

Annex 9

Representation by the licensing Authority, 3 St Helen's Square

I write to make representation on behalf of the Licensing Authority in relation to the grant of a premises licence for the above premises. Due to the Christmas period and work demands I have not had the opportunity to discuss the application with the applicant.

This application relates to the grant of a premises licence for a restaurant, bar, cocktail club and speakeasy, for licensable activities to take place seven days a week. Requested activities and hours as follows:

- Regulated entertainment (plays, films, indoor sporting events, live music, recorded music and performance of dance) (there is also reference to adult entertainment or services) to take place from 08:00hrs – 03:00hrs
- Late night from refreshment 23:00hrs to 03:00hrs
- Supply of alcohol from 08:00hrs to 03:00hrs
- Opening hours to the public from 06:00hr to 03:30hrs

The proposed licensed areas are located over five floors, from the plans the toilets are located in the basement, bars and seating areas on the ground, first and second floors, a terrace with a bar and seating on the roof and an outdoor seating area on the public highway on St Helen's Square.

The seating capacity for each floor, as indicated on the plans, is for approximately 140 ground, 109 first and 117 second floors, and 53 roof terrace, the seating capacity for the outdoor area is 13.

This premises is located in York city centre in close proximity to a number of licensed premises (bars, restaurants, cafes and takeaways), residential premises, churches (including York Minster) and the Mansion House. The premises is also located within York's Cumulative Impact Assessment (CIA) area 'red zone', this area has been identified by the Council within the Statement of Licensing Policy (the Policy) as being under the most stress from crime and disorder and public nuisance related issues due to the high concentration of licensed premises.

The Policy came into effect in March 2019, it states:

9.11 The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:

- prevention of crime and disorder
- prevention of public nuisance

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.

The Policy also states:

9.9 Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant 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.

9.10 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.

The Policy and CIA can be found at: <https://www.york.gov.uk/LicensingPolicy>

Within the proposed operating schedule (suggested enhanced conditions schedule considering CIZ/CIA) the applicant has offered conditions relating to CCTV, door supervisors and noise management, they have also offered a minimum number of chairs/seats inside the venue at all times as 120, none of which seem adequate for a premises located within the CIA red zone.

As detailed above this premises is located in an area identified by the Council as being under the most stress due to crime and disorder and public nuisance, already having a high level of licensed premises. I do not believe that the applicant has demonstrated through the hours applied for and the operating schedule how the granting of a licence for this restaurant/bar will not impact this area.

Even though the applicant has stated within the application that this premises is to be a restaurant, bar, cocktail club and speakeasy, I would ask Members to take into consideration that there is nothing within the proposed operating schedule to prevent this premises from just operating as a bar, with outdoor area, from 08:00hrs – 03:00hrs seven days a week over more than just the ground floor.

As a premises licence is already in place for a restaurant to operate at this premises, an application for a food led premises (restaurant) with reasonable timings for licensable activities and enforceable conditions which are robust and ensure the promotion of the four licensing objectives and not add to the cumulative impact of crime and disorder and public nuisance within the CIA red zone may not be opposed by the Licensing Authority.

The Licensing Authority do not believe the applicant has fully considered the Policy and CIA, and therefore has not demonstrated through the application and proposed operating schedule how the granting of this licence will not add to the cumulative impact already being experienced.

The Licensing Authority cannot support his application as it is within the CIA red zone, and respectfully ask members to refuse the application.

Kind regards

Lesley

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