live music, activities like music and dance and facilities for dancing) Sunday to Thursday 08:00 – 23:00 hours and Friday and Saturday 08:00 – 00:00 hours.
  2. To provide late night refreshment Sunday to Thursday 23:00 to 00:00 hours and Friday and Saturday 23:00 to 01:00 hours. For residents 24 hours a day.
  3. To supply alcohol Sunday to Thursday 08:00 – 23:00 hours and Friday and Saturday 08:00 – 00:00 hours. For residents 24 hours a day.
  4. To open to the public Sunday to Thursday 08:00 to 00:00 hours and Friday and Saturday 08:00 to 01:00 hours. For residents 24 hours a day.

**Background**

6. A copy of the application is attached at Annex 1.

**Promotion Of Licensing Objectives**

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General: 1) Alcohol will be served ancillary to meals when the café/restaurant is open. 2) A pay bar will be available for pre-booked private events. 3) A pay bar will

be available during opening hours when CCTV is installed in the room containing the bar.

9. The prevention of crime and disorder: 1) Licensable activities will cease at 22:00 hours in external areas. 2) Consumption of alcohol will cease in external areas at 23:00 hours. 3) No 18<sup>th</sup> birthday celebration will be permitted.
10. Public safety: 1) Risk assessments will be carried out that are consistent with the business.
11. The prevention of public nuisance: 1) There will be no amplified music in external areas. 2) Visitors will be reminded that it is a residential area and to leave as quietly as possible.
12. The protection of children from harm: 1) Staff training will be carried out 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. A representation was received from North Yorkshire Police on the grounds of crime and disorder. This was subsequently withdrawn when the applicant agreed to the following conditions being attached to the licence if granted: -
  1. 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).
  2. Standard one pint capacity, half pint capacity and "highball" tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
  3. Drinking glasses of any type shall not be allowed to enter or leave the licensed area whilst under the customers care.
  4. Documented staff training will be given regarding the retail sale of alcohol and such records kept for at least one year.

5. 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.
6. 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 at least one year.
7. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
8. 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).
9. At the conclusion of business there shall be a check of the licensable area that covers the Bar Walls to ensure that no glass vessels are left unattended.
10. A standard operating capacity figure of 100 maximum shall be imposed to ensure that the Licensing Objective the prevention of crime and disorder is not undermined.
11. The above capacity figure can be varied upon consultation with the Police and Fire Service for certain special events. Such consultation shall take place at least 14 days prior to the special event and for the purpose of clarity the 14-day notification period shall not include the day of notification or the day of the event.
12. Pre Installation of CCTV - Alcohol will only be served ancillary to a meal when the restaurant/cafe is open for business. With the exemption of the pre-booked private events.
13. Post Installation of CCTV - CCTV will be installed to cover pay bars in the Library Room and the Bow Room. 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. Copies of the recordings will be kept available for any Responsible Authority for 10 days.
17. A representation was received from the City of York Council Environmental Protection Unit on the grounds of public nuisance. This was subsequently withdrawn when the applicant agreed to the following conditions being attached to the licence if granted: -
  1. Recorded music can only take place indoors.
  2. Noise or vibration from the premises shall not emanate, so as to cause a nuisance at nearby sound sensitive properties.
  3. 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 or egress.

4. External live music shall not use electronic amplification and will finish no later than 21:00 on any day.
5. Notices shall be placed on exit doors and staff to 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 15 interested parties listed in Annex 2. Representations from 14 of the interested parties are attached at Annex 3. The representation from the 15<sup>th</sup> interested party raises issues regarding the planning permission appertaining to the premise and how this has a bearing on this hearing. It is included for the benefit of members and is attached at Annex 4.
19. A map showing the general area around the venue from which the representations are focused is 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)”. The planning permission does not include the Coach House.

### **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

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**Chief Officer Responsible for the report:**

Andy Hudson  
Assistant Director  
Neighbourhood Services

Report  
Approved



Date 25/06/2010

### Specialist Implications Officer(s)

Head of Legal & Democratic Legal Services  
Ext: 1004

**Wards Affected: Guildhall East**

For further information please contact the author of the report

### Background Papers:

- Annex 1** - Application form
- Annex 2** - List of interested parties
- Annex 3** - Representations from interested parties
- Annex 4** - Representation regarding planning permission
  - Insert – additional info received from applicant.
- Annex 5** - Map showing general area from which representations received
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations