

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