

# 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:

<b>Postal Address of premises or club premises:</b> 5 WHIP MA WHOP MA GATE	
<b>Post town:</b> YORK	<b>Post code (if known):</b> YO1 8BL

**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 is an application to vary to a premises licence for a restaurant with indoor and outdoor seating including a roof terrace in York's Cumulative impact area.

The applicant requests that the following be granted:

- Extension of hours for Sale of Alcohol from 2330hrs to 0100hrs
- Extension of the licensable area (see plan) to include a front seating area
- Deletion of conditions under Annex3 (2,3 & 8) to bring the rooftop terrace in line with the rest of the premises. The doors to the roof terrace shall no longer have to remain closed after 2100hrs each day.

The premises sits within York's CIA (Cumulative impact assessment area) 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.

The policy also 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.

The premises in question applied for the licence in 2018 and due to representations received, including one from North Yorkshire Police, a hearing was held to determine the outcome in June 2018.

As a result of this hearing and concerns raised regarding the impact of the roof terrace area and the premises to the licensing objectives, the committee saw fit to place a number of conditions on the licence preventing the roof terrace from being open after 2100hrs and restricted the opening hours applied for to stop licensable activities at 2330hrs.

Since that time the operator informs us he has operated the roof terrace for around 3 months and due to the impact of the coronavirus pandemic on the business and forced closures/lock downs this premises has been closed for a substantial period of time throughout.

North Yorkshire Police still have concerns about the licensing objectives being undermined by these changes, namely 'the prevention of crime and disorder' and 'public nuisance' and the impact that might be felt in this area, which has residential properties near by.

The hours applied for, until 0100hrs, for sale of alcohol are not in line with a food led premises within this area and adding further licensable activities until the early hours of the morning 7 days a week we believe will impact public nuisance and could add to alcohol related crime and disorder.

If this application is granted in the terms applied for the premises could operate both a roof top terrace and a street level licensed outside area for 7 days a week from 0900hrs- 0100hrs, as well as the main restaurant with at least 45 covers inside. The impact of customers leaving after this time is likely to result in an increase in incidents and nuisance to those living close by.

North Yorkshire Police have advised the applicant's solicitor of our position as below.

1. North Yorkshire Police would not support a change to hours for sale of alcohol from 2330hrs-0100rs seven days a week but would be happy to support a change for Friday's, Saturday's and Sunday's into the bank holiday Monday for 0000hrs (midnight) with a close at 0030hrs to allow for a 30 minute 'drinking up time'
2. The extension of the licensable area on the plans we would look to support if the following condition is placed on the application 'the ground floor outside terrace is to close each day at 2300hrs.'
3. North Yorkshire Police do not support the removal of conditions relating to the roof terrace closing at 2100hrs (annex 3 conds 2,3,8) These conditions were placed on the Premises Licence by the Committee following the initial hearing. The concerns still remain, regarding nearby residential properties and that the use of this area could add to public nuisance for those properties. The applicant has not provided any information to negate those concerns.

The applicant has not provided any information as to why this application should be considered to be an exception to the CIA policy and has only been operating for short periods of times since the granting of this licence, specifically the roof terrace area. Crucially, in this instance the burden of proof is on the applicant to demonstrate that the licensable activities and the behaviour of the clientele once they have left the premises will not contribute to the overall

Cumulative Impact in the area, and that they are promoting the four licensing objectives in line with Paragraph 8.39 of the S182 Guidance.

Members of the committee it is the view of North Yorkshire Police that the removal of conditions applied for in the application should be refused and that consideration should be given to the two further changes applied for in keeping the timings in line with the suggestions above in order to prevent the adding of further nuisance and alcohol fueled disorder into an area already under stress from the impact of licensed venues.

Signature:

Date: 19/8/21

Contact name: Kim HOLLIS (PC1671)

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

Post town: **York**

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