

Bielby, Angela (Democratic Services)

From: Golightly, Michael
Sent: 07 April 2020 10:39
To: EAP Licensing Unit
Subject: Premises License Application for Unit 4 Stonegate Walk, Hornby Passage, York, YO1 8AT March 2020

Hi

Public Protection are making representations for the above premises on the grounds of public nuisance.

The CIA is: the cumulative impact Area and 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.

A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which has 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 demonstrate how their application would not lead to an increase in the impact of licensed premises in this zone.

The premises is Unit 4 Stonegate Walk, Hornby Passage, York, YO1 8AT. It is within the red zone within the Cumulative impact Area. It is an area where there are already 4 other bars on Stonegate. The site has a rear yard that is directly overlooked by residential flats some with balconies.

The Application

The application is to have a café/ restaurant open to customers from 10:00 hours until 23:30 hours each day with the sale of alcohol. It is to include an external area with up to 10 seats in the courtyard beneath residential dwellings open until 21:00hours each day. There is also a request for an additional hour on Christmas and New year's eve and bank Holidays which would bring the closing time to the public to half an hour after midnight on those nights.

Concerns

There are residential dwellings directly overlooking the courtyard of the proposed premises and public protection have received complaints about noise from loud amplified music from other licensed premises in the area and from music from buskers in the area and some of these complaints have have come from these residents.

Further to this, whilst each application is reviewed on their own merit, it must be noted that a previous application was made for this site in which not only the Police, Licensing Authority and Public Protection objected but also 15 other representations were received more than 12 of which came from residents living above and around the yard who expressed concerns about the

premises being ran from this location in terms of possible noise and anti-social behaviour of people in what is currently a quiet courtyard under their flats. Public Protection objected because we felt that the noise from the external area could not be adequately controlled through the conditions proposed by the applicants so as to prevent a public nuisance from occurring.

The music element of the application has now been removed and conditions proposed in relation to there being one member of door staff on certain nights and signs being put up to remind customers to leave quietly, however, the door staff would only be proposed on Friday, Saturday and bank holiday Sundays and race days nights with nobody to monitor noise outside on the other nights. No noise management plan has been proposed and these conditions are the same as were proposed in the previous application which were not deemed to be sufficient.

Given the proposed venues location Public protection feel that any increased noise levels within this quiet courtyard would be an escalation in noise levels within the CIA and even if the outside seating were removed at 21:00hours (which would be too late in this location) allowing this license could result in large numbers of people drinking, smoking and talking in raised voices outside where the surrounding residents would be living on top of the courtyard unable to escape from the increased levels of noise. This increase in noise would be seven days a week from morning until up to 23:30hours most nights and up to 00:30hourrs on bank holidays and Public Protection do not then feel that any conditions could adequately control the noise from the customers voices in the outside area regardless of the time of day and especially later into the evenings and beyond 23:00hours.

Preventing Children from Harm

The applicant has mentioned within the application that families are welcome but has not proposed a suitable condition for preventing Children from harm such as the standard challenge 25 scheme.

Summary

Public Protection feel that this location is not a suitable place for a café/ restaurant due to the fact that it is in the red zone within the Cumulative Impact Area and also due to its close proximity (beneath) residential dwellings. This license would significantly change the environment of the courtyard and Public Protection believe that there would be no way for the applicants to control noise from customers raised voices in the external area of their premises sufficiently so as to not adversely affect the nearby residents and prevent a public nuisance from occurring. We also do not feel that the applicant has adequately protected children from harm with any suitable condition. Public Protection are therefore making representations on the grounds of public nuisance and the protection of children from harm and would advise that the application be refused.

Should you have any further queries please contact me on 07538219788.

Regards

Michael Golightly
Environmental Health Officer

We take your privacy seriously. For details of the information we collect, how we use it and who we may share it with please see the Public Protection Privacy Policy on our website, www.york.gov.uk.

