

Licensing/Gambling Hearing

To: Councillors Cuthbertson, Hook and Norman
Date: Thursday, 25 June 2020
Time: 10.00 am
Venue: Remote Meeting

AGENDA

1. Chair

To elect a Member to act as Chair of the meeting.

2. Introductions

3. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

4. The Determination of an Application by Secret Square Limited for a Premises Licence [Section 18(3)(a)] in respect of Secret Square Limited, Unit 4, Stonegate Walk, Hornby Passage, York, YO1 8AT (CYC - 066152) (Pages 7 – 154)

Democracy Officer:
Name: Angela Bielby
Email: a.bielby@york.gov.uk

Distribution:

Members of Licensing Act 2003 Sub-Committee
Licensing Officer
Legal Services
Applicant
Representors
Press, Library.

LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REMOTE LICENSING HEARINGS

Introduction

1. During the coronavirus pandemic emergency period it will be necessary for licensing hearings to be dealt with remotely. This procedure sets out how City of York Council will deal with such hearings. This procedure must be considered in conjunction with the Council's Delivery of Remote Meetings document which sets out how all meetings, including licensing hearings will be held in York.
2. The procedure adopted at a licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
3. The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.
4. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal. The Hearing will be recorded and the recording placed on the Council's website.

Preparation for the Remote Licensing Hearing

5. The Sub-Committee will use the video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee. This video-conferencing platform will also be used for decision making in private. All paperwork relevant to the hearing will be published online on the Council's

website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

6. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
7. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
8. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
9. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

The Remote Licensing Hearing

10. The Applicant is permitted to speak at the remote hearing (see below). Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
11. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.

12. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
13. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by Members.
14. **The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives.** Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length.
15. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
16. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

ORDER OF PROCEEDINGS AT THE REMOTE HEARING

Chair's introduction and opening comments

17. The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant and Representors (or their

representatives), and establish the identity of all who will be taking part.

18. The Chair will outline the procedure to be followed.

19. The Chair will proceed with the order of business on the agenda.

Licensing Manager

20. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application. The Chair will invite all present, one by one, to ask the Licensing Officer questions if they wish, to clarify any points raised in the report.

The Application

21. The Applicant (and/or their representative) will address the Sub-Committee and present information in support of the application and may call any witnesses to support the application, one witness at a time [*maximum 15 minutes*].

22. The Chair will invite the Representors to ask questions of the Applicant in the following order [maximum 5 minutes each party]:

- Police;
- Other Responsible Authorities;
- Ward Councillors;
- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

The Representations

23. The Chair will invite the Representors and/or their representative in the following order to address the Members of the Sub-Committee and call any witnesses in support of their representation [*maximum 15 minutes each party*]:

- Police
- Other Responsible Authorities

- Ward Councillors
 - Public representation
24. The Chair will invite the Applicant to ask questions of each Representor and/or their witnesses after each presentation [maximum 5 minutes per Representor]. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
25. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

Summaries

26. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
- Police
 - Other Responsible Authorities
 - Ward Councillors
 - Local residents
27. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
28. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

Determination

29. The Sub-Committee will withdraw to consider their decision with the Legal Adviser and the Democratic Services Officer in a separate private on line meeting. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

30. If the decision is made following the conclusion of the hearing, the Sub-Committee will return to the public online meeting to announce an outline of the decision to those present. This decision will then be communicated in full in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not) usually within 5 working days of the hearing. There can be no further questions or statements.
31. If the Sub-Committee does not make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democratic Services Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 5 working days of the decision being made.

The notification will include information about the rights of appeal against the determination made.



Licensing Act 2003 Sub Committee

25 June 2020

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for Secret Square Limited, Unit 4, Stonegate Walk, Hornby Passage, York, YO1 8AT

Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-066152
3. Name of applicant: Secret Square Limited
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application: The proposal is to allow for the provision of the following activities:

Proposed Activity	Timings
Sale of alcohol (on & off sales)	Monday to Sunday 10:00 – 23:00 An additional hour at Christmas, New Year's Eve and Bank Holiday Sundays
Opening times	Monday to Sunday 10:00 – 23:30 An additional hour at Christmas, New Year's Eve and Bank Holiday Sundays

Background

6. A copy of the application is attached at Annex 1.
7. The premises is described in the application as café/restaurant serving Kurdish cuisine.
8. A previous application made by the same applicant, but requesting different licensable activities at different times was refused by a licensing sub-committee on 27 February 2020.

Promotion of Licensing Objectives

9. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

10. General

The premises is a small café bar with courtyard seating and dining. The premises is food led serving Kurdish food from 11:30 to 23:00. Full drinks menu with lunch/dinner will be available from 12:00 to 22:00 Monday, Tuesday, Wednesday, Thursday and Sunday. And from 12:00 to 23:00 Friday and Saturday.

11. The Prevention of Crime and Disorder

- a. A full colour CCTV system will be installed covering internal and external areas.
- b. One SIA licensed door supervisor will be provided on Friday/Saturday and any race days from 23:00 to 01:00.
- c. A minimum of 25 covers will be provided.
- d. A refusals register will be available and will document any refusal sales of alcohol or anti-social behaviour.
- e. Documented staff training shall be given regarding staff's responsibilities under the Licensing Act 2003 and ; retail sale of alcohol, age verification policy, any conditions attached to the licence, permitted activities, the licensing objectives and opening times. Such records will be kept for a minimum of one year and will be made available upon request to any responsible authority.

12. Public Safety

- a. A full fire risk assessment will be carried out on completion of all building works. A safe occupancy will be provided in the assessment.

13. The Prevention of Public Nuisance

- a. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
- b. The courtyard will not be used by customers after 23:00 hrs on Sunday, Monday, Tuesday, Wednesday and Thursday, and after midnight on Friday and Saturday.
- c. Windows and doors will be closed from 23:00 when recorded music is playing apart from ingress and egress.

14. The protection of children from harm

- a. Families with children are welcome in the restaurant until 19:00 Monday to Sunday.
- b. The Licence holder will operate a challenge 25 age verification policy.

Special Policy Consideration

15. This premises is located within the cumulative impact assessment area approved by full council on 21 March 2019. The assessment can be found at Annex 2. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at Annex 3.

Consultation

16. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.

17. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

18. North Yorkshire Police have made a representation on the grounds that the licensing objectives, prevention of crime and disorder and prevention of public nuisance will be undermined by the granting of this application.
19. The Police representation is attached at Annex 4.
20. City of York Council Public Protection (Environmental Protection) has made a representation on the grounds that the prevention of public nuisance licensing objective would be undermined if the premises licence was to be granted in the terms applied for. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA.
21. The Public Protection representation is attached at Annex 5.
22. City of York Licensing Authority has made a representation on the grounds that the granting of this application would undermine the licensing objectives of both prevention of crime and disorder and prevention of public nuisance. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA especially the Red Zone.
23. The Licensing Authority representation is attached at Annex 6.

Summary of Representations made by Other Parties

24. There have been 13 relevant representations received from other persons. One of the representations is made on behalf of 24 residents of Stonegate Court who live within 13 properties. A representation has also been received from the Ward Councillor on behalf of nearby residents. The list of representors can be seen at Annex 7.
25. The representations are based on the grounds of the prevention of public nuisance, prevention of crime and disorder and public safety, they can be seen at Annex 8.

26. A map showing the general area around the venue is attached at Annex 11.

Planning Issues

27. There are no outstanding planning issues.

Options

28. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
29. Option 1: Grant the licence in the terms applied for.
30. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
31. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
32. Option 4: Reject the application.

Analysis

33. The following could be the result of any decision made this Sub Committee:-
34. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
35. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
36. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
37. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

38. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

39. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

40.

- **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A
 - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
 - **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
 - **Information Technology (IT)** – N/A
 - **Property** – N/A
- Other** – none

Risk Management

41. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
42. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

43. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

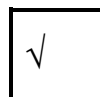
Lesley Cooke
Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and Public Protection.

Report
Approved



14 April
2020

Specialist Implications Officer(s)

Head of Democratic & Civic Services
Ext: 1030

Wards Affected: Guildhall



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - Cumulative Impact
- Annex 3** – Licensing Policy Annex
- Annex 4** - North Yorkshire Police Representation
- Annex 5** - EPU Representation
- Annex 6** - Licensing Authority Representation
- Annex 7** - List of representors – **Confidential**
- Annex 8** – Other Persons representations
- Annex 9** - Mandatory Conditions
- Annex 10** - Legislation and Policy Considerations
- Annex 11** - Map of area

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RECEIVED
13 MAR 2020
BY:



CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street,
York, YO10 3DS

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/we SECRET SQUARE LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
UNIT 4 STONEGATE WALK HORNBY'S PASSAGE			
Post town	YORK	Postcode	YO1 8AT
Telephone number at premises (if any)	—		
Non-domestic rateable value of premises	£	13500	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)

- iv other (for example a statutory corporation) please complete section (B)
- e) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality				
Current residential address if different from premises address				
Post town		Postcode		
Daytime contact telephone number				
E-mail address (optional)				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes
Nationality				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)				
Current residential address if different from premises address				
Post town			Postcode	
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	SECRET SQUARE LTD
Address	UNIT 4 STONEGATE WALK HORNBY PASSAGE YORK YO1 8AT
Registered number (where applicable)	12350568

Description of applicant (for example, partnership, company, unincorporated association etc.)	
LIMITED COMPANY	
Telephone number (if any)	—
E-mail address (optional)	—

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	05	2020

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THE PREMISES IS A SINGLE STOREY UNIT.
 THE UNIT WILL BE USED AS A CAFE/RESTAURANT
 MON - SUNDAY SERVING KURDISH CUISINE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			<p>State any seasonal variations for indoor sporting events (please read guidance note 5)</p> <p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left please list (please read guidance note 6)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed				
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)	
Fri				
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) <hr/> State any seasonal variations for the performance of dance (please read guidance note 5) <hr/> Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 4)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</p>		
Fri					
Sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

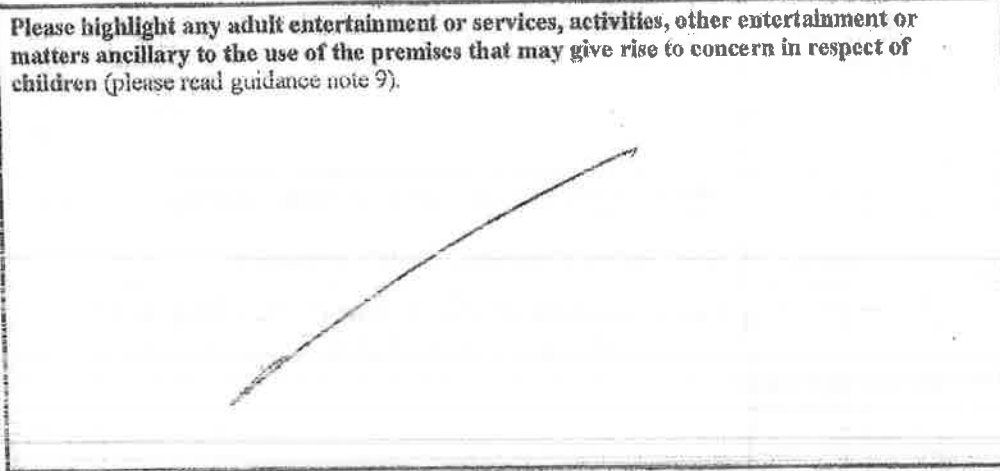
Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 5) AN ADDITIONAL ONE HOUR FOR CHRISTMAS + NEW YEARS EVE AND BANK HOLIDAY SUNDAYS.		
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	10:00	23:00			
Sat	10:00	23:00			
Sun	10:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	YALCIN KIZILKAYA
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).



L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	<p>ADD ADDITIONAL ONE HOUR FOR CHRISTMAS + NEW YEARS EVE AND BANK HOLIDAYS SUNDAYS.</p>
Mon	10.00	23.30	
Tue	10.00	23.30	
Wed	10.00	23.30	
Thur	10.00	23.30	
Fri	10.00	23.30	
Sat	10.00	23.30	
Sun	10.00	23.30	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M

PLEASE SEE ATTACHED DOCUMENT.

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her
--------------------	--

	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	13. MARCH 2020
Capacity	AGENT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
HILARY RAMLI 62A LOW PETERGATE			
Post town	YORK	Postcode	YO1 7HZ
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Date	Description	Amount	Balance
1/1/2020	Opening Balance		
1/15/2020	Cash on hand		
2/1/2020	Bank of America		
2/15/2020	Wells Fargo		
3/1/2020	Chase		
3/15/2020	Bank of America		
4/1/2020	Wells Fargo		
4/15/2020	Chase		
5/1/2020	Bank of America		
5/15/2020	Wells Fargo		
6/1/2020	Chase		

SECTION M PREMISES LICENCE APPLICATION

**SECRET SQUARE UNIT 4 STONEGATE WALK
HORNBY'S PASSAGE
YORK.**

A) General

All employees of Secret square will be trained and instructed in all aspect of the licence and any such attached conditions and all staff will be aware of their responsibilities.

The premises shall operate as a cafe/restaurant from Monday to Sunday serving Kurdish food from 10:00am until 23:00hrs.

B) The Prevention of Crime and Disorder

The premises falls in the red zone of the Local Council Cumulative Impact Assessment. In order to prevent any aspect of crime and disorder from the premises the following conditions are suggested.

1. On a Friday, Saturday, bank holiday Sunday and race day evening, a registered door Supervisors will be provided and positioned on Stonegate at the front of alleyway which leads to the restaurant. It is suggested that one door supervisor is sufficient and that two could give the wrong impression for a restaurant.
2. There shall be a minimum of 28 covers provided.
3. Alcohol is by waitress table service only
4. The premises shall operate as a predominately 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 the sale of alcohol.
5. Supply of alcohol until 23:00hrs Monday - Sunday premises to close 23:30hrs
6. Refusal register to be provided
7. Maximum of 10 seats in courtyard which will be suitably partitioned.
Courtyard to cease use at 21:00hr

C) Public Safety

All buildings works shall be carried out in accordance with Building Control and the Fire Service. A full fire risk assessment will be carried out prior to occupation of the premises.

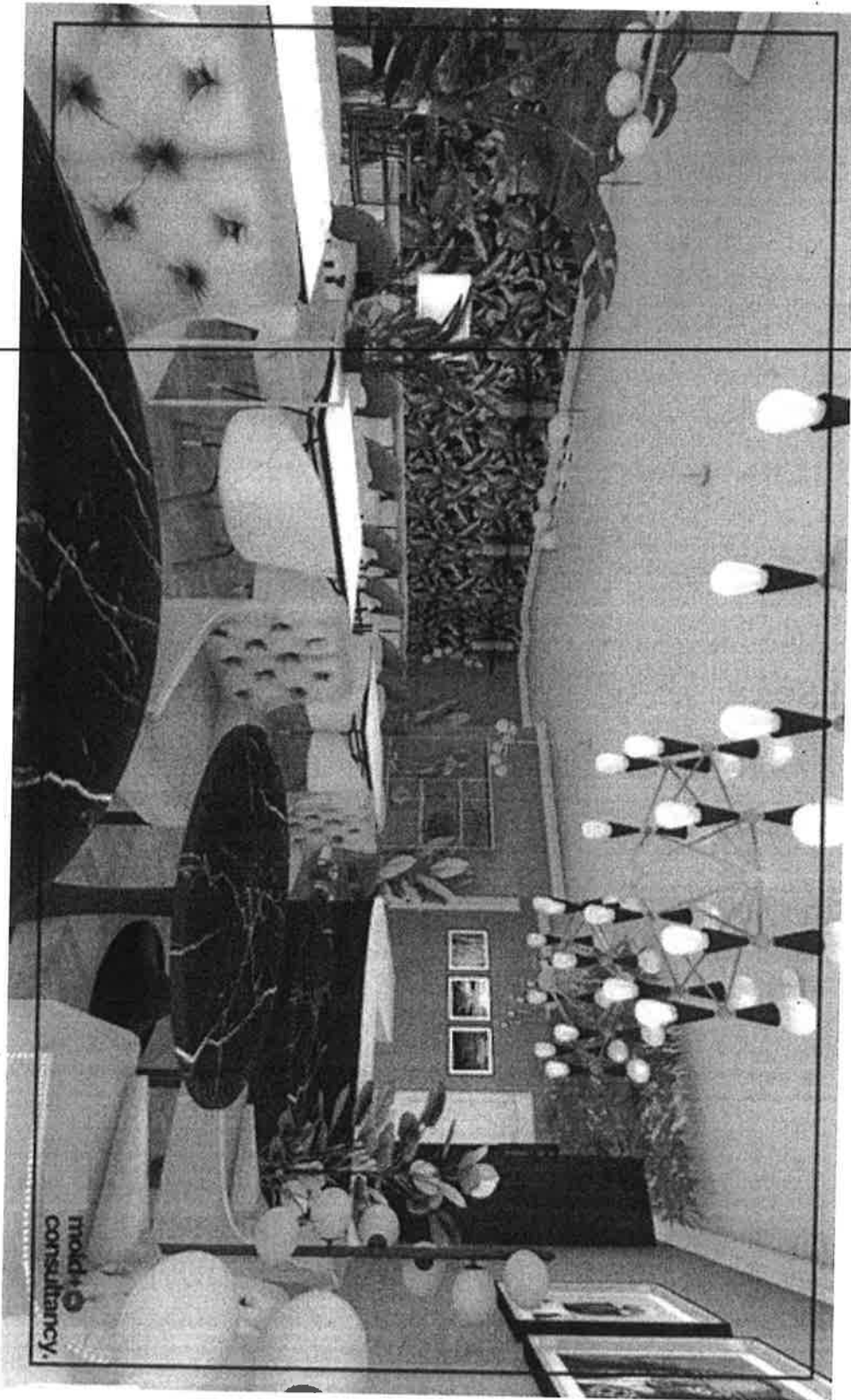
The entrance to the premises is down an alleyway which is also used as an alternative means of escape for neighbouring shops. The entrance gate which is currently locked will be opened when the premises is opened, as this is the only access to the premises. (see letter from landlord)
The applicant will install full colour cctv system which will cover the internal and external areas. A clear and unobstructed route will be maintained at all times and no combustibles will be position along the alleyway.

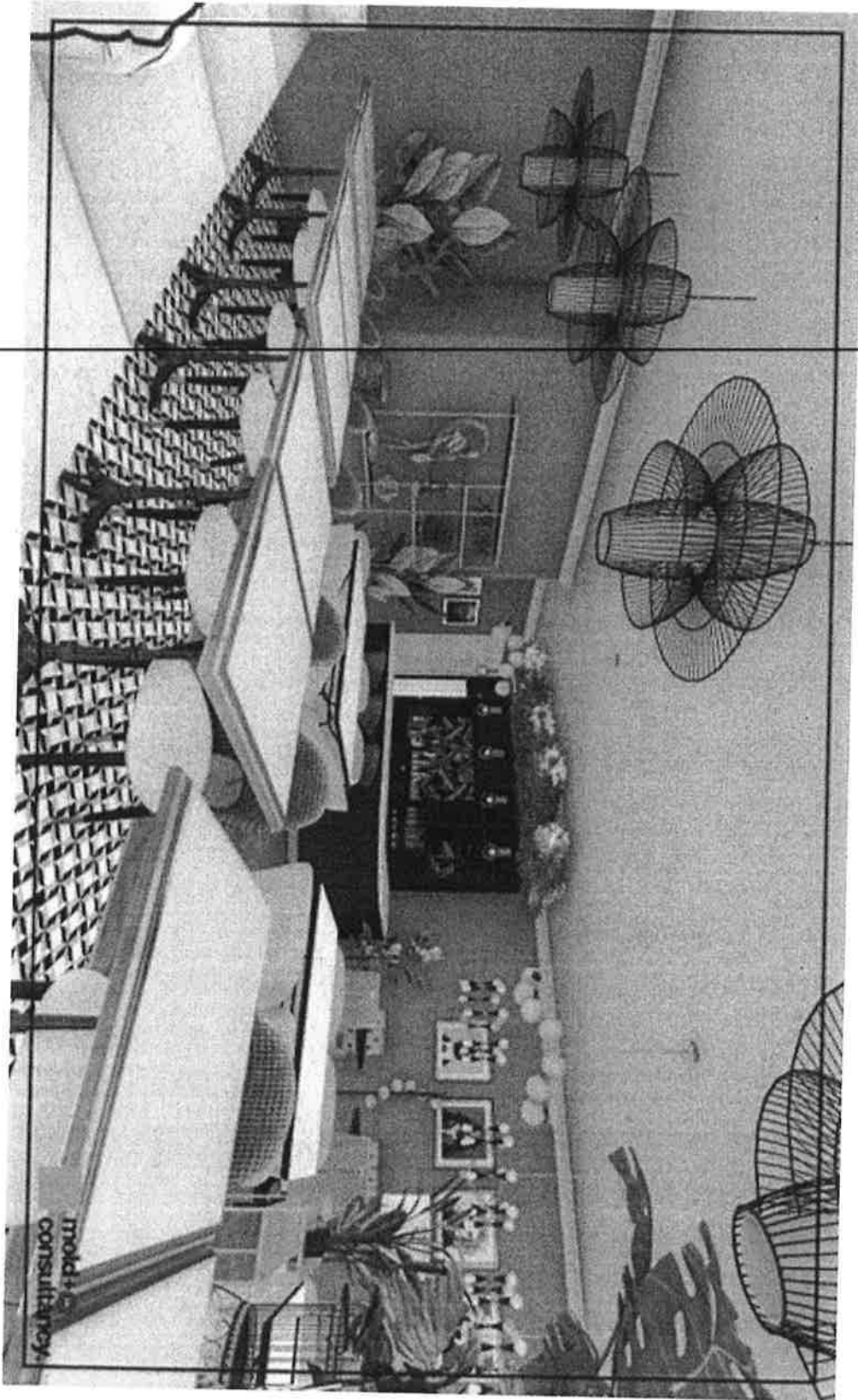
D) The prevention of public Nuisance

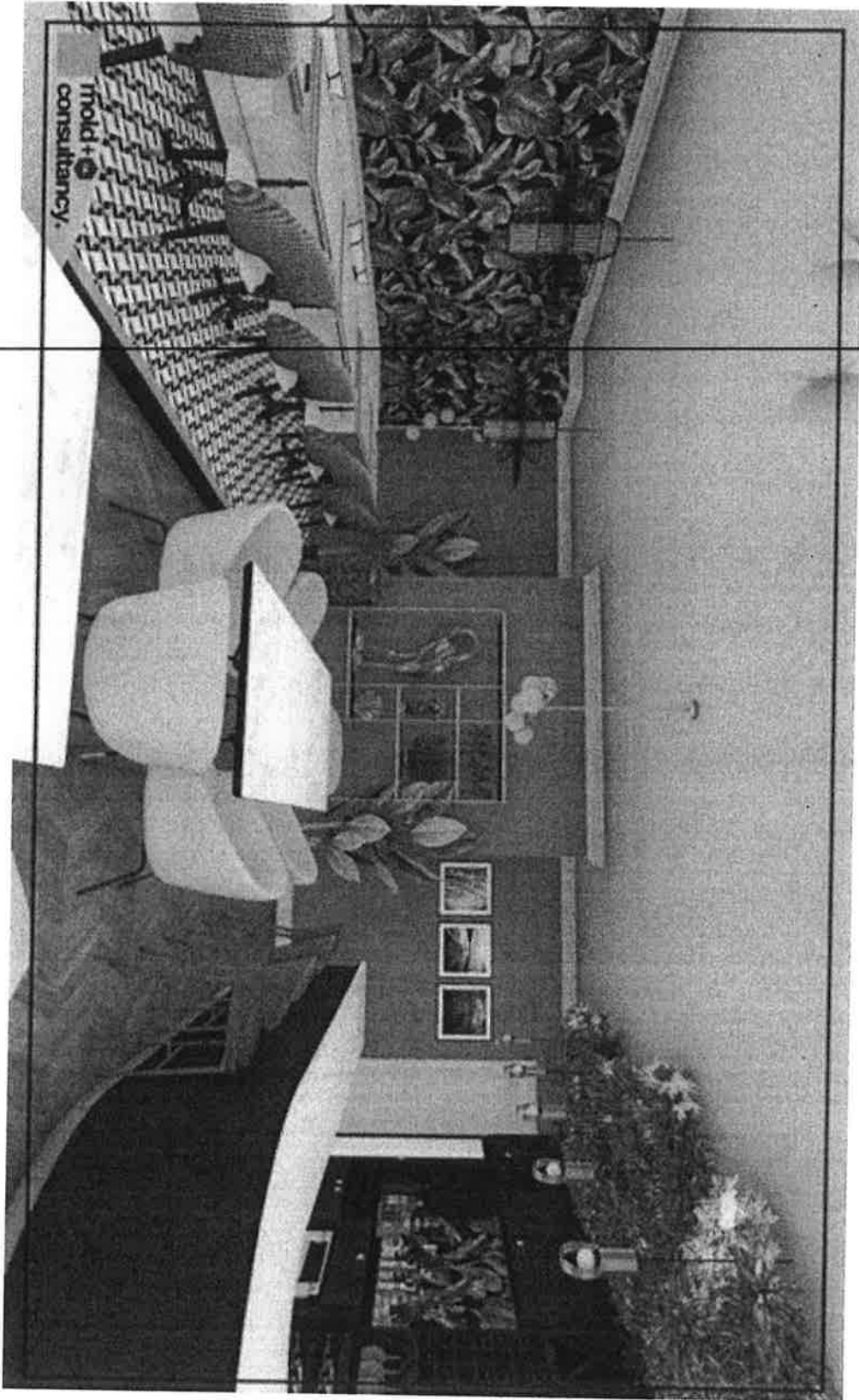
Doors and windows will be closed from 22:00hrs apart from ingress and egress.
The courtyard will cease use at 21:00hrs as to not disturb an neighbours
Signs will will positioned asking patrons to leave the premises quietly

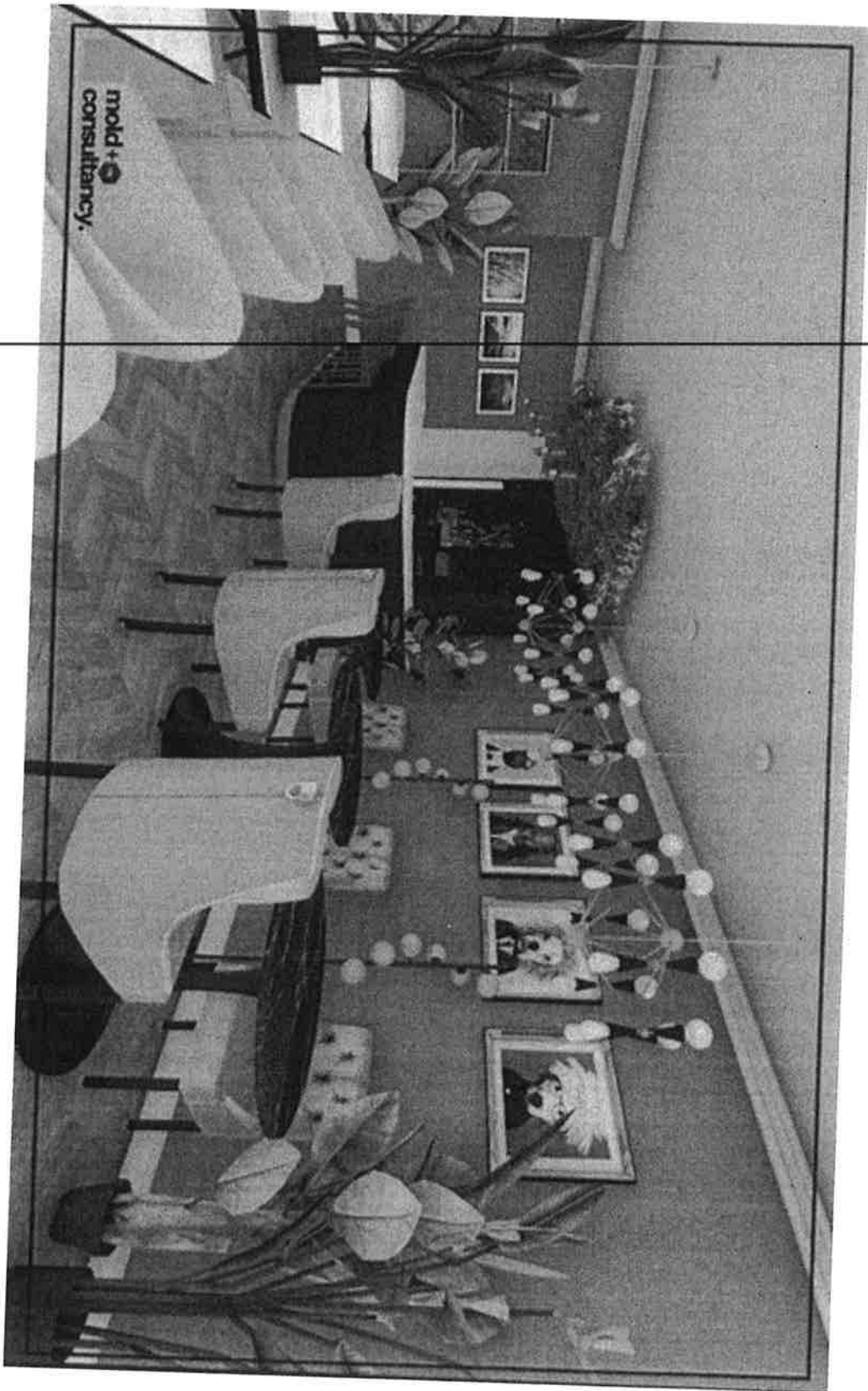
E The protection of children from harm.

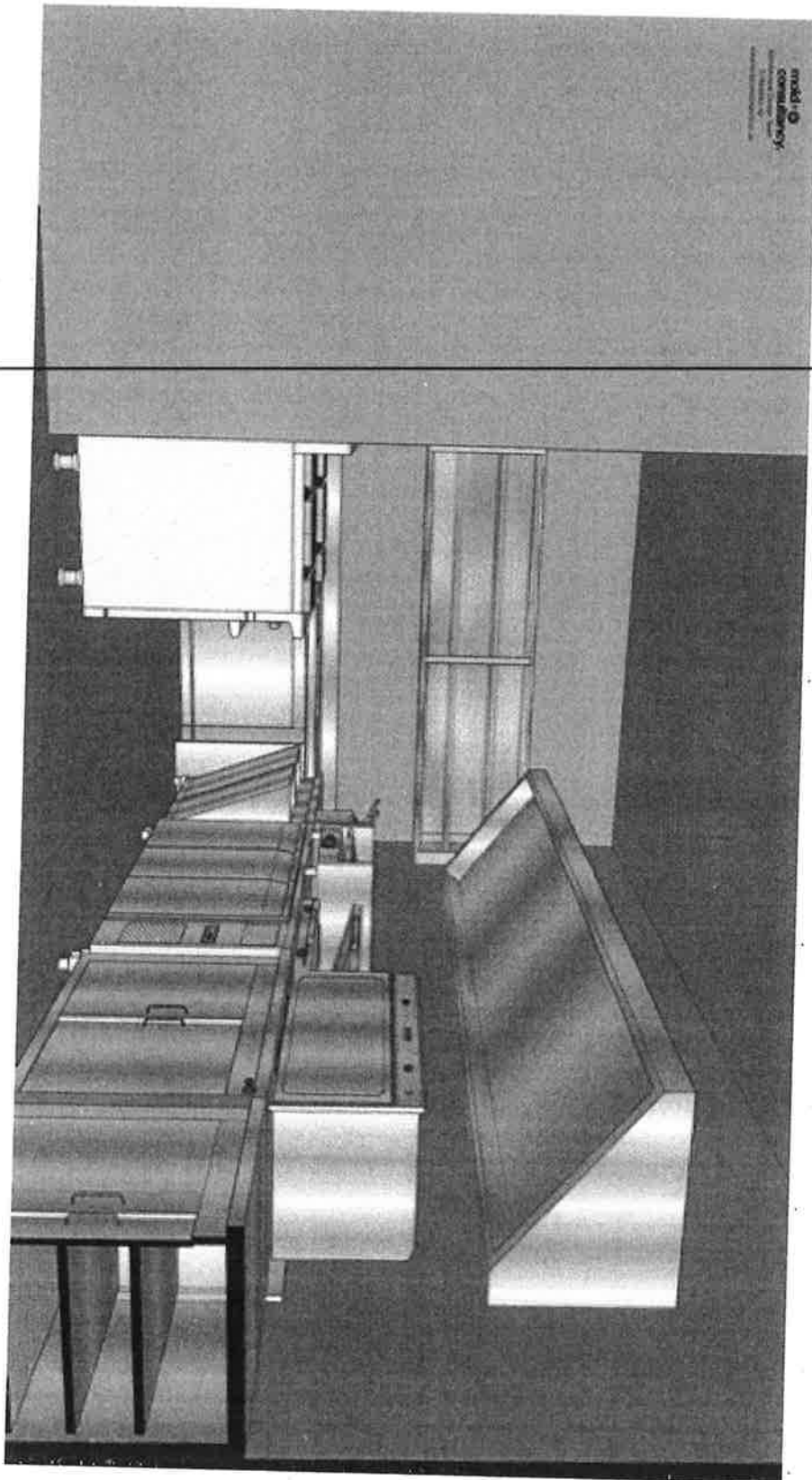
Children and families are welcome in the restaurant

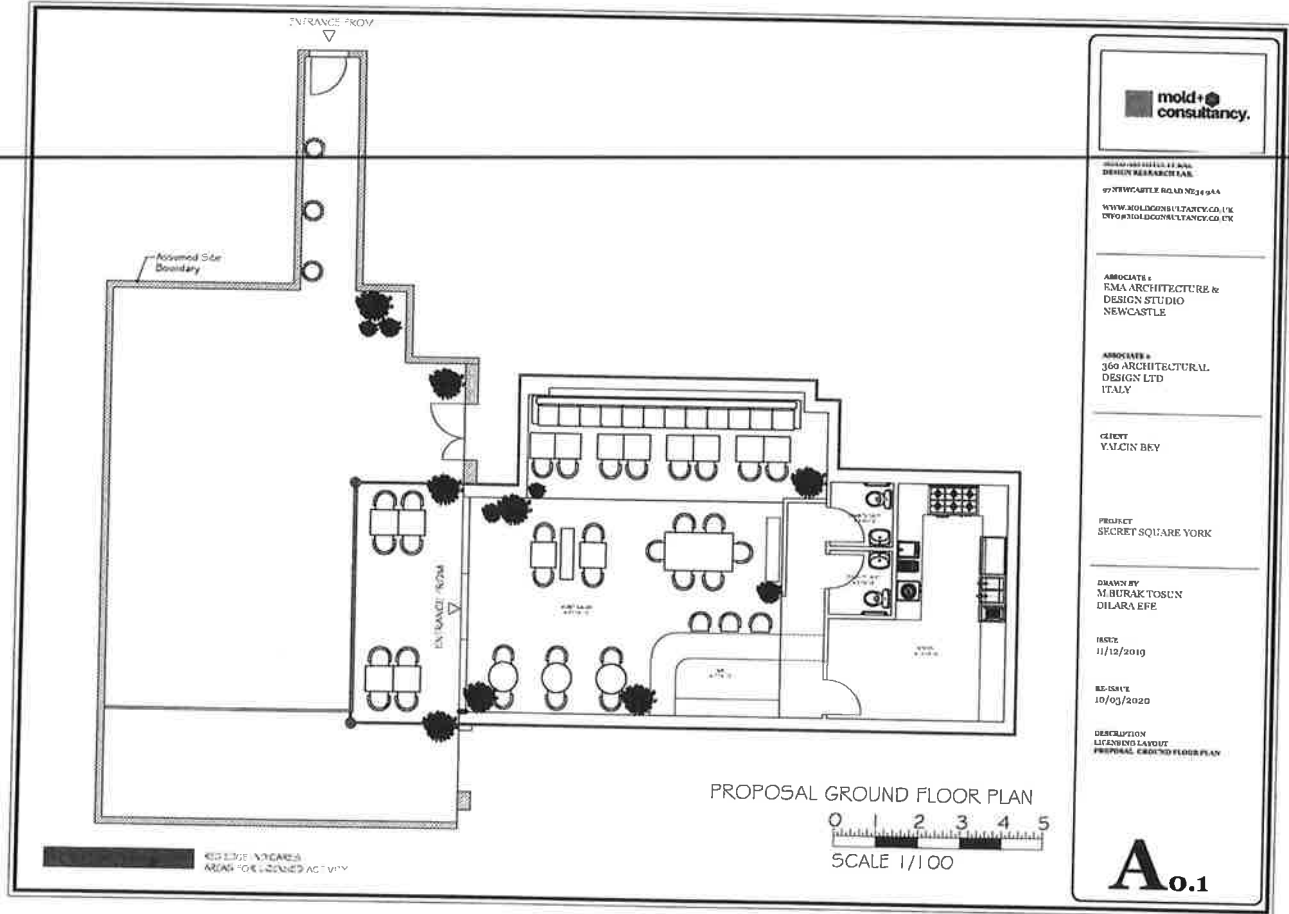












mold+consultancy.

02040 880300 11 800
DESIGN RESEARCH LAB.
97 STYVINGTON ROAD, NEWCASTLE
WWW.MOLDCONSULTANCY.CO.UK
INFO@MOLDCONSULTANCY.CO.UK

ASSOCIATE 1
FMA ARCHITECTURE &
DESIGN STUDIO
NEWCASTLE

ASSOCIATE 2
360 ARCHITECTURAL
DESIGN LTD
ITALY

CLIENT
YALCIN BEY

PROJECT
SECRET SQUARE YORK

DRAWN BY
M.BURAK TOSUN
DILARA EFE

ISSUE
11/12/2019

RE-ISSUE
10/03/2020

DESCRIPTION
LICENSED LAYOUT
PROPOSAL GROUND FLOOR PLAN

A0.1

City of York Council
West Offices
Station Rise
York
YO1 6GA

2nd March 2020

Dear Sirs

Unit 4 Stonegate Walk, Hornby Passage, York, YO1 8AT

I'm writing to confirm that as the land owners of the Property we are prepared to grant control over the gate fronting Stonegate Walk to the prospective tenants Mr Yalcin Kizilkaya and Mr Harun Kacmaz of Secret Square Limited. The gates provide the only access route to the subject property therefore need to be opened in order for the property to be occupied/traded. The prospective tenants will ensure the area is controlled at all times and prioritise the safety of the surrounding residents and businesses.

Yours faithfully

For and on behalf of Gatsby Retail Limited



Cumulative Impact

1. Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
2. Relevant authorisations means:
 - premises licence
 - club premises certificate
3. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
4. The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

Cumulative Impact Assessment

5. As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
6. As required by the Act the Council has formally consulted on the assessment.

7. By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation, with the reasons for departing from the Policy.
8. Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
9. Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant 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.
10. The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.
11. The Statement of Licensing Policy and Cumulative Impact Assessment were approved by the City of York on the 21 March 2019.

Cumulative Impact Area

12. The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area

continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:

- prevention of crime and disorder
- prevention of public nuisance

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.

14. A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead 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.

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9. Cumulative Impact

- 9.1 Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
- 9.2 Relevant authorisations means:
- premises licence
 - club premises certificate
- 9.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 9.4 The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

Cumulative Impact Assessment

- 9.5 As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
- 9.6 As required by the Act the Council has formally consulted on the assessment.

- 9.7 By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation, with the reasons for departing from the Policy.
- 9.8 Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
- 9.9 Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant 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.
- 9.10 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.

Cumulative Impact Area

- 9.11 The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and

other businesses and therefore adversely affecting the promotion of the licensing objectives:

- prevention of crime and disorder
- prevention of public nuisance

9.12 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.

9.13 A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead 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.

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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**

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Good Morning John,

Annex 4 - App KH1

Thank you for your email.

I can confirm that North Yorkshire Police would not support the current business model in this location as per my previous advice. I will of course review the application once submitted on its own merits but refer you to the section 182 guidance 14.40 and York's statement of licensing policy 9.14. The onus is on the applicant to show how this will not further impact in the CIA.

Please could you forward any further emails to NYPLicensing@northyorkshire.pnn.police.uk as I have some training abstractions coming up so as to ensure that nothing is missed should I be out of the office.

Kind Regards,
Kim

PC1671 Kim HOLLIS
Licensing Officer (York and Selby)
Alcohol Licensing Unit
Partnership Hub
North Yorkshire Police
Mobile: 07802385220

'Committed to the code of ethics'

From: John Walker - Guest Walker [redacted]
Sent: 02 March 2020 15:14
To: Hollis, Kimberley
Subject: RE: hornby passage / secret square limited - premises licence application

Kim ,
My clients wish to submit another application and I'm sending with this email what they are putting to the Council .
I'll be grateful for your response to it / comments on it .
Thanks
John Walker

John Walker
Guest Walker
Tel: 01904 [redacted]
Fax: 01904 [redacted]
[redacted]



Please note that all correspondence sent by email will be treated in the same manner as post received. Emails will not take priority over post received in the office and will be dealt with in the order of receipt.

Information on all our specialist legal services is available on our website at www.guestwalker.co.uk.

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Guest Walker Solicitors 12a Shambles York YO1 7LZ Directors: John Walker, Helen Burrows and Deborah Barton.

From: Hollis, Kimberley
Sent: 27 January 2020 09:34
To: John Walker - Guest Walker
Subject: RE: hornby passage / secret square limited - premises licence application

Good Morning John,

Thank you for your email.

I met with the applicant and agent on two occasions and gave some initial thoughts on an operating schedule including closing at 2300hrs each day with an offer to discuss further once the application was submitted. On reviewing the application it is felt that this is not a 'food led' establishment but rather a limited menu of snacks/light food in addition to the bar. The applicant also wishes to open until 0100hrs on Fri/Sat with food ceasing at 2300hrs allowing for a bar only for two hours at the end of the evening and also alcohol is not ancillary to food meaning that this can easily operate as a bar with no obligation for customers to dine.

I hope this is helpful and please let me know if you would like to discuss further.

Kind Regards
Kim

PC 1671 Kim HOLLIS
Alcohol Licensing
Partnership Hub
North Yorkshire Police
~~XXXXXXXXXXXX~~
Tel: 101

'Committed to the Code of Ethics'

From: John Walker - Guest Walker [REDACTED]
Sent: 23 January 2020 19:20
To: Hollis, Kimberley
Subject: hornby passage / secret square limited - premises licence application

Kim ,

I'm now dealing with this matter and am instructing Counsel to represent the applicants at the Hearing on February 6th .

The purpose of this email is just to see if there's any room for agreeing a deal here that would lead to the police changing their position .

Our view is that the relatively small size of the property , the modest proposed opening hours [when compared to other premises] and the emphasis on the food offering make this a reasonable application .

We are very mindful of the noise issue and the neighbours [although we believe that almost all of them would not be affected in practice] and would be prepared to look at further steps to minimise / reduce any noise impact .

Are you able to let me have your views on this application ?

In particular , is there anything that makes this different from other successful applications ?

Thanks

Regards

John Walker

John Walker

Guest Walker

Tel: [REDACTED]

Fax: [REDACTED]

[REDACTED]



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Guest Walker Solicitors 12a Shambles York YO1 7LZ Directors: John Walker, Helen Burrows and Deborah Barton.

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Good Afternoon Hilary,

Thanks for your email. I did email John back yesterday as he made contact so he may have updated you by now. As I advised to John and previously North Yorkshire Police would not be able to support the business model as submitted previously at that location within the CIA. If the business model has changed as suggested I will of course look at this when the plans and application are submitted and look at this on its own merits but I cannot support a bar/café at this location in line with my previous comments.

If you wish to discuss further or submit further plans please get in touch.

Kind Regards,

Kim

PC 1671 Kim HOLLIS
Alcohol Licensing
Partnership Hub
North Yorkshire Police

[REDACTED]

Tel: 101

'Committed to the Code of Ethics'

From: Hilary Ramli [REDACTED]
Sent: 03 March 2020 11:11
To: Hollis, Kimberley
Subject: Re application of secret square premises licence

Morning Kim

I know John Walker has been in touch regarding the resubmission of the above application.

I have spent some time going through your concerns with the applicants and we really would like to find some common ground where you are convinced their premises will not add any impact to the red zone CIA.

With that in mind I discussed possible condition and would ask that you look through these and make any comments before we reapply.

The applicants have totally changed their business model.

Crime and disorder

1. On a Friday, Saturday, bank holiday Sunday and any race day two door staff will be provided. One will be positioned on Stonegate at the front of alleyway and the other on entrance door to the premises.
2. There shall be a minimum of 28 covers provided.

3. alcohol is by waitress table service only
4. Full food menu available until 30 minutes before closing.
5. Supply of alcohol until 23:00hrs mon - Sunday close 23:30hrs
6. refusal register to be provided
7. Maximum of 10 seats in courtyard which will be suitably partitioned.
Courtyard to cease use at 21:00hrs

Many Thanks
Kind Regards

Hilary Ramli

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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

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Bielby, Angela (Democratic Services)

From: Woodhead, Nigel
Sent: 07 April 2020 13:42
To: Sefton, Helen
Subject: Licensing Authority Representation To application for a Premise Licence by Secret Square

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 representation is with regard for the grant of a Premise Licence to the application made by Secret Square Ltd, at Unit 4, Stonegate Walk, Hornby Passage, York. The application requests the licensable activity, the Supply of alcohol from 10:00hrs to 23:00hrs 7 days a week. The application states the premises will open from 10:00hrs to 23:30hrs 7 days a week with an additional hour in the evening for Christmas and New Year's Eve and Sundays leading to a Bank Holiday

I make this representation in relation to the following two licensing objectives:

1. The Prevention of crime and disorder
2. Prevention of Public Nuisance

The application relates to a new Premise Licence in respect of a Café/Bar within York's Cumulative Impact Area (CIA).

The Council's current Statement of Licensing Policy, which was adopted in March 2019 and is effective till March 2024 undertook a review of the CIA which has resulted in a Red Zone being identified. Paragraph 9.14 of the Policy refers to this Red Zone and states that:

'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'

Secret Square Ltd premises is located within this red zone.

The CIA also states that:

'This CIA has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:

1. The Prevention of crime and disorder
2. Prevention of Public Nuisance

The Licensing Authority along with North Yorkshire Police have provided information that this area is such that the problems and cumulative impact directly relates to the type of businesses operating in the area and their customers due to the concentration of pubs, bars, nightclubs and restaurants especially late night into the early hours of the morning and I believe that by granting this application it will have a negative impact as it is adding another drinking establishment to the CIA.

Even though this premises is located just off a prominent city centre location (Stonegate), it is also a residential area with a number of flats in very close proximity, some of which directly overlook the courtyard.

The applicant has applied for a premises licence with sale of alcohol from 10:00hrs to 23:00hrs 7 days a week with the sale of food until 22:00hrs, stopping 1½ hours before the close of business. This would mean the premises would be able to act as a vertical drinking establishment for a period of 1½ hours every day of the week, 2½ hours on Christmas and New Year's day and Bank Holiday Sundays in a residential area which is already saturated with licensed premises.

Additionally, the location has an outside area which the applicant has stated will be for a maximum of 10 seats available until 21:00hrs daily. The plan submitted with the application identifies 8 seats with room for more people to stand in the general area. The applicant has not suggested that only 10 people will be allowed into the outside area, or that they will have to be seated, they have just stated that there will be a maximum of 10 seats. They have also not indicated how this area will be managed to ensure this area does not cause a public nuisance, or how this area will be closed at 21:00hrs (movement of people from this area_.

One SIA registered member of door staff has been offered for a Friday and Saturday and Race days, however it state that they will be located at the gate to the entrance to the courtyard monitoring who enters the courtyard. This gate and courtyard are also an access/egress route for residents and emergency escape route for residents and other businesses operating in this area. This SIA provision is also extended for Sundays leading into a Bank Holiday. The provision of just one member of door staff on nights which the city is notoriously busy does not seem adequate or safe.

The Licensing Authority 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 will lead to an increase in public nuisance, due to the very close proximity of residential properties.

We ask members of the committee that this application be refused. The applicant has not followed the Council's own Statement of Licensing Policy and have not taken into account that the premises sit within the CIA. The business model being

suggested alludes to a drinking establishment with an outside area in a residential area off Stonegate, with a small food menu, which leads the Licensing Authority to believe that will be a bar, offering limited food.

Nigel Woodhead
Licence Enforcement Officer,
City of York Council

[REDACTED]
email: [\[REDACTED\]](mailto:[REDACTED])

Please be aware of the new contact details for the Licensing Section (including Taxis):
Telephone: 01904 552422
Email: licensing@york.gov.uk

City of York Council |
Hazel Court EcoDepot, James Street | York YO10 3DS
www.york.gov.uk | [facebook.com/cityofyork](https://www.facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

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Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 30 March 2020 10:44
To: licensing@york.gov.uk
Subject: Application for Unit 4 Hornby's Passage YO1 8AT
Attachments: Objection to 2nd Hornby's Passage Application.docx

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Dear Sir/Madam,

We wish to object to the Licence Application on the above property and enclose our letter of representation.

[REDACTED]
[REDACTED]
[REDACTED]
Blake Street,
York.
[REDACTED]
[REDACTED]

Sent from [Mail](#) for Windows 10

[REDACTED]
Blake Street,
York.

[REDACTED]
29th March, 2020

Licensing Services,
Eco Depot,
York.
YO10 3DS

Dear Sir/Madam,

Licence Application For Unit 4 Hornby Passage YO1 8AT

We wish to make representations against the licence application for the above venue.

As elderly residents of [REDACTED] our sitting room balcony is directly above the small enclosed yard which houses Unit 4 and our apartment is no more than seven yards from the property. Granting this licence would mean that our quality of life would be seriously compromised by evening and late night noise and the inevitable anti social behaviour that often goes along with the drinking of strong alcohol. The unit is adjacent to our bin store which leads into our complex and this is sometimes left open by the collectors which would pose a huge security problem. The collectors at the moment have a clear passageway through to Stonegate along which to pull the large collection bins but the sketches show tables blocking their route in and out. Hygiene, health and safety come into play here. The collectors can take no other route owing to the design of the square and its floor.

The long hours requested for alcohol to be served seem totally at odds with a restaurant which is food led. There is nothing in the application which states whether customers can buy beer or spirits without purchasing a meal. At a previous hearing the police representative stated that the proposed kitchen was totally inadequate for a food led establishment, As far as I am aware there is no improved menu attached to the present application which shows that this business will be food led.

The proposed ten covers outside just below bedrooms and sitting rooms of Stonegate Court properties could easily be increased by inside customers going outside to smoke. Residents should have an inherent right to live in their properties without cigarette smoke and noise incessantly for seven days a week drifting up through their open windows. Open windows in the better weather means more noise permeating and echoing around what is a small enclosed courtyard. Summer afternoons on our balcony would be impossible to enjoy. My wife has underlying health conditions; wearing a pacemaker to help improve her standard of life and she has a severe pain from rheumatoid and osteoarthritis which would not be helped by having to live so close to these conditions.

There is no mention of music and dancing in the application this time around so are the applicants saying there will be no music whatsoever? If that is the case they will probably be unique in restaurants in the city. They make a point about children being welcome but is that not true of most restaurants nowadays? However, how many responsible parents would bring their children in the Red Zone of the City during the evenings, especially on Fridays and weekends? Such is the reputation the City of York has at the moment. Hen and Stag parties are a blight on a City of York's stature and we know the members of the City Council and the Police are spending immense amounts of time and energy, trying to turn this around by, amongst many other things, reducing the number of alcohol establishments particularly in this area.

The enclosed narrow passage from the square into Stonegate is a designated fire escape for the sixteen apartments and for New Look which means that blocking of the narrow exit by diners and smokers outside the premises would compromise any escape from a fire. Our fire door leads to our upstairs courtyard which could be a security issue. This passage way has been locked for the 15 years we have been there so that outsiders could not access what is a small area with numerous nooks and crannies.

Our main entrance on Blake Street is often blocked by visiting teenagers to MacDonald's so we are pushed into using the Hornby's passage exit into Stonegate to avoid confrontation. We believe the absent Landlord of Unit 4 has given permission for the applicants to use Hornby's Passage for customers entering and exiting the business. We accept that he needs to let to make money but has he considered the effect on the residents and other businesses close by. We would suggest that is extremely doubtful.

We submit that this application would be viable were it to be in a property away from a residential area and not in a courtyard of tiny proportions with dark corners in which mischievous people could hide in order to threaten residents' security, safety and health; but it is not and I suggest that it is in totally the wrong situation for a business of its type.

We therefore ask that this application is refused.

Yours sincerely,

[Redacted signature block]

Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 02 April 2020 10:59
To: licensing@york.gov.uk
Subject: Licence Application For Unit 4 Hornby Passage YO1 8AT

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[REDACTED]

[REDACTED]

York.

[REDACTED]

2nd April, 2020

Licensing Services,
Eco Depot,
York.
YO10 3DS

Dear Sir/Madam,

Licence Application For Unit 4 Hornby Passage YO1 8AT

I wish to make representations against the licence application for the above venue.

My [REDACTED] is directly above the small enclosed yard which houses [REDACTED] and my flat would therefore be directly affected by noise, smoke and potential alcohol-fuelled anti-social behaviour.

I would also challenge the application specifically in the context of the licensing objectives set out in York City Council's legislation.

- **The Prevention of Crime and Disorder**

Late-night city centre venues which serve alcohol for long hours and late into the night invariably and demonstrably lead to crime (viz. the number of broken windows and damage to local residential and business property following 'nights out') and disorder (viz. fights).

The location of the proposed development means that the residential properties in Stonegate Court would be at a significantly increased risk of suffering criminal damage. Hornbys Passage has long been protected by locked and key-coded gates. The security of Stonegate Court would be severely compromised by people being able to access the rear of the complex on a daily basis.

Unit 4 Hornbys Passage is directly next to the door which gives access to the Stonegate Court bin store. If this door were ever to be left open accidentally by the refuse collectors or a resident, the whole complex would be accessible to intruders.

- **Public safety**

Increased crime and disorder leads to decreased public safety. Stonegate Court already has a problem with intimidating behaviour by people who shelter by the main entrance. Residents, tradespeople and cleaners have already reported feeling unsafe when entering or leaving the premises. It is therefore essential that we all have unfettered access to our own back door when going about our daily lives.

The safety of Stonegate Court residents would also be compromised by the proposed development as it would impede their egress in the event of a fire.

The enclosed narrow passage into Stonegate is the designated fire escape for all of the Stonegate Court apartments and for New Look. This narrow exit would invariably be blocked by drinkers and smokers standing outside Unit 4, and would render the fire escape unusable.

- **The prevention of public nuisance**

The new application refers to the provision of Kurdish cuisine, but does not suggest that customers may only purchase alcohol with a meal. At the hearing relating to the applicants' previous application, the police representative stated that the proposed kitchen was totally inadequate for a food-led establishment. There is no suggestion that the applicants have made any attempt to address this point. This in turn would suggest that they still envisage Unit 4 to be a drinking venue which serves bar food 'on the side'.

City centre drinking venues demonstrably give rise to well documented acts of public nuisance (viz. urinating and defaecating in public, vomiting on pavements, foul language, intimidating behaviour).

They also give rise to noise. The quality of our lives would be made intolerable by evening and late night noise. There is no mention of music in the current application. Does this mean that applicants have decided not to play music at all in the venue? Again, they have not addressed questions raised during the previous hearing.

Several of our homes and bedrooms are directly above the proposed development: we would have to contend every single day and night with other people's loud music, voices and cigarette smoke.

The application shows a 'cordoned off' area. Anyone who has ever visited an establishment with a cordoned off area will be very well aware that it is standard practice for patrons to act as if the cordon were simply not there.

Early morning noise would also cause a public nuisance. We are already disturbed by recycling collections from local drinking venues ; we would also have to contend with daily deliveries to Hornbys Passage (i.e. immediately outside our bedrooms).

Granting this licence to 4 Hornbys Passage would make the cumulative effect of noise and anti-social behaviour intolerable to residents. Some of us are retired people in our 80s; others of us work from home; some of us suffer from medical conditions. Regardless of our situation, we all have a right to the quiet enjoyment of our own homes.

I suggest that this application would be more viable were it to be in a property away from a residential area in the Red Zone and not in a tiny courtyard which already operates as a fire escape. If it is genuinely envisaged as a family restaurant, it would need to be housed in a unit which is able to provide a full kitchen, which 4 Hornbys Passage cannot do.

As it stands, the application poses a risk to local residents' health, wellbeing, safety and security.

I therefore submit that this application be refused.

Yours faithfully,

[Redacted signature]

[Redacted name]

Director, Stonegate Court (York) Management Company

Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 08 April 2020 16:13
To: licensing@york.gov.uk
Subject: Licensing objection and representation - The Stonegate Living Company
Attachments: License Objection.pdf; Appendix 1.pdf; Appendix 2.pdf

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Dear Licensing Unit,

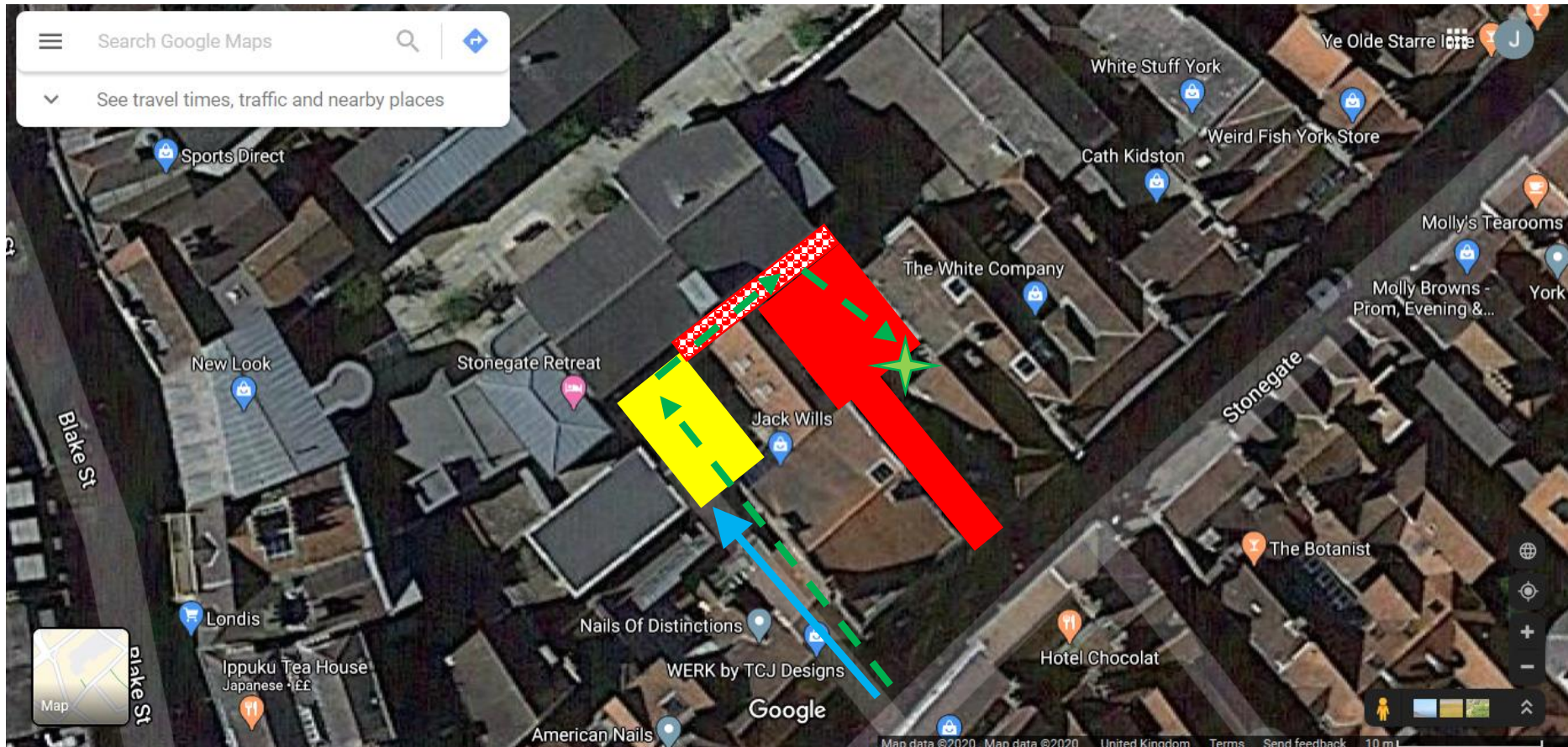
Please find attached signed letter and appended evidence for your consideration.

Please can you keep me informed on the outcome of the licensing application by email.

Kind regards,

[REDACTED]

License Objection – Unit 4 Hornby’s Passage, YO1 8AT – Executive Summary



Key:

- Blue arrow shows the entrance to Hornby’s Passage. This is our **only** means of access to our business. It is also a fire exit for neighbouring flats and shops.
- Yellow box shows the exterior of Unit 4 and the area which will be visible from the CCTV they propose to install.
- The red area shows the remainder of the courtyard which will be accessible to the public through the suggested opening up of the gateway at Hornby’s Passage. The staff and CCTV put in place at Unit 4 will not be sufficient in preventing any criminal activity in the remainder of this courtyard.
- The white area with red polka dots shows the area in which most current criminal activity takes place in the courtyard as it is not visible from the street. Opening up of the gateway will grant continuous access to this area as there will be no preventive measures put in place outside of the proposed opening hours. This puts our business, along with many others, and the residential properties at serious risk of being victimised by criminal activity and nuisance behaviours as it will not be visible by the CCTV proposed at the exterior of Unit 4.
- Green dashed arrow and star show the route we need to take to access our business.

FAO: Helen Sefton/City of York Council Public Protection/Licensing Section

Dear Licensing Services,

I am writing in regards to the application made by Secret Square Limited to YCC for a Grant of a Permission License at Unit 4, Hornby Passage, YO1 8AT. We previously made an objection on their application which was rejected in February. As the owner of The Stonegate Living Company, we still maintain our objection to the application on these grounds:

The prevention of crime and disorder:

As noted in the application on page 39, Secret Square Limited are intending to open Hornby Passage up to public use. This area is already a hotspot for criminal activity and opening it will further increase the likelihood of this criminal activity. As owners of a neighbouring shop we have to regularly contact the police or the street rangers to deal with criminal behaviour in the courtyard attached to Hornby Passage when the access gate has been left open. We have recently contacted the police on the 15/03/2020 after two vagrants gained access to the alleyway and we found them indecently exposing themselves. We also had to contact the police the month previously on 15/02/2020 after vagrants gained access and were rough sleeping. This blocked our access to our business and we consequently were unable to open the shop for over an hour on a Saturday. We then had to contact the street rangers on 01/04/20 after the vagrants had regained access and were again blocking access to our business. Furthermore, as previously noted in our objection on the 5th January, Hornby's Passage is a hotspot for illegal drug misuse and the police have been involved in having them removed from the premise. If Hornby's passage was opened up to public access it would further enable this criminal activity to take place including rough sleeping under the Vagrancy Act 1824 and use of illicit substances under the Misuse of Drugs Act 1971.

Public safety:

As previously stated, Hornby's Passage is a hotspot for illegal drug misuse and other criminal activity. This is a serious risk to public safety as employees of a number of near-by shops and the residents of Stonegate Walk use the courtyard as a means of access. On page 23 of the application it states that CCTV will be in use on the internal and external areas. However, this will not go far enough as the courtyard is a horse-shoe shape and CCTV on the external area will not cover one half of the courtyard (see Appendix 1). This will consequently displace the criminal activity to the other side of the courtyard which creates a dangerous situation for myself, my employees, and residents of Stonegate Walk. As stated in the application, door supervisors will only be employed on Friday, Saturday, bank holiday Sunday, and race day evenings. This means that the courtyard will be freely accessed on all other occasions which poses severe risks to public safety.

The prevention of public nuisance:

As we noted in our previous objection, the proposed location of Unit 4, Hornby's Passage is only yards away from residential property and the use of both the internal and external areas will create significant noise and pollution nuisance to the residents. The area already provides issues for cleanliness as there is often the presence of human bodily fluids in the gateway to Hornby Passage. If this area is licensed to sell alcohol, then the presence of bodily fluids is likely to increase from patrons and general members of the public who will see that most of Hornby's passage is hidden from street view and use the area inappropriately. Further to this, the open access to the courtyard will increase potential for window breakages and other criminal damage.

On the occasion where vagrants have gained access to the courtyard, they have left behind significant amounts of refuse waste (see appendix 2). If the courtyard is left open to public access, then this will increase the opportunity for such behaviour to continue. The presence of a restaurant bar is unlikely to prevent this, but rather displace it slightly, to areas that are out of view of the restaurant as there will not be 24-hour coverage of the entrance to the courtyard.

The above points illustrate how licencing will severely affect both adjacent residents and businesses. In particular, our shop which commenced trading in August 2019, with a sole female owner. The entrance to Hornby's Passage is the only means of access to the business and has left us in a number of vulnerable situations when the gateway has been left open. Most of the courtyard is out of view from Unit 4 and the street which means we will be left in a very vulnerable situation if the licensing goes ahead. More often than not, I access the courtyard alone and it is causing me serious anxiety at the thought of what I might be greeted with every morning if the licensing goes ahead. The back of the shop premises will be more susceptible to criminal damage and there is potential for severe harm to our mental and physical health caused by increased contact with drug users, criminals and drunk members of the public (as we can only access and egress the premises via Hornby's passage). The location of this proposed restaurant causes an overwhelming risk to public safety and therefore an alternative location should be sought.

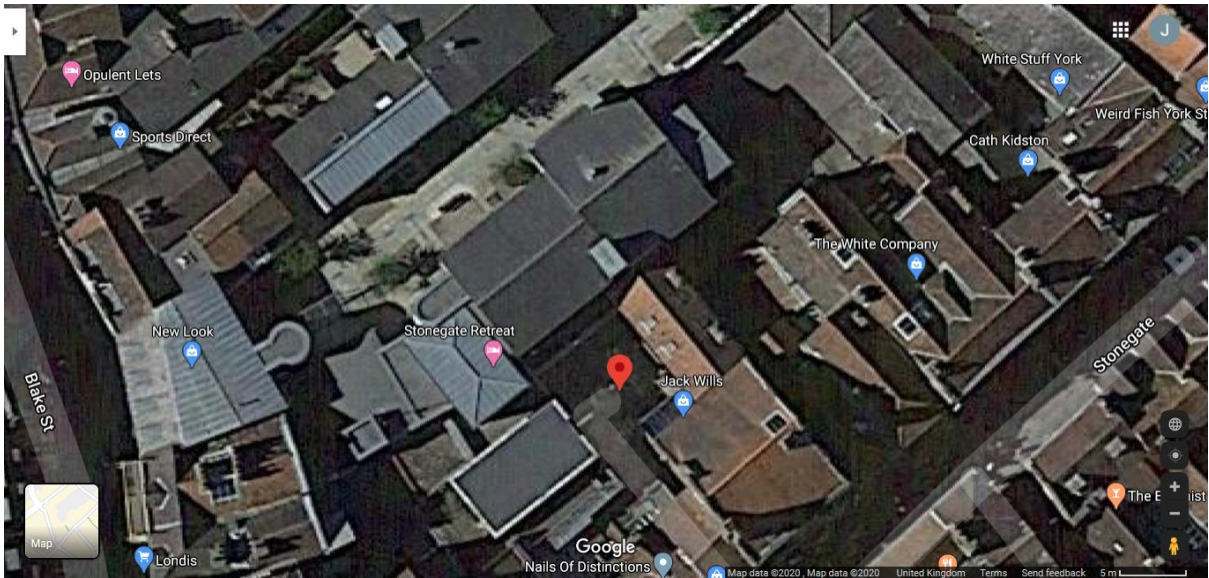
Regards,

[Redacted signature]

[Redacted name]

Director of The Stonegate Living Company Limited

Appendix 1



This is a satellite image of Hornby's Passage



These yellow lines show the route you can take through the courtyard.



The red square shows where the exterior of Unit 4 Hornby Passage is. The green shows areas within the courtyard which would not be visible by CCTV placed outside Unit 4.



The blue square shows where most vagrant activity currently occurs as there is no view from the street.

Appendix 2

Image 1



Image 2



Image 3



Image 4

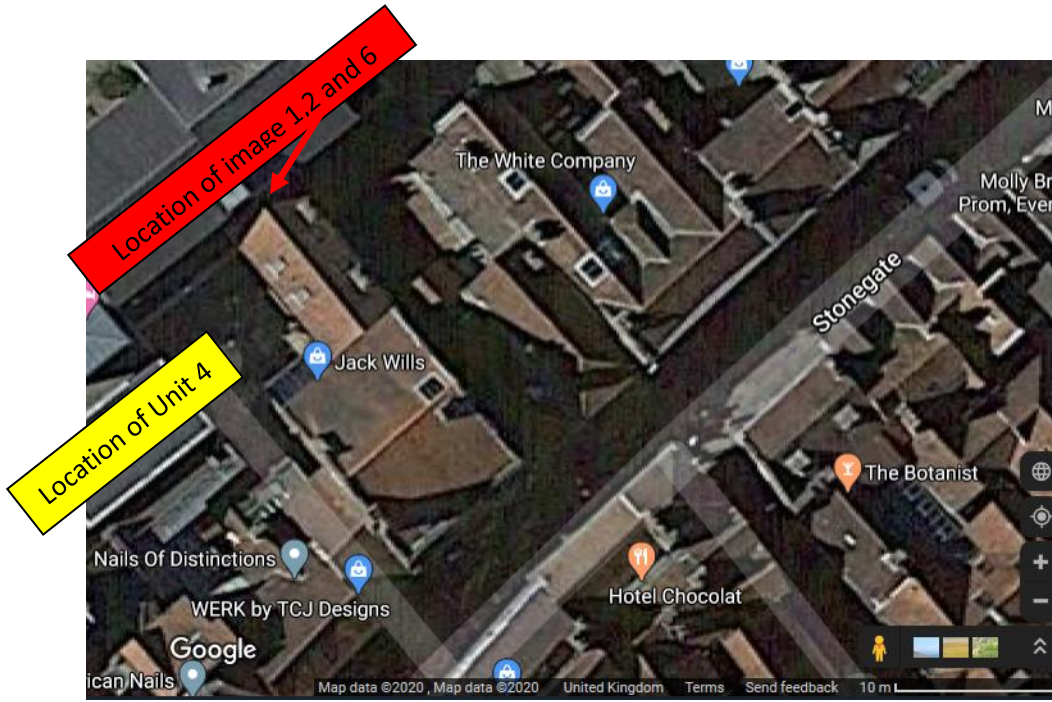


Image 5



lamge 6





Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 08 April 2020 12:04
To: licensing@york.gov.uk
Subject: Licence Application For Unit 4 Hornbys Passage YO1 8AT - PLEASE CONFIRM RECEIPT

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licence Application For Unit 4 Hornbys Passage YO1 8AT

Dear Sir/Madam,

As a resident that will have the bar directly underneath my balcony I wish to strongly object to the licence application for **Unit 4 Hornbys Passage YO1 8AT for the reasons below.**

Noise / Cumulative Impact Zone

Stonegate Court is a quiet residential development located in the heart of York. It is a mixed and cohesive community representing all ages. We all value the tranquillity of this development. If this licence were granted, our quality of life would be seriously compromised by evening and late night noise and the inevitable anti social behaviour that often goes along with this type of business and the proposed hours of business.

Stonegate Court is located in a part of town that is already more than well served by venues which facilitate dining and the consumption of alcohol until the early hours. There is already an issue with noise and late-night music from Kennedy's (which is further away than the proposed bar at 4 Hornbys Passage), buskers performing in Stonegate with amplifiers, and the commotion caused by drunken revellers at all hours in Stonegate. Most restaurant-bars in York have signage exhorting patrons to "leave quietly" - but it is evidently impossible to enforce this. The Council will already be aware of our long-standing problem with the 24-hour Macdonalds in Blake Street and the disturbance and litter created by our front door by its clientele. We must bear in mind that Macdonalds is unlicensed, and creates disturbance and encourages anti-social behaviour even without an alcohol licence.

The proposed development in Hornbys Passage would not be a one-off: it would be every single day of the week. Moreover, it would blight our waking hours, too, as developments of this type invariably involve increased deliveries, rubbish collections, kitchen smells, and daytime activity. Some of us work from home, and would be unable to do this due to the increased noise and traffic.

As discussed my home is directly above the proposed development: I would have to contend every single day and night with loud music, voices, and cigarette smoke in our propertie. Granting this licence to 4 Hornbys Passage would make the cumulative effect of noise and anti-social behaviour intolerable to residents.

Security and Fire Risk

We also value the security of our homes and of the complex in general. At the moment, it is impossible for 'interlopers' to access the development.

Security: Hornbys Passage has for some 15 years been protected by locked and key-coded gates. This in turn maintains the security of Stonegate Court. On the rare occasions when the key-code has failed, the area has immediately attracted vagrants and drinkers, along with foul language and anti-social behaviour (the York Bid Street Rangers and the police were involved on these occasions). This security would be severely compromised by people being able to access the rear of the complex on a daily basis. Even more concerningly, Unit 4 Hornbys Passage is directly next to the door which gives access to the Stonegate Court bin store. If this door were ever to be left open, the whole complex would be accessible to intruders.

Fire risk: The enclosed narrow passage into Stonegate is also the designated fire escape for all of the Stonegate Court apartments and for New Look. The narrow exit would invariably be blocked by drinkers and smokers standing outside Unit 4, and would render our fire escape unusable.

In addition, Hornbys Passage also serves as a fire escape for the Ye Old Starre Inn on Stonegate. This development would present a risk to their customers and staff, too.

It is, moreover, worth noting that Hornbys Passage is the only way in which the refuse collectors can access to Stonegate Court in order to empty our industrial-sized bins.

The Prevention of Crime and Disorder / Public Nuisance

It goes without saying that late-night dining/drinking venues invariably lead to crime (viz. the number of broken windows and damage to property following 'nights out'), disorder (viz. fights), and public nuisance (viz. urinating and defaecating in public, vomiting on pavements).

This in turn is a risk to Public Safety. Stonegate Court already has a problem with rough sleepers by the main entrance (whom several residents and the complex's cleaners find intimidating); this kind of encounter would be even worse in a small, dark, enclosed passageway.

The current application proposes to cordon off an area of the courtyard, presumably in an attempt to persuade residents that there would no encroachment into the further reaches of the courtyard. As anyone would be able to verify, however, any nominal cordon would be easy to breach. The only effective cordon in practice would be a ten-foot wall between the proposed restaurant/bar and the rear of Stonegate Court and the adjacent shops.

Stonegate Court is a mixed community of hard-working younger residents and retired or semi-retired people. A very small number of the properties are used as holiday lets by individuals who also play a full and active role in the community and some of whom will themselves live there in due course. We have all chosen to buy or rent properties in Stonegate Court because we feel safe and secure here. Some of us have grandchildren who visit overnight.

York is not just a city for late-night drinking and clubbing. Many of us are actively involved in the city's cultural and religious institutions (Friends of York Minster, the Bibilographical Society, St Wilfrid's to name just a few). There is already a risk that the centre of York could become a no-go zone for 'ordinary' people - which would, obviously, be a very bad thing for the future of the city as a whole.

i could not object more strongly to this proposal, and trust that York Council will agree that it should not be permitted.

Yours sincerely,

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Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 05 April 2020 00:08
To: licensing@york.gov.uk
Subject: Letter of objection to licensing application re 4 Hornbys Passage York.
Attachments: Secret Square2.pdf; IMG_20200404_0004.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find attached my letter objecting to the application for licensing of 4 Hornbys Passage by Secret Square Ltd.

I attach my letter in full in pdf plus the last page showing my signature. I regret that is the best I am able to do with my current technology and printer at home. I hope that is sufficient for you. I am reluctant to go out too often but I could post it to you if necessary.

I would be most grateful to hear from you that my representation is in order. In due course I wish to speak at any hearing convened to consider the application.

Thank you very much for your attention at this difficult time. With very best wishes for your and your families' wellbeing.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Services York
Hazel Court
Eco Depot
James Street
YORK YO19 3DS

5 April 2020

By email to licensing@york.gov.uk

Dear Sirs

Re : 4 Hornby Passage YORK YO1 8AT Application for Grant New Premises Licence by Secret Square Ltd

I wish to state my objection to the application by Secret Square Ltd regarding 4 Hornby Passage which refers to its use for the sale of alcoholic drinks for not only daytime but late into the evening, every night of the week.

When Secret Square made a previous application 12 December 2019 I made representation against the application and spoke against the application at the hearing on 6 February 2020.

I am the owner of a flat in Stonegate Court and live there as my permanent residence. Stonegate Court is a residential complex which has its main entrance on Blake Street and its fire escape goes via the courtyard in which the unit 4 Hornbys Passage is located. 4 Hornby Passage is immediately adjacent to Stonegate Court with a small area of courtyard in front of it directly underneath the homes of several Stonegate Court residents. It is so close to Stonegate Court that any sounds originating in the courtyard or issuing from the premises of 4 Hornby Passage will be clearly audible in Stonegate Court and in our homes there.

The building 4 Hornby's Passage has a large flat roof immediately adjacent to and on a level with Stonegate Court, attached to certain of the Stonegate Court properties. Easy access from the roof of 4 Hornby's Passage onto Stonegate Court balconies would also be a risk to our homes and personal welfare.

The application states that it will be a café/restaurant and alcoholic drinks will be served from 10.00 to 23.00 every day of the week and it will remain open until 23.30 every evening and an hour later on special days. The doors and windows of the bar could be open everyday with noise escaping 10.00am to 10.00pm each day and whenever ingress and egress is made from the premises. I see no menu for food in this application and I conclude it is intended to be a bar with snacks. The applicants intend to use the courtyard in front of the Unit for 10 seats for customers notwithstanding the lack of space and unhygienic route used by our rubbish collectors. There will be constant noise and likely music affecting our homes all day.

1. Nuisance – noise all day and into the night

I am very worried that noise from the bar will be a nuisance to me in my home. This will prevent me from having the peaceful enjoyment of my own home and living a normal life.

Both my living room and bedroom windows face towards 4 Hornby's Passage at right angles. My bedroom window especially will receive the noise from the proposed bar at 4 Hornby Passage as it is close by. It will ruin my peaceful enjoyment of my home. The noise will be loud talking, drunken arguments and fights which can happen outside bars. Loud sounds travel long distances especially at night.

There will be access for the public in the daytime and late evening into Hornby Passage and courtyard. There will be continual noise for Stonegate Court residents from the bar, people congregating and drinking until late. There will be loud deliveries at night and in the early mornings and the sound of cleaning the courtyard. I will hear all of this in my home.

I especially fear what will happen in summer when drinkers will choose to drink in the open air courtyard. There will be continual noise not allowing us to enjoy our own homes in peace. This will cause us stress and anxiety and I worry about my own health and that of my neighbours.

The application states that the area Secret Square will use for their customers will be "suitably partitioned". Typical partitioning locally such as the bar/restaurant establishments in Little Stonegate is generally flimsy and easy to move. It simply blocks the road for pedestrians and allows customers to sit and drink and make noise in the street. But that road is not a fire escape, unlike 4 Hornbys Passage. There are fire escapes for several premises including the residents of Stonegate Court in the courtyard. There will be little to stop customers standing anywhere in the courtyard underneath Stonegate Court properties.

It is unlikely customers will be easily compliant and will instead noisily object if told to move or leave causing more noise and distraction to Stonegate Court residents. People will continually be leaving and entering the bar and making noise 10.00am to after 11.30pm every day.

When I stayed in number 14 Stonegate Court for several weeks I had to call the Noise Department Patrol on several occasions just because of just one busker performing in Stonegate and the proposed bar and sound of drinkers at 4 Hornby Passage will be much closer. The Noise Department Patrol were very helpful and sympathetic.

All day noise going on to late in the night – after 11.00 pm is late for me – will be so disturbing for me and have a bad effect on my health and that of my neighbours. This would make life miserable. I am in my 60s and this is my home I have retired to. Stonegate Court is a residential complex with people of all ages, children to elderly. The noise of people shouting and fighting is especially frightening for children and older people and it will come straight into our homes and bedrooms.

Already I hear noise and music from people shouting in Stonegate late at night and music from the bars around Little Stonegate area which can be disturbing well into the night but is generally at a level I can cope with. But those bars and clubs are much further away. 4 Hornby Passage bar will be so much closer and the noise is bound to be louder and constant all day which will be upsetting for me and my neighbours.

2. Nuisance – unpleasant and unhealthy smells

I am very concerned that the toxic fumes of smokers outside in the Hornby Passage courtyard and any cooking smells will pervade the air around Stonegate Court and enter my home and that of my neighbours affecting our health and quality of life.

3. Safety – Fire risk and safe fire-escape

There will be an additional risk from cigarette smokers outside in the Hornby Passage courtyard throwing away cigarette ends into rubbish. This risk will be very worrying at night when people are more careless and drunk notwithstanding the application states that Secret Square will maintain “a clear unobstructed route at all times” and that “no comestibles will be positioned along the alleyway”. Even if customers are not served after 9.00pm in the courtyard it is probable that the table and chairs will remain outside and remain an obstacle all night after the customers have left at about 11.30. I have seen that there are fire-escapes of New Look and other establishments via the courtyard and Hornby Passage. The passageways are narrow and easily congested.

The Stonegate area already has many bars and is a magnet for Hen and Stag parties which can be very rowdy. Maintaining good order in the courtyard is likely to prove very difficult. Flimsy partitioning is likely to be ignored as people find quiet dark corners and rubbish is discarded thoughtlessly throughout the courtyard. It is unlikely that any security or cleaning arrangements that Secret Square put in place will cover the whole courtyard area which is not within by their partition. The courtyard and the exit routes will become fouled and precarious. Food waste attracts vermin.

If this planning application goes ahead I have no doubt that I will be less safe from fire in my own home.

4. Courtyard access: Security of my home and my personal safety and that of my neighbours from criminal acts. Rubbish collections and hygiene.

Stonegate Court main entrance is on Blake Street and has a lock for residents. We have a persistent problem with rough sleepers on our small set-back entrance who block the doorway and can be intimidating when asked to move particularly for a small woman like me. Recently rough sleepers had gained access to the courtyard and were living there. Our managing agents and the police had to deal with this. I am concerned that rough sleepers would also congregate in the courtyard attracted by the alcohol, making our use of the fire exits much more difficult in the event of an emergency.

4 Hornbys Passage is next to the external access to our bin store and entry might be attempted to our building that way. This puts our personal security and that of our homes in greater risk of criminal acts. At the moment a locked gate blocks entry to Hornby Passage at Stonegate for those without authorised access. Access might also be attempted to Stonegate Court via its fire exit steps if the door is forced/accidentally left open. This is more likely the more people regularly congregate or sleep in the courtyard.

4 Hornbys Passage has a large flat roof which is adjacent to balconies of Stonegate Court residents and is within a few yards of my bedroom window at right angles to it. There is a real danger that anyone who gains access to that roof would be able to easily gain access to Stonegate Court homes making us less safe at home. Any noise from the area of the roof would be easily heard in my flat and those of my neighbours. Loud noise from the roof would be very intimidating.

In addition, the rubbish collectors need access to our binstore which is next to 4 Hornbys Passage proposed bar/restaurant site. Their route would be straight through the proposed partitioned courtyard in front of 4 Hornbys Passage. I cannot see how it can be hygienic for Secret Square customers to eat in the same space as our industrial sized bins are emptied.

I will be much more wary of going into Stonegate Court courtyard at night if the planning application goes ahead in case I encounter a trespasser. At the moment I feel very safe in my home and love living there.

There are many residents living in the centre of York of all ages - young and old including the more vulnerable members of society. It is not just a place for bars and entertainments. Many of us have chosen to live in the city centre in order to actively participate in York's rich civic life. Since moving to York for my retirement some 5 years ago I have become very involved with the Friends of the Minster and I am a member of several other York societies.

A thriving community of residents can really benefit a city centre making it look cared for and safe for residents and visitors alike. It is so difficult for residents to deal with loud bars and unruly threatening behaviour too close to their homes. I beg you to have great concern for the quality of life of us residents in central York.

I am very happy living in Stonegate Court and in the centre of York which I have chosen for my retirement. However I am so worried about the detrimental effect this application will have on my life and that of my neighbours and I beg you to reject the application.

Yours faithfully

██
██
██
██

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I am very happy living in Stonegate Court and in the centre of York which I have chosen for my retirement. However I am so worried about the detrimental effect this application will have on my life and that of my neighbours and I beg you to reject the application.

[REDACTED]

[REDACTED]

Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 08 April 2020 12:10
To: licensing@york.gov.uk
Subject: Licence Application For Unit 4 Hornbys Passage YO1 8AT - PLEASE confirm receipt

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licence Application For [Unit 4 Hornbys Passage YO1 8AT](#)

Dear Sir/Madam,

As a resident that will have the bar directly underneath my balcony I wish to strongly object to the licence application for **Unit 4 Hornbys Passage YO1 8AT for the reasons below.**

Noise / Cumulative Impact Zone

Stonegate Court is a quiet residential development located in the heart of York. It is a mixed and cohesive community representing all ages. We all value the tranquillity of this development. If this licence were granted, our quality of life would be seriously compromised by evening and late night noise and the inevitable anti social behaviour that often goes along with this type of business and the proposed hours of business.

Stonegate Court is located in a part of town that is already more than well served by venues which facilitate dining and the consumption of alcohol until the early hours. There is already an issue with noise and late-night music from Kennedy's (which is further away than the proposed bar at 4 Hornbys Passage), buskers performing in Stonegate with amplifiers, and the commotion caused by drunken revellers at all hours in Stonegate. Most restaurant-bars in York have signage exhorting patrons to "leave quietly" - but it is evidently impossible to enforce this. The Council will already be aware of our long-standing problem with the 24-hour Macdonalds in Blake Street and the disturbance and litter created by our front door by its clientele. We must bear in mind that Macdonalds is unlicensed, and creates disturbance and encourages anti-social behaviour even without an alcohol licence.

The proposed development in Hornbys Passage would not be a one-off: it would be every single day of the week. Moreover, it would blight our waking hours, too, as developments of this type invariably involve increased deliveries, rubbish collections, kitchen smells, and daytime activity. Some of us work from home, and would be unable to do this due to the increased noise and traffic.

As discussed my home is directly above the proposed development: I would have to contend every single day and night with loud music, voices, and cigarette smoke in our propertie. Granting this licence to 4 Hornbys Passage would make the cumulative effect of noise and anti-social behaviour intolerable to residents.

Security and Fire Risk

We also value the security of our homes and of the complex in general. At the moment, it is impossible for 'interlopers' to access the development.

Security: Hornbys Passage has for some 15 years been protected by locked and key-coded gates. This in turn maintains the security of Stonegate Court. On the rare occasions when the key-code has failed, the area has immediately attracted vagrants and drinkers, along with foul language and anti-social behaviour (the York Bid Street Rangers and the police were involved on these occasions). This security would be severely compromised by people being able to access the rear of the complex on a daily basis. Even more concerning, Unit 4 Hornbys Passage is directly next to the door which gives access to the Stonegate Court bin store. If this door were ever to be left open, the whole complex would be accessible to intruders.

Fire risk: The enclosed narrow passage into Stonegate is also the designated fire escape for all of the Stonegate Court apartments and for New Look. The narrow exit would invariably be blocked by drinkers and smokers standing outside Unit 4, and would render our fire escape unusable.

In addition, Hornbys Passage also serves as a fire escape for the Ye Old Starre Inn on Stonegate. This development would present a risk to their customers and staff, too.

It is, moreover, worth noting that Hornbys Passage is the only way in which the refuse collectors can access to Stonegate Court in order to empty our industrial-sized bins.

The Prevention of Crime and Disorder / Public Nuisance

It goes without saying that late-night dining/drinking venues invariably lead to crime (viz. the number of broken windows and damage to property following 'nights out'), disorder (viz. fights), and public nuisance (viz. urinating and defaecating in public, vomiting on pavements).

This in turn is a risk to Public Safety. Stonegate Court already has a problem with rough sleepers by the main entrance (whom several residents and the complex's cleaners find intimidating); this kind of encounter would be even worse in a small, dark, enclosed passageway.

The current application proposes to cordon off an area of the courtyard, presumably in an attempt to persuade residents that there would be no encroachment into the further reaches of the courtyard. As anyone would be able to verify, however, any nominal cordon would be easy to breach. The only effective cordon in practice would be a ten-foot wall between the proposed restaurant/bar and the rear of Stonegate Court and the adjacent shops.

Stonegate Court is a mixed community of hard-working younger residents and retired or semi-retired people. A very small number of the properties are used as holiday lets by individuals who also play a full and active role in the community and some of whom will themselves live there in due course. We have all chosen to buy or rent properties in Stonegate Court because we feel safe and secure here. Some of us have grandchildren who visit overnight.

York is not just a city for late-night drinking and clubbing. Many of us are actively involved in the city's cultural and religious institutions (Friends of York Minster, the Bibliographical Society, St Wilfrid's to name just a few). There is already a risk that the centre of York could become a no-go zone for 'ordinary' people - which would, obviously, be a very bad thing for the future of the city as a whole.

I could not object more strongly to this proposal, and trust that York Council will agree that it should not be permitted.

Yours sincerely,

[REDACTED]

[REDACTED]

Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 09 April 2020 13:49
To: licensing@york.gov.uk
Subject: APPLICATION UNIT4 HORNBY'S PASSAGE YORK

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Licensing Services

Hazel Court Eco Depot
 James Street
 York YO19 3DS

[REDACTED]

Licence Application For Unit 4 Hornby Passage YO1 8AT

Dear Sir / Madam

I wish to object to this 2nd application for several valid & demonstrable reasons.
 My property 12 Stonegate Court is within a few meters of the small yard which houses Unit 4.
 Indeed our bedroom is directly in clear view.

Noise / Cumulative Impact Zone

Stonegate Court is a quiet residential development in the heart of York housing residents of all age groups including pensioners and younger residents. We all value the haven of peace & quiet that Stonegate Court provides away from the hectic atmosphere that is generated on the busy streets of York.

If a licence were to be granted it would compromise our quality of life completely and we would have to alcohol consumption, late night noise, and the anti social behaviour that is evident on the several establishments that are in the vicinity of Stonegate Court all within a mere few yards of my property & bedroom.

This would occur every day of the week both daytime & evenings.

Security & Fire Risk

Hornby Passage is accessed by a locked & key coded gate. This maintains the security of Stonegate Court on the rare occasions the gate has been left open we immediately have a problem with vagrants sleeping in the yard people drinking & evidence of drug taking.

We would be vulnerable to break ins as the yard also houses a bin store. If the door was accidentally left open or broken it would give direct access to Stonegate Court by intruders.

Fire Risk

The passage also serves as the fire escape for the residents of Stonegate Court via fire doors. These will inevitably be blocked by people drinking and smoking in what is already a small yard with a narrow passage.

This would render the fire escape redundant therefore creating an extremely dangerous situation for everybody.

The Prevention of Crime and Disorder / Public Nuisance

It is apparent that late night drinking inevitably leads to anti social behaviour. Stonegate already has several establishments offering late night drinking & music. All of these establishments have security personnel to help with the inevitable anti social

behaviour this proposal would be no different. The entrance to Stonegate Court is plagued by people sleeping & drinking in the entrance doorway making it extremely intimidating to all residents.

The peace & tranquility that Stonegate Court provides to its residents would be totally destroyed.

I therefore strongly object to this proposal and trust York Council will agree it should not be granted

Yours sincerely



Sent from my iPad

Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 09 April 2020 15:05
To: licensing@york.gov.uk
Subject: Fw: SECOND APPLICATION FOR PREMISES LICENCE, UNIT 4, STONEGATE WALK, HORNBY'S PASSAGE, YORK YO1 8AT
Attachments: photo 1 york.jpg; photo 2 york.jpg; photo 3 york.jpg; photo 4 york.jpg; photo 5 york.jpg; Letter to York Council.docx

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

Please see below the attachments of my letter and photos regarding the above Application for a Premise Licence for a café/restaurant.

- Photo 1 White door on the left which will be used by the applicants as a possible entrance to the restaurant
 If you look at the drawing of the Plans, arrows point towards this door, but the exit is via the seating area.
- Photo 2 New Look Shop doors which is their designated 'Fire Escape'
 On the right, door and window of Jack Wills shop (previous owner used this door to enter and exit her shop with merchandise) Also a designated 'Fire Escape'
- Photo 3 This photo shows uneven surface of the courtyard
 metal post in the middle is the lamp post for the yard
- Photo 4 Another angle of the uneven surface where the applicants would like to have a seating area outside Unit 4.
 Note the glass door on the right, next to the double white doors. This is the resident's bin area and must be kept clear at all times.
 The 'slope' is the only way for the bin men to move out the large wheelie bins and out through Hornby's passage.
 Without this slope, bin men would have to navigate bins via the New Look windows and down the high step outside Jack Wills - not practical
- Photo 5 Facing Unit 4 with manhole cover in front of the Unit
 White door on the left which Unit 4 want to use
 White doors on the right, bin area for the residents

Yours faithfully,

[REDACTED]



NEW LOOK

New Look.
for me 24/7.









City of York Council
Licensing Services
Hazel Court,
EcoDepot
Hazel Court
James Street
York YO10 3DS



8th April 2020

Dear Sir/Madam,

RE: SECOND APPLICATION FOR PREMISES LICENCE UNIT 4, HORNBY'S PASSAGE, YORK YO1 8AT

I am in receipt of the Application Form/Agenda for the above Unit 4 and although the change of use from an empty unit to a 'café/restaurant' and the Plans have been modified by the applicants, Secret Square Ltd, I still have many concerns for the usage of this Unit as a café/restaurant.

I have also attached five photos of the courtyard so you may see and have a better outlook of why there are issues with the idea of a café/restaurant in this particular courtyard. It is just not practical whatever the modifications the applicants may make as it is a residential area, our flats surround the courtyard.

The entrance to the courtyard from Stonegate is a narrow, covered passage way, a tradesman's entrance which caters for the shops, New Look, Jack Wills, TCJ Designs and Stonegate Living Company. All have doors and windows looking out onto the courtyard which they use for deliveries, entering/exiting their shops etc.

New Look and us, the resident's have our fire escape doors in this courtyard. They must be clear at all times of people and obstructions. Allowing the general public to use this same area will only add to increased numbers trying to flee from a confined space.

The ground is so uneven and dangerous all over that I cannot envisage a seating area for ten people outside Unit 4. How will the applicants level out the ground, what do they have in mind for this? The ground slopes down from the glass door of the Unit towards Hornbys Passage.

To the right of the glass door of Unit 4 are the double white doors of our, resident's, bin area. For now the bin men can move the large 'industrial' wheelie bins down the slope towards Hornbys Passage with relative ease, but once the seating area is in place for ten people, how can the bins be wheeled out safely? around the 'roped' partition that the applicants have in mind? The bins will have to be wheeled in front of New Look and down the high step outside the back door of the Jack Wills shop?

This will not be practical for the bin men at all, it will be an obstruction and a safety hazard. Also, should there be children present at the café/restaurant, they may want to run around, as children like to do, but can injure themselves. There is also a manhole cover outside Unit 4. The courtyard will become a '**Health and Safety**' issue for the clientele of the restaurant and for the bin men.

Some times, the bin men don't always secure the door and this becomes a security risk to us the residents should anyone wander into this designated area.

There are metal bars outside Unit 4. Are the applicants going to remove them to place their 'roped' area? What are the plans of the applicants for those bars and sloping ground? We, the residents would like to know as we all will be affected by the building works of changing the Unit into a restaurant.

Builders will be going in and out of Hornbys Passage, enormous amounts of dust and debris can abound in the courtyard, the dreadful incessant noise of dismantling/drilling etc that will be persistent every day and evening in and outside the Unit. The courtyard has an echo feel to it when people are talking and we residents who have our flats above the courtyard will suffer greatly especially the elderly and those with health issues. It will be very unpleasant.

The construction of the kitchen area in the restaurant would be another point of contention. I believe this Unit is not compatible for a kitchen especially if there is no fire escape or windows at the rear of the building. Also in the police report of the first Agenda, it is quoted by the agent that 'the premises does not have the capacity for a substantial kitchen', yet their modified design of the kitchen does look that.

The hours that the applicants want to serve food and alcohol, 1000-2300, Monday to Sunday plus they are seeking an extra hour, 0030, to serve at Christmas, New Year's Eve and Bank Holiday Sundays are absolutely too long.

I have also noted that in the original Agenda the hours of opening were 1130-2330, yet in the modified Application Form, the hours have changed to 1000-2330, why would the applicants open an hour and a half earlier?

Another point of observation, the premises may close at 2330 and the clientele asked to leave, but what about the staff? They will be tidying/cleaning up and they may leave much later thereby disturbing the residents twice over. The patrons leaving so late followed by the staff.

These hours and days of entertainment the applicants wish to have, do not take in any consideration whatsoever or take into account the effect all this will have on their neighbours, us the residents who just want peace and quiet.

Food deliveries will have to be made, and at what time will this happen? there will be the setting up of the seating area and the preparing of the food. All this work will have a detrimental effect on us, the residents. It will be never ending, there will be no respite at all.

Our flats have balconies, how can one enjoy sitting outside when all one will see are a constant stream of people entering and leaving the restaurant throughout the day/evening. The chatting and laughter, people looking up at us, we at them.

Cigarette smoking will be another issue. This should be prohibitive in such a small area as the smell of smoke travels upwards to our flats and will constantly linger, it's also so very unhealthy for the elderly with health issues.

The enjoyment of our balconies will be lost forever.

The courtyard in which Unit 4 stands is entered/exited into from a busy pedestrian only, Stonegate, A main thoroughfare of a mix of shops/bars/pubs and is already in a ***'Cumulative Impact' and 'Red Zone' area.***

In my original email of 9th January, I listed all the bars and pubs in Stonegate that provide the general public with a good choice of venues to visit. I am concerned that once the gates of Hornbys Passage is opened to the general public and although it may be manned, there will be people trying to enter to see what lies beyond. Unpleasant people could still enter if the security guard is distracted.

Should there be any social nuisance from the public especially in the evenings/night, the noise of these people could and will be heard by us, the residents, especially those flats that overlook the courtyard. This will be disturbing and unsettling for us. Our sleep will be broken and this will not bring us any joy whatsoever.

The gate is and has been secured and locked to any outsiders so it is a security for us, the residents of Stonegate Court, we can enjoy the tranquillity and peace it brings, but once it is opened up, it will never be the same again. This surely, must be taken into account when deciding on this application.

The small courtyard is certainly not an adequate place/site for any future café/restaurant.

In view of all of the above, I sincerely hope that the Licensing Authority will refuse this application.

Yours faithfully,
Kind regards



Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 09 April 2020 17:11
To: licensing@york.gov.uk
Subject: Objection to application for a Premises Licence at Unit 4 Stonegate Yard by Secret Square ltd

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Services
Hazel Court
James Street
York
YO19 3DS

8.3.20

Dear Sir or Madam,

I would like to object to the application by Secret Square for a premises licence at Unit 4, Stonegate Yard.

My objections fall under: a) Prevention of Public Nuisance and b) Prevention of Crime and Disorder.



Hornby's Yard... here is a panoramic photo which gives a good idea of the layout and of the proximity of Unit 4 to residential dwellings in Stonegate Court.

The entrance to the yard from Stonegate is to the left of the photograph in between Unit 4 and Jack Wills, there is a better view of the entrance passage in the last photograph. New Look extends to the right by about the same amount again into another yard which is connected to Hornby's Yard by a short passage with high ceiling. Apartments 12 and 14 look onto this yard, several fire exits also open onto this other yard and there is a fire exit gate onto Stonegate.

As you can see Apartments 15, 16 and 17 are very close indeed to the proposed Cafe/Restaurant at Unit 4, the bedroom window of Apt 3 is not in the photograph, but it could well be in earshot of activities in the Yard, it is obscured by Apt 17.

My main concern as regards public nuisance in Hornby's Yard is noise, although it probably wouldn't be audible from my Apartment it would be a very serious shared concern with our friends and neighbours at Apartments 3,12,14,15,16 and 17.

Hornby's Yard is a small area enclosed by buildings, Unit 4 and the building opposite are a similar height, Stonegate Court and Jack Will's property on Stonegate are considerably taller....this creates an area like an open box, made mainly of brick, glass and stone with no absorbing sound qualities whatsoever. I am no expert in acoustics and it is not a good time to find somebody who might be able to offer some expertise, however I did notice the acoustics a few days ago when I was having a conversation from the yard with one of the residents of Apt 16 as they stood on their balcony....I do believe this is of serious concern. I am aware of sound travelling further and louder in unexpected and surprising ways as soon after last Christmas

I was disturbed one evening in my flat by a busker on Stonegate, some distance away. My flat is on the opposite side of Stonegate Court to Hornby's Yard, yet I was troubled sufficiently to call the Noise Patrol. Generally speaking Jack Wills and adjoining buildings provide a good buffer between all the alcohol related noise and behaviour on Stonegate, this would all change should Unit 4 open up as a restaurant and start selling alcohol. Several residents of Stonegate Court would without doubt be badly disturbed by noise from drinkers and diners in and outside Unit 4, they would also be disturbed by all the comings and goings of restaurant life, deliveries, the cleaning up after drinkers and diners have left and the departure of staff, perhaps well after closing time. All this activity creating sounds in the small area of Hornby's Yard.... most of the sound will travel upwards right into the homes of people living nearby.

We all know it's an immutable fact... People consuming alcohol are inclined to be noisy...even if food is also on offer.

The owners of Stonegate Living Company, the shop next to the fire exit onto Stonegate have to access their premises from the rear of their shop, coming through the gate on Hornby's Passage and walking through both yards to get to the entrance of their property. During the relatively short time they have been in business there have been security issues with homeless people gaining access to the yard, this caused the shopkeepers serious anxiety and stress. Unfortunately drug use, alcohol consumption and extremely lewd behaviour of some of these people made it necessary for the Police to become involved.

My main concern as regards crime and disorder is that having ready access to this area (the other yard) with Hornby Passage gate being open onto Stonegate would invite all sorts of worrying security and behaviour issues. We have trouble with criminal, threatening and general unpleasant behaviour in our front door area, we know that it could and does spread to the back exit despite this area supposedly being secure. The other yard is tucked away and out of sight, it could easily become a problem area.

Our bin store door is occasionally left open by the Refuse Collector's, this could well be a security issue. There would also be a problem getting the bins out to Stonegate, at present they are taken across the area which has been put forward as a proposed outdoor seating area, the rest of the yard has a step in it which would need to be negotiated. The yard is extremely uneven and will need a lot of work to level it up before it could be used as a seating area.



Another photo showing the proximity of Apartment 17's terrace to proposed Restaurant.



Photograph taken from balcony of Apartment 16.

As a long term resident of central York I have sadly witnessed a serious and steady decline in night time behaviour due to excess consumption of alcohol which has come about since the change of the licensing laws. However, I was really heartened to discover that York City Council also recognise this issue and have put in place a Cumulative Impact Zone to scrutinise more fully matters of licensing in this part of the City. I do feel that granting of another licence to sell alcohol would have a further detrimental effect on behaviour in this area and I only hope the panel see fit to decline this application. I personally would be delighted to see a Kurdish restaurant in York, but in a place where it could be enjoyed by its patrons, but not at the expense of residents living close by and not in an area that is already inundated with licensed premises.

Yours Faithfully,



Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 09 April 2020 16:55
To: licensing@york.gov.uk
Subject: Licence Application For Unit 4 Hornbys Passage YO1 8AT
Attachments: Unit 4 objection 2.docx

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

Please find attached objection letter pertaining to the above application.

Regards,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]



8th January, 2020.

Ref: Licence Application For Unit 4 Hornbys Passage YO1 8AT

Dear Sir or Madam,

I would like to register my strong objection to this licensing application on the grounds of the licensing objectives contained in the Licensing Act 2003 (Section 4)

The Prevention of Public Nuisance

Unit 4 is part of the same Stonegate Walk development as 16 residences. The level of noise disturbance from voices, recorded music, chairs and tables scraping etc and rising cigarette smoke will be unbearable for the residents whose properties are directly above the courtyard area that Unit 4 wants to use.

Public Safety

The area outside Unit 4 forms part of the fire escape route both for residents at Stonegate Court and occupants of Ye Olde Star Inn. Obstructing it in any way is obviously a matter of public safety.

I would also argue that the access passageway is also too narrow to provide the only fire escape for the premises itself.

The Prevention of Crime and Disorder

There are numerous recorded reports of crime and disorder in the area, both in our doorway in Blake Street and in Hornbys Passage on occasions when the gates are left unlocked. Increasing access to Hornbys Passage will only add to these occurrences.

Cumulative Impact Zone

The property lies within York's Cumulative Impact Zone (CIZ) in an area already saturated with drinking establishments and late night bars. We already cope with instances of alcohol related crime and public nuisance, increasing the number of licensed premises can only add to the cumulative negative impact of anti-social behaviour in the area.

In conclusion, I strongly recommend that the council refuse this application.

Yours Faithfully

A black rectangular redaction box covering the signature area at the bottom of the letter.

Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 09 April 2020 16:28
To: licensing@york.gov.uk
Subject: Unit 4 Hornby's Passage
Attachments: Unit 4 objection 2 CB.docx; Location Plan courtyard area.jpg; Apt 15-17.jpg; Apt 12-14.jpg; Stonegate Court Overhang.jpg; jack wills 1.png

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Woodhead,

Firstly, I do hope you and your family and colleagues are all well in these terrible times.

Please find attached my representation on the latest licensing application from Secret Square and associated images. Please could you confirm receipt?

Many thanks and Kind Regards

[REDACTED]


8th April, 2020.

Ref: Licence Application Unit 4 Hornby's Passage YO1 8AT

Dear Sir or Madam,

I strongly object to this licensing application on the grounds of the licensing objectives contained in the Licensing Act 2003 (Section 4). Whilst the idea of a Kurdish restaurant in York is great, this is not the right location for the reasons I have listed below. There are already empty licensed properties in non-residential parts of the city and I suspect that when the current Covid 19 crisis is over there will be many more available, probably at lower rents than before.

Background

In 2004, the Stonegate Walk Shopping Arcade was redeveloped and converted primarily for residential use. Unit 4 was part of this redevelopment. I can only presume that the intention of the original planners and developers was to create some retail space but also provide the residents with quiet enjoyment of their homes. Modern life has changed since then with high streets suffering competition from online sales. However, that is no reason to destroy the original concept of Stonegate Court by permitting the use of this unit to be changed to a café/bar/restaurant and blighting the lives of residents with noise, disruption and disturbance for 15 hours per day, 7 days per week.

Cumulative Impact Zone

The property lies within the Red Zone of York's Cumulative Impact Zone (CIZ) in an area already saturated with drinking establishments and late night bars. Thankfully, the licensing laws have been changed to give residents a fair say in what happens within their community. The CIZ exists to stop more café/bars adding to existing problems with drinking and anti-social behaviour.

At the previous hearing, the applicant submitted plans for a late night drinking/music/dancing venue serving light refreshment during some of the opening hours. The plans submitted included a DJ booth and a large bar. At the hearing, the applicant said that it would not be viable to open as a food led establishment, as there was no room for a substantial kitchen. The most recent application is for a café/restaurant. However, the plans still show a bar area and the opening/licensing/food hours are not consistent with other small, familial restaurants in the area. Phranakhon in Grape Lane (formerly Nineteen restaurant) has no bar and opens from 12-10pm and until 9pm on Sundays. Café No 8 on Gillygate also has no bar and closes at 10pm and 4pm on Sundays. No restaurants in York that I know of offer extended opening hours on Race Days nor on Bank Holiday Sundays. I respectfully suggest that this venue will be more bar than restaurant.

We already have to cope with instances of alcohol related crime and public nuisance in our area far too numerous to list here. I am not suggesting that the applicant is intending for any of this to occur, but increasing the number of licensed premises can only add to the cumulative impact of anti-social behaviour in the area.

The Prevention of Public Nuisance

Given the location and close proximity of 16 domestic residences at Stonegate Court, I am extremely concerned about public nuisance if this application is granted. The area directly outside the premises will inevitably be crowded with people sat at tables, stood smoking, entering / leaving the premises. There will be offensive odours of cigarette smoke and kitchen extractor fans. There will be noise from chairs scraping, glasses clinking, bottles dropping, background music, raised voices. There will also be early morning noise from deliveries and clearing of empty bottles etc. Any noise will affect residents of the 5 apartments which are directly above the area and will also reverberate around the courtyard of Stonegate Court affecting all the other residents. This is NOT Nimbyism. We have the large 24 hour McDonalds directly opposite our street entrance door (police are aware that customers use Blake Street as a toilet, vomiting, fighting and worse in the early hours). Plus we have the highest concentration of late night bars and clubs in York located in Stonegate and Little Stonegate. We are disturbed by noise regularly from these sources but accept that this is part of city centre living. There is, however, a huge difference between noise from the other side of the street and noise directly below your bedroom window, your small outside space and your living room for 15 hours a day. I should add that these are not large apartments and they are south facing so for a large part of the year, windows and doors need to be open for ventilation. The attached images show the proximity of the apartments.

The Prevention of Crime and Disorder and Public Safety

The attached location plan shows both the proximity of Stonegate Court and the space that would be open to the public if this application were approved.

By granting this license, a currently secured area, hidden from both the street and Unit 4 would be unlocked from 9 am to midnight 7 days a week. The space includes a large undercover area, at least 4 fire escape doors to properties including Stonegate Court and several large, plate glass shop windows. There will undoubtedly be an increase in public nuisance, safety, crime and anti-social behaviour in this area, regardless of door managers and CCTV. Even with the gates locked 24/7, a local business has been forced to call the police to evict trespassers and drug users from this area on multiple occasions recently.

So whilst the customers of the unit themselves may not be causing these particular problems, opening up this area will lead to increased calls to the police and adding to the already heavy workload of the safer neighbourhood team. Unit 4 staff will be too busy to notice people walking past into this area and anyway would have no jurisdiction to move them on.

In addition to the area being unlocked for a lengthy period each day, the digital keycode on the access gate to the passageway would inevitably be shared more widely and used more often thereby increasing the likelihood of trespassers out of hours.

In conclusion, I strongly recommend that the council refuse this application. It would seem a complete disregard of the Licensing Act and the Council Priorities listed in the Statement of Licensing Policy & Cumulative Impact Assessment dated February 2019 (below) if this license is granted.

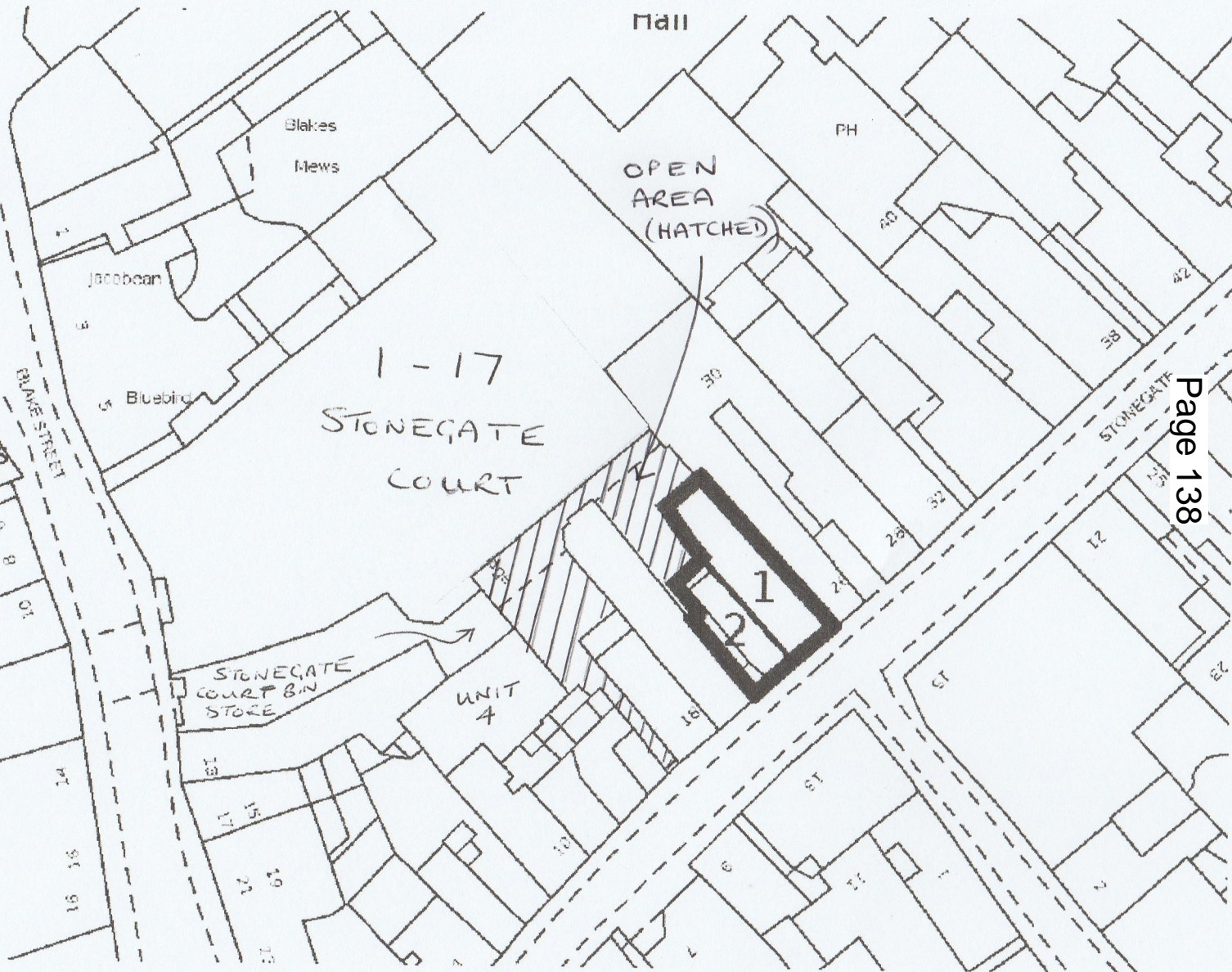
“Council Priorities

29. The Licensing Act 2003 has 4 objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

30. The promotion of the licensing objectives will support the Council’s Plan for a prosperous city for all and a council that listens to residents.”

Yours Faithfully

A black rectangular redaction box covering the signature area, with a small horizontal line extending to the right from its bottom edge.



Blakes
News

Hall
OPEN AREA
(HATCHED)

PH

1-17
STONEGATE
COURT

BLAKE STREET

STONEGATE

STONEGATE
COURT STORE
BIN

UNIT
4

1
2

Apt 17

Apt 16

Apt 15

JACK WILLS

Unit 4

NEW LOOK

New Look.
There for me 24/7.

newlook.com

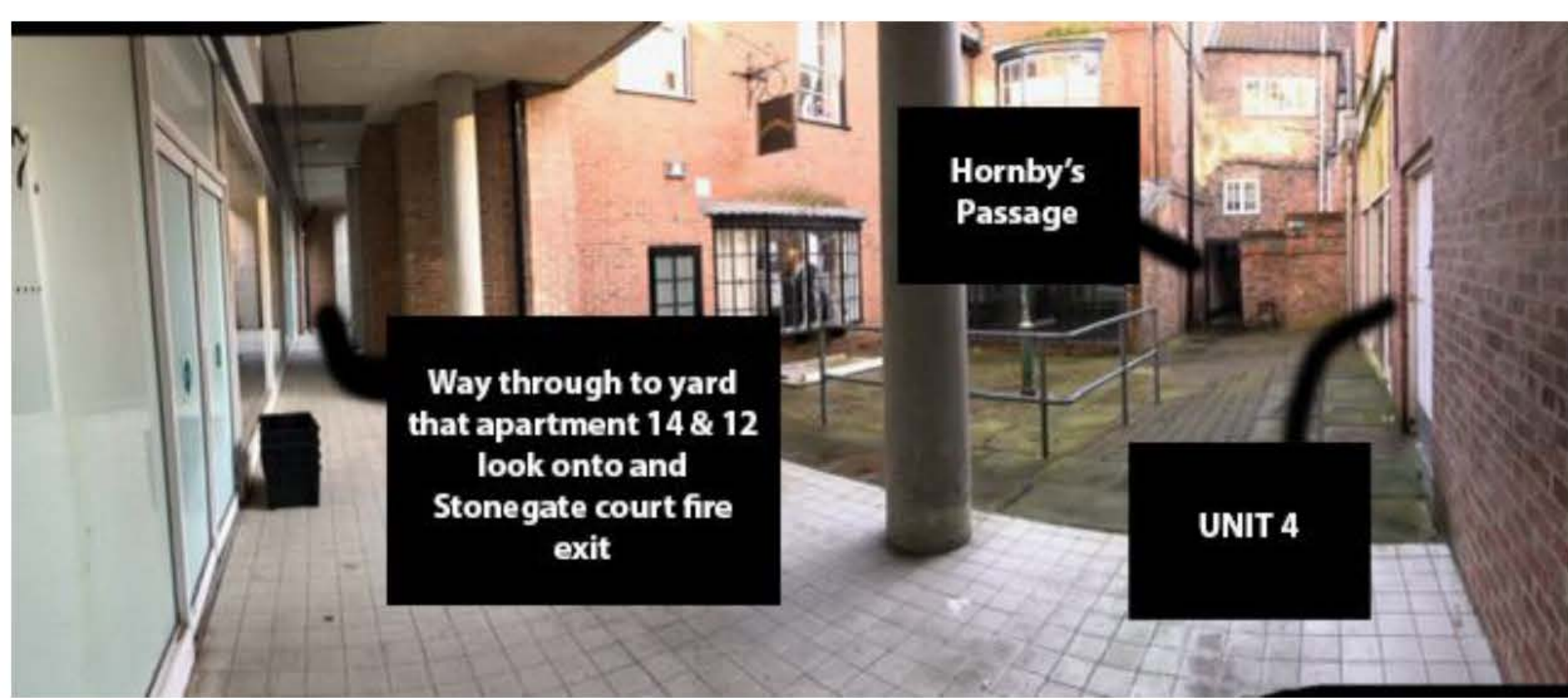
Apt 14

Apt 12

<-- open access to unit 4

There's never enough
room for everything.
*Menswear, Maternity,
Inspire, Tall, Petite.*

newlook.com



**Hornby's
Passage**

**Way through to yard
that apartment 14 & 12
look onto and
Stonegate court fire
exit**

UNIT 4

Apt 15 ^

Unit 4

No 1

Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 08 April 2020 10:03
To: licensing@york.gov.uk
Subject: Hornby's Passage application

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

From the residents of [REDACTED]

Dear Sir/Madam,

Licence Application For Unit 4 Hornbys Passage YO1 8AT

We wish collectively to object to this application in the strongest possible terms, and in the context of the licensing objectives set out in York City Council's legislation.

- **The Prevention of Crime and Disorder**

Late-night city centre venues which serve alcohol for long hours and late into the night invariably and demonstrably lead to crime (viz. the number of broken windows and damage to local residential and business property following 'nights out') and disorder (viz. fights).

The location of the proposed development means that the residential properties in Stonegate Court would be at a significantly increased risk of suffering criminal damage. Hornbys Passage has long been protected by locked and key-coded gates. The security of Stonegate Court would be severely compromised by people being able to access the rear of the complex on a daily basis.

We gather that the applicants would be responsible for locking and unlocking the gates to suit their business purposes. This has the potential to put our properties at risk.

Moreover, Unit 4 Hornbys Passage is directly next to the door which gives access to the Stonegate Court bin store. If this door were ever to be left open accidentally by the refuse collectors or a resident, the whole complex would be accessible to intruders.

- **Public safety**

Increased crime and disorder leads to decreased public safety. Stonegate Court already has a problem with intimidating behaviour by people who shelter by the main entrance. Residents, tradespeople and cleaners have already reported feeling unsafe when entering or leaving the premises. It is therefore essential that we all have unfettered access to our own back door when going about our daily lives.

The safety of Stonegate Court residents would also be compromised by the proposed development as it would impede their egress in the event of a fire.

The enclosed narrow passage into Stonegate is the designated fire escape for all of the Stonegate Court apartments and for New Look. This narrow exit would invariably be blocked by drinkers and smokers standing outside Unit 4, and would render the fire escape unusable.

- **The prevention of public nuisance**

The new application refers to the provision of Kurdish cuisine, but does not suggest that customers may only purchase alcohol with a meal. At the hearing relating to the applicants' previous application, the police representative stated that the proposed kitchen was totally inadequate for a food-led establishment. There is no suggestion that the applicants have made any attempt to address this point. This in turn would suggest that they still envisage Unit 4 to be a drinking venue which serves bar food 'on the side'.

City centre drinking venues demonstrably give rise to well documented acts of public nuisance (viz. urinating and defaecating in public, vomiting on pavements, foul language, intimidating behaviour).

They also give rise to noise. The quality of our lives would be made intolerable by evening and late night noise.

Several of our homes and bedrooms are directly above the proposed development: we would have to contend every single day and night with other people's loud music, voices and cigarette smoke.

The application shows a 'cordoned off' area. Anyone who has ever visited an establishment with a cordoned off area will be very well aware that it is standard practice for patrons to act as if the cordon were simply not there.

Early morning noise would also cause a public nuisance. We are already disturbed by recycling collections from local drinking venues ; we would also have to contend with daily deliveries to Hornbys Passage (i.e. immediately outside our bedrooms).

Granting this licence to 4 Hornbys Passage would make the cumulative effect of noise and anti-social behaviour intolerable to residents. Some of us are retired people in our 80s; others of us work from home; some of us suffer from medical conditions. Regardless of our situation, we all have a right to the quiet enjoyment of our own homes.

We suggest that this application would be more viable were it to be in a property away from a residential area in the Red Zone and not in a tiny courtyard which already operates as a fire escape. If it is genuinely envisaged as a family restaurant, it would need to be housed in a unit which is able to provide a full kitchen, which 4 Hornbys Passage cannot do.

As it stands, the application poses a risk to local residents' health, wellbeing, safety and security.

We object to this application in the strongest possible terms, and would submit that it be refused.

Yours faithfully,

[Redacted signature]

[REDACTED]

Bielby, Angela (Democratic Services)

From: [REDACTED]
Sent: 09 April 2020 14:24
To: licensing@york.gov.uk
Cc: Sefton, Helen; Cooke, Lesley
Subject: Opposition to Application for Premise Licence

Dear Licensing Committee/Licensing Officers

Re: Unit 4, Hornbys Passage YO1 8AT

This is a second application for a premises licence for Unit 4, Hornbys Passage and although modifications have been made to the original application, I still have concerns and wish to support the residents of Stonegate Court and adjoining businesses in their objection to this application for the following reasons.

1. The entrance to the courtyard from Stonegate is a narrow, covered passageway, a tradesmans entrance which caters for the shops: New Look, Jack Wills, TCJ Designs and Stonegate Living Company. All have doors for deliveries and also windows. The Jack Wills window is floor to ceiling in a listed building. I doubt the strength of glass is strong enough to withstanding the possibility of revellers or children bumping into or leaning against it. This presents a safety issue.
2. The passageway is a fire exit for the residents of Stonegate Court and as such, should remain unobstructed at all times.
3. Ease of refuse collection for Stonegate Court residents and shops alike will be severely affected if there is seating for 10 in place.
4. The hours of licensing appear longer in this second application. The noise and potential nuisance level to the nearby residents would have an adverse effect on their day to day lives.
5. This sits in a Cumulative Impact Zone and has been opposed by the police previously also, for this reason.

In conclusion, as a city centre Councillor, I am all in favour of diversity and a mix of residential and business use in the city centre. However, this particular location in a CIA, where people coexist cheek by jowl already, is another addition too far.

I urge the panel to reject this application.

Kind regards

Fiona Fitzpatrick

[REDACTED]
Labour Councillor Guildhall Ward

**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula –
$$P = D + (D \times V)$$
where –
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

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Legislation and Policy Considerations

1. The following provisions of The Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; ss19, 20 and 21 mandatory conditions; The Licensing Act (Mandatory Licensing Conditions) Order 2010; and The Licensing Act 2003 (Mandatory Conditions) Order 2014.
2. The following provisions of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives; Section 9 Determining applications; Section 10 Conditions attached to premises licences and club certificates; and Section 14 Statements of licensing policy.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.0 Applications for Premises Licences, Club Premises Certificates and Variations; 6.0 Guidelines for Applicants; 7.0 Saturation and Cumulative Impact and 8.0 Licensing Hours.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

Amended 24/04/17

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