

Public Protection Representation

Environmental Protection are making representation against the application for the Mittel Restaurant River Terrace, York Guildhall, Lendal, York, YO1 8AA on the grounds of the prevention of public nuisance.

The site is in the Cumulative Impact Area (CIA) area of York. This is an area designated by City of York Council in its statement of licensing policy where evidence shows that the cumulative impact of the number and concentration of licensed premises continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives of prevention of crime and disorder and prevention of public nuisance. Within this area, when applying for licenses the onus is on the premises license holder to demonstrate that the licensing objectives will be met and that their proposed activities will not result in an escalation of crime, disorder and public nuisance in this area. The applicant has not engaged with this at all or offered any conditions to prevent a public nuisance from occurring in the external areas.

We have not been able to engage in any conversations with the applicant or negotiate conditions regarding the 2 external areas. It is believed that the general public can have access to one and potentially both of the external areas and no conditions have been offered to control noise from customers or members of the public, the latter of who may access the areas 24 hours a day.

It is not clear how the restaurant will operate in terms of managing a smoking area or how customers will enter and exit and whether this will have to be through the external terrace areas, therefore it is not possible at this stage for us to offer meaningful and practical conditions.

The hours of operation for the external areas have not been agreed and as it stands the external areas could be used from 08:00 hours – 01:00 hours each day and then still accessed by members of the public 24 hours a day. If external furniture is left outside then members of the public could sit on them at any time during the night and early mornings potentially generating noise and a public nuisance.

We have not been able to agree appropriate hours for the external area as the applicant has not confirmed to us whether there is any residential dwellings nearby.

If there are residential dwellings nearby, overlooking the site then we would seek to restrict the hours to which the customers can be in the external area to between 10:00 hours and 21:00 hours each day.

If there is no residential dwellings nearby we would wish to restrict the hours to between 10:00 hours and 23:00 hours each day.

The issues remain, however, of whether customers will need access to these terraces in order to enter and leave the premises and where smokers will be allowed to smoke when the terrace is closed, how a smoking area will be managed, how the external area will be managed and what will happen to external furniture if it is left out all night and the public have access to them.

Unless the hours of use for the external areas are restricted and robust conditions in relation to these areas are attached to any premises licence, as this is in the CIA and no conditions for controls have been offered we would advise that the application is refused on the grounds of the prevention of public nuisance.

Regards

Michael Golightly
Technical Officer