

# NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003



North Yorkshire Police hereby give notice of objection to the Premises Licence as listed below:

|   |                                      |
|---|--------------------------------------|
| <b>Postal Address of premises or club premises:</b><br>Fawkes and The Tiger<br>32 Stonegate |                                      |
| <b>Post town:</b> YORK  | <b>Post code (if known):</b> YO1 8AS |

**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 checked="" type="checkbox"/> |

## GROUNDINGS FOR RELEVANT REPRESENTATION

Please provide as much information as possible to support this relevant representation:  
(e.g. please list any additional information, e.g. dates of problems which are included in the grounds for review)

This is a new grant application for a Bar with food offering on Stonegate, York in a former retail unit.  
The applicant requests that the following be granted:

- Sale of alcohol on and off sales from 0800-0000hrs 7 days a week
- Late night refreshment 2300-0000hrs 7 days a week

The premises sits within York's CIA (Cumulative impact assessment area) an area which The City of York Council has identified as being under the most stress from crime and disorder and public nuisance in their statement of licensing policy. The current policy came into effect in March 2022 and it states:

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:

- pubs, bars, nightclubs, restaurants, cafes, hotels (with bars open to the general public), late night refreshment

premises (takeaways) and off-licensed premises (including supermarkets and convenience stores);

- especially in the night-time economy; and
- especially at weekends (day and night-time economy).

The policy also states:

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.

The premises in question is former retail unit in the busy Stonegate area of York and will be adding a new licensed premises to this area.

Section 9.15 relating to the cumulative impact area states:

9.15 Applications for the grant or variation of a premises licence in the cumulative impact area may be considered more favourably if the applicant can demonstrate, through the operating schedule, that the premises is going to be predominantly food led with:

- alcohol being sold/supplied ancillary to a meal, with substantial food (more substantial than a bag of crisps or a bowl of olives or nuts);
- being served throughout the duration of the operating hours;
- no vertical drinking, all customers seated at tables;
- set number of table covers;
- table service only, no customers at the bar;
- no drinks promotion, unless they are in line with a food promotions.

The applicant has offered as part of the operating schedule a number of conditions which are welcomed by North Yorkshire Police however they do not state that the premises must be 'food led' or a restaurant and they have chosen to omit this from the conditions as well as no provision for waiter/waitress service or alcohol being ancillary to food meaning that this premises may be drink led.

Condition 2 offered on the operating schedule states:

2. 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 3 hours before the end of permitted hours for the sale of alcohol. For the avoidance of doubt, a full menu shall be available up to 3 hours before the end of permitted hours for the sale of alcohol on any given day.

Though this condition states that food will be available this does not say that it will be a predominantly food led premises and has given a 3 hour window for alcohol to be sold without any offer of a menu meaning for 3 ½ hours each day customers will be able to consume alcohol at the premises without the offer of food. Further as there is nothing in

this or the other conditions that stipulate table covers, waiter service or alcohol ancillary to food customers could use the 210 seats in the premises to consume alcohol with no obligation to have any food at any point while open.

It was also noted that the applicant has offered a challenge 21 policy for the premises. Challenge 25 is considered to be the most appropriate policy now and is recommended to be adopted on all new premises licence applications for York City centre.

As a result of this North Yorkshire Police have made contact with the applicant's solicitor in order to mediate conditions to better mitigate against the risk associated with a drink led premises.

Unfortunately the applicant has not considered the conditions offered and no agreement has been reached.

North Yorkshire Police recommended the following minor amendments and can confirm that this would be considered reasonable to mitigate against risk:

Offered condition 2, Replace with:

'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 2 hour before the end of permitted hours for the sale of alcohol. For the avoidance of doubt, a full menu shall be available up to 2 hours before the end of permitted hours for the sale of alcohol on any given day. '

Offered condition 27, Replace with:

'The licence holder will operate a Challenge 25 Age Verification Policy at the premises. '

North Yorkshire Police have concerns that without these changes to ensure the premises is food led and has a menu available for the majority of time the premises is open and operating that the premise would be able to operate predominantly as drink led venue which is likely to impact the licensing objectives of Prevention of Crime and Disorder and Prevention of Public Nuisance. Further that the age verification policy should be followed in line with other venues in the city and best practice to ensure underage persons are not served alcohol in the venue.

Members I would ask that you consider the points raised in line with the policy for this area and the conditions recommended by North Yorkshire Police.

Signature: K HOLLIS

Date: 21/09/22

Contact name: Kim HOLLIS (PC1671)

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**