

NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003



North Yorkshire Police hereby give notice of objection to the Premises Licence as listed below:

Postal Address of premises or club premises: Impossible 3 St Helens Square	
Post town: York	Post code (if known): YO18QN

Notice of Objection relates to the following licensing objective: *(Please tick one or more boxes)*

1. The prevention of crime and disorder	<input checked="" type="checkbox"/>
2. Public safety	<input type="checkbox"/>
3. Prevention of Public Nuisance	<input checked="" type="checkbox"/>
4. The protection of children from harm	<input checked="" type="checkbox"/>

GROUNDINGS FOR RELEVANT REPRESENTATION

Please provide as much information as possible to support this relevant representation:

(e.g. please list any additional information, e.g. dates of problems which are included in the grounds for review)

This application relates to a new premises licence for a tea rooms/restaurant/cocktail bar in York's Cumulative impact assessment area for licensable activities i.e sale of alcohol, late night refreshment, plays, performances of dance, films, indoor sporting events, adult entertainment, recorded music and live music 0800hrs-0300hrs 7 days a week with hours open to the public 0800hrs-0330hrs and includes three outside area.

The premises sits within York's CIA (Cumulative impact assessment area) 'Red zone', an area which The City of York Council has identified as being under the most stress from crime and disorder and public nuisance in their statement of licensing policy. The current policy came in to effect on 21st March 2019 and runs until 2024; it states:

'9.13 North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:

- drink led premises – pubs, bars, nightclubs and restaurants/cafes;
- entertainment

premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;

- late night refreshment premises – takeaways; and
- off licence premises – supermarkets and convenience stores.

9.14 A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have led to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council

should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone. A map showing the red zone can be found in the assessment.'

Furthermore the CIA policy states:

7. An applicant wishing to obtain a new licence or vary a licence for premises, within the cumulative impact area, must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.

On 02/12/20 North Yorkshire Police met with the applicant at the premises to view and discuss the proposed plans for the new licence application prior to this application being submitted.

It was explained the ground floor is to be used as a tea room and restaurant with a bar at the rear and the first floor as a 'speakeasy' style bar a cocktail lounge with a stage for performances to include regular live music such as 'jazz'. Further we were shown the second floor which may have multifunctional uses such as private events and two roof terrace areas which are also applied for in this application.

The application and plans show seating across the four floors and two outside roof terraces as well as outside at ground level and has a total of 9 bars throughout the venue, as follows:-

Three Bars on the ground floor

Two Bars on the first floor

Three bars on the second floor, including outside rooftop terrace

One bar on rooftop terrace.

The plans and proposed business model have suggested one set of conditions to be applied to all areas/bars except in relation to the timings for the outside roof terrace, which offers the 'roof terrace' area's shall be closed at 0100hrs with New Year's Eve as an exception wishing for this to be extended to the close of business.

Following the meeting between the police, environmental health and the applicant at the Premises on 02/11/20, the applicant was advised that the Police could not support an application for a Premises licence wishing to operate until 3am seven days a week within the Cumulative Impact Area, given the nearby residential properties and. The conditions suggested also were not tailored to meet the business model of what was being proposed and the police reminded the applicant that the onus was on them to demonstrate how this large premises will not impact on crime and disorder and public nuisance in this area. Furthermore they have not shown how this will not impact the protection of children from harm given the range of licensable activities and adult entertainment applied for in this application and in line with the statement of licensing policy.

The Section 182 guidance provides applicants with clear guidance with regards to completing their operating schedule namely:-

8.43 - "Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application: any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy".

The limited offering of 120 table covers over four floors is completely inadequate and could allow the venue to become a vertical drinking establishment. There is also no smoking or dispersal policy and the SIA condition which states that suitable doorstaff shall be employed from 2100hrs when the premises is open passed 0200hrs Friday, Saturday, Sundays leading into a bank holiday and days where race meetings are held at York racecourse is substandard for a venue of this capacity.

North Yorkshire Police would not oppose an application for a food led premises within the CIA area with timings and conditions ensuring the promotion of the 4 licensing objectives and which would not add to the cumulative impact of crime and disorder in the area and to not cause an unnecessary public nuisance to residents living in the area.

It is felt that this application does not take measures to mitigate associated risks with the adding of another alcohol led establishment.

It is the position of North Yorkshire Police that the applicant has not demonstrated how the adding of this licensed premises will not adversely impact on the night time economy in this area.

Members of the Committee, it is the view of North Yorkshire Police that this application should be refused. The above highlights that the applicants have not considered the special policy area carefully and the timings and lack of enforceable conditions in the operating schedule are felt will have a negative impact on the crime and disorder and public nuisance in the area.

North Yorkshire Police are working hard with key stake holders and partners within the City of York to tackle Alcohol fuelled disorder and I would ask members to also consider their obligations under Section 17 of the Crime and Disorder Act "it shall be the duty of each authority to which this section applies to do all it reasonably can to prevent crime and disorder in its area."

Signature: K. Hollis

Date: 11/01/2021

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