

Cooke, Lesley

From: Woodhead, Nigel
Sent: 14 October 2020 14:46
To: Cooke, Lesley
Cc: Sefton, Helen
Subject: Premise Licence application, Haizhonglao Hot Pot and BBQ

I am the Licence Enforcement officer for the City of York Council and I am authorised to make representations on behalf of the Licensing Authority.

This application relates to a new premises licence for a Chinese Hot Pot and BBQ at 12 George Hudson Street, restaurant in York's Cumulative impact area for licensable activities as follows:-

Mon- Sun Recorded Music 1100-0000hrs

Mon- Sun sale of alcohol for on and off sales 1100-0000hrs

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 and which 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."

Furthermore the CIA policy states:

"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.”

The applicant fails to make a single reference within its application to the fact that the premises is located within York’s Cumulative Impact Area Red Zone, an understanding of the problems that exist, and the measures they will take to mitigate the impact. They also fail to explain why their application is such that the licensing authority should depart from its special policy in light of the individual circumstances of this case.

The applicant has stated that the Premise is a restaurant and has applied for opening hours with the sale of alcohol from 1100-0000 seven days a week. There is no mention in the operating schedule for consideration of a drinking up time in relation to “on-sales” which is referred to in the current statement of Licensing Policy as follows:-

8.13 “Even though the traditional drinking up time was not carried over into the Act the Council recommends that applicants of premises licensed for the on-sale of alcohol should consider a drinking up / cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transportation from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.”

The applicant has failed to offer any substantial conditions, which would seek to address concerns that they are promoting the licensing objectives of Prevention of Crime and Disorder or Prevention of Public Nuisance, in an area that already experiences high levels of disorder.

Within the operating schedule, there is reference to CCTV stating it “should be installed inside and outside the Premises”. Not that, it will be installed, that staff will be trained to access the CCTV, how long storage will be retained for and copies provided to responsible authorities upon request.

The operating schedule is substandard and fails to offer conditions tailored to that of a restaurant including, alcohol ancillary to food, number of table covers, refusals book, documented staff training, or notices requesting patrons to leave the premises quietly.

The inadequate operating schedule demonstrates that the applicant has failed to take into account York’s Statement of Licensing Policy or the government guidance and nothing that has been put forward by the applicant demonstrates why their application should be considered as an exception to the policy.

The Licensing Authority cannot support this application in the Cumulative Impact Area, and respectfully ask members to refuse the application.

Nigel Woodhead
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Please be aware of the new contact details for the Licensing Section (including Taxis):
Telephone: 01904 552422
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www.york.gov.uk | [facebook.com/cityofyork](https://www.facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

Please be advised that following the latest Government advice regarding the outbreak of Coronavirus (COVID-19), the Licensing Section will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause. It would help us greatly if you could communicate by email wherever possible.

