



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: Secret Square Ltd Unit 4 Stonegate Walk Hornby Passage	
Post town: York	Post code (if known): YO18AT

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 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 café/restaurant in York's Cumulative impact area for licensable activities i.e sale of alcohol 1000hrs-2300hrs 7 days a week with hours open to the public 1000hrs-2330hrs and an extra hour for Christmas and New year's eve and Sunday's leading into a bank holiday.

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 20/11/19 North Yorkshire Police met with the applicant and agent to discuss the proposed plans for the business during the first application. It was advised at the time that an application of this type, being in the red zone of the CIA, would not be supported by North Yorkshire Police due to the potential adverse impact on crime and disorder in the area. It was also acknowledged by the agent that the premises did not have capacity for a substantial kitchen. The application was then received on 16/12/19 without the suggested conditions in respect of a food led establishment and no further indication on how the premises would not add to the cumulative impact. This resulted in a hearing on 06/02/20 where various representations were received including from a number of residents and the committee were minded not to grant the licence for that location. In the decision notice for the hearing provided to all representors the following comment was one of the reasons listed for refusal:-

"The Sub Committee shared the view of the Police that the application was for a vertical drinking establishment, and there was nothing unique about the proposal which convinced the Sub-Committee otherwise".

On 02/03/20 an email was received from John Walker solicitor for the applicant, to PC Hollis advising that a further application for a Premises Licence for the business was to be re-submitted and requesting comments from the Police. PC Hollis responded to this email and a further email received by the agent Hilary Ramli on 03/03/20, advising both that the current business model would not be supported by North Yorkshire Police, at the location for reasons previously outlined. (See Appendix KH/1 and KH/2)

There was nothing to suggest that the premises was going to be a substantial led food establishment, and this was something the licensing sub-committee had commented on at the hearing referred to above.

North Yorkshire Police would not oppose an application for a food led establishment within the CIA with timings and conditions ensuring the promotion of the 4 licensing objectives which would not add to the cumulative impact of crime and disorder in the area and that are in a suitable location as to not cause unnecessary public nuisance to residents living in the area. It is important to note that this premises is at the ground level of a block of residential apartments and accessed via a small quite courtyard.

The business model put forward in this application has not changed from the previous application and a food menu has not been provided by the applicant. The applicant has put forward the following condition:

'The premises shall operate as a predominantly food led establishment. Substantial food and non-intoxicating beverages including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises up to 1 hour before the end of permitted hours for sale of alcohol'

However bar snacks and light meals would not be considered to be 'substantial food' and therefore it is felt the applicant has again been unable to show that this would be a substantial food offering.

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

The applicant has applied for a premises licence with sale of alcohol from 1000-2300hrs 7 days a week with sale of food until 2200hrs, stopping 1.5 hours before close of business. This would mean the premises would be able to act as a vertical drinking establishment for a period of 1.5hrs every day of the week in a residential area which is already saturated with licensed premises.

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 already very highly saturated area of Stonegate. Neither has the applicant offered conditions or timings consistent with a café.

Additionally, the location has an outside area which the applicant has stated will be for a maximum of 10 seats until 2100hrs daily. According to the plan submitted with the application this shows 8 seats but has room for more people standing in the general area. The applicant has not suggested that only 10 people will be allowed into the outside area just that there shall be a maximum of 10 seats they have also not suggested how this area will be managed to ensure this does not cause a public nuisance and that they are inside for 2100hrs.

1 SIA door staff has been offered for a Friday and Saturday and Race days but state they will be at the gate to the entrance to the courtyard monitoring who enters the courtyard which is also an access/egress route for residents. This SIA provision is also extended for Sundays leading into a bank holiday where they have asked to be open a further hour until 0030hrs meaning the premises would have 2.5 hrs without a food provision on nights which are notoriously busy for the City with just 1 door staff.

North Yorkshire Police believe the adding of a further café/bar with a limited mezze style menu and a full bar will further add to crime and disorder in the area and an increase in public nuisance.

It is not felt that the applicants have provided adequate information in respect of the operating schedule and conditions. For example no 'Challenge 25' scheme has been offered or any CCTV for the premises inside or out. A condition that would be considered very important in the prevention of crime and disorder.

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 Council's own Statement of Licensing Policy and have not taken on board that the Premises is sited in the Cumulative Impact Area. The business model they are suggesting alludes to a vertical drinking establishment with outside area in a residential area of Stonegate with a limited food menu; indeed, a café/bar with the main Licensable activity being the sale of Alcohol.

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: 06/04/2020

Contact name:

Address for correspondence: **Alcohol Licensing Department Fulford Road Police Station**

Post town: **York**

Post code: **YO10 4BY**

Tel. number (if any): **01609 643273**

Email address if preferred option of contact: **NYPLicensing@northyorkshire.pnn.police.uk**