

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: Haizhongloa Hot Pot & BBQ 12 George Hudson Street	
Post town: York	Post code (if known): YO1 6LP

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 Chinese Hot Pot and BBQ restaurant in York's Cumulative impact area for licensable activities as follows:-

Mon- Sun Recorded Music 1100-0000hrs

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

The premises sits within York's CIA (Cumulative impact assessment area) 'Red zone', an area which The City of York Council has identified as being under the most stress from crime and disorder and public nuisance in their statement of licensing policy. The current policy came in to effect on 21st March 2019 and runs until 2024 and which states:-

"9.13 North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:

- drink led premises – pubs, bars, nightclubs and restaurants/cafes;
- entertainment

premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;

- late night refreshment premises – takeaways; and
- off licence premises – supermarkets and convenience stores.

9.14 A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have led to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council

should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone.”

Furthermore the CIA policy states:

“An applicant wishing to obtain a new licence or vary a licence for premises, within the cumulative impact area, must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.”

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

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

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

Whilst the application states that the Premises will operate as a Restaurant, it is concerning that “Late Night” refreshment has not been applied for, which means that after 2300hrs food cannot be served. This leaves a one hour window from 2300-0000 when the premises would solely be operating as a bar for the supply of alcohol, in an area which is already saturated with Licensed Premises.

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

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

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

The Section 182 guidance provides applicants with clear guidance with regards to completing their operating schedule namely:-

8.43 - “Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application: any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy”.

The inadequate operating schedule demonstrates that the applicant has failed to take into account York’s Statement of

Licensing Policy or the government guidance and nothing that has been put forward by the applicant demonstrates why their application should be considered as an exception to the policy.

Upon receiving this application North Yorkshire Police have conducted due diligence checks in relation to the applicant who is also the proposed Designated Premises Supervisor.

Alongside the concerns raised above North Yorkshire Police do not support this application for a premises licence under Section 18(9) of the Licensing Act, as the applicant and proposed Designated Premises Supervisor Mr Wenlin CHEN, it is believed would undermine the Crime Prevention Objective.

The Section 182 guidance para 4.39 states

"The Police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns."

I would refer members of the Licensing Committee to my witness statement submitted in support of this representation regarding the concerns North Yorkshire Police have in respect of Mr CHEN.

North Yorkshire Police have to be satisfied that an individual, who performs the role of a DPS, and who will ultimately have day-to-day management of the Premises and be the point of contact for responsible authorities, is able to effectively promote the Licensing Objectives.

My statement highlights there are exceptional circumstances to consider in respect of Mr CHEN and his ability to perform the role of a Designated Premises Supervisor

The Section 182 guidance Para 9.12 states;-

"Each responsible authority will be an expert in their respective field.....The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective".

North Yorkshire Police cannot support this application in the Cumulative Impact Area, and for the exceptional reasons highlighted in my witness statement regarding Mr CHEN as the proposed Designated Premises Supervisor and respectfully ask members to refuse the application.

Signature: J Booth

Date: 13/10/20

Contact name: PS 133 Jackie Booth

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

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