

Hotel du Vin Limited
1 West Garden Place,
Kendal Street,
London,
W2 2AQ

20th July 2006

Dear Sir / Madam

Re: Licensing Sub-Committee Hearing – Application for a Provisional Statement in respect of Hotel du Vin, 89 The Mount, York (Ref: CYC - 011565)

I am writing to inform you of the decision of the Licensing Sub-Committee which heard your application for a Provisional Statement on 17th July 2006.

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

1. The 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, in particular the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and their comments made at the Hearing, including that a schedule of works had been submitted and this was circulated at the Hearing. Option 4 in the report was amended so that this option stated that the provisional statement could indicate that a premise licence would be refused.

The Licensing Officer updated that the brochures circulated with the additional information provided by the Applicant, which all parties had agreed to be submitted at the Hearing, were in fact the incorrect brochures. All parties further agreed to allow the correct brochures to be circulated.

It was reported that two letters from representors received during the consultation period had been rejected, as the representors were not

considered to live within the vicinity of the premises and would not be reasonably affected by activity at the premises.

It was reported that the Applicant had submitted a planning application which had been amended with revised plans. The original plans had been submitted with the application for a provisional statement. However, as the consultation had been carried out with consideration to the original plans, it was not possible to update the application and the Applicant wished to proceed with the application for a provisional statement as submitted.

3. The Applicant's representations at the Hearing, including reassurance that the hotel would be a well run high quality establishment, in line with other hotels run by the company.
4. The representations made by Martin Bartlett at the hearing, who spoke on behalf of his neighbour Mr Gill. The Sub-Committee considered the representation to be relevant to the issues raised and the licensing objective listed above as concerns were raised about public nuisance in a residential area, from use of the outdoor areas and car park.
5. The representations made by Mr Meacock in writing and at the hearing. The Sub-Committee considered the written representation to be relevant to the issues raised and the licensing objective listed above as concerns were raised that the Licensing Objectives had not been properly addressed in the application, to address the impact on local residents.
6. The representations made by Mrs Hennell in writing and at the hearing. The Sub-Committee considered these representations to be relevant both to the issues raised and the licensing objective listed above as concerns were raised about noise nuisance from use of the outside areas and the car park.
7. Written representations made during the consultation period.

In respect of the proposed variation, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 35(4) that it considered necessary for the promotion of 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: Issue the provisional statement indicating that a premises licence would be granted in the form applied for in the provisional statement application. This option was rejected because the Sub-Committee decided that the existing conditions were insufficient and extra conditions were required.

Option 2: Issue the provisional statement indicating that a premises licence would be granted in the form applied for in the provisional statement application with modified/additional conditions imposed by the licensing committee. This was the **approved** option in order to meet the Licensing Objectives and City of York Council

Licensing Policy. This decision was based on the representations made to the Sub-Committee in writing and at the hearing.

Option 3: Issue a provisional statement indicating that a premises licence would be granted to exclude any of the licensable activities to which the application for a provisional statement relates and modify/add conditions accordingly. This option was rejected as the Sub-Committee considered there no reason to exclude any of the licensable activities, based on the representations, the Licensing Objectives and City of York Council Licensing Policy.

Option 4: Issue a provisional statement indicating that an application for a premises licence in the form described in the provisional statement application would be rejected. This option was rejected as the Sub-Committee saw no reason to make such a determination based on the Licensing Objectives and City of York Council Licensing Policy.

The Sub-Committee decided to approve above **Option 2**. The Sub-Committee decided that if a premises licence was approved in the form described in the provisional statement application it would be appropriate to impose the mandatory conditions set out in Sections 19 and 21 of the Licensing Act 2003, and the following additional conditions:

1. Private functions shall cease at midnight Sunday - Thursday.
2. Noise from regulated entertainment shall be inaudible at the nearest noise sensitive residential premises.
3. Door staff shall be required on race days, in consultation with the police.
4. There shall be no adult entertainment at the premises, as agreed with the Applicant at the Hearing.
5. All external drinking areas, other than the courtyard, shall be vacated, cleared and cleaned by 2330 hrs.

Advisory

1. The Licensing Sub-Committee expects that an application for a premises licence will address more fully steps intended to be taken to promote the Licensing Objectives.

All conditions offered by the Applicant in the application, including the operating schedule, for variation of the premises licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions.

The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions attached, which addressed representations made both in writing and at the hearing, as it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, 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 Representatives to the Magistrates Court against this decision. Any appeal to the Magistrates Court (preferably in writing), must be made within 21 days of the date of this letter and sent to the following address:

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

Thank you for attending the hearing.

Yours sincerely

Rowan Hindley

Democracy Officer
Democracy Support Group
(01904) 552062
rowan.hindley@york.gov.uk