

## **Licensing Authority Representation, 10 – 12 George Hudson Street, York**

I am the Senior Licensing Officer for the City of York Council and I make this representation on behalf of the Licensing Authority.

This application relates to a new premises licence at 10 - 12 George Hudson Street, York. The premises is situated within one of the Amber Zones of York's Cumulative impact area.

The application seeks the following for licensable activities:-

- Sale of alcohol, for on and off sales 1100-2300 Sunday to Thursday, 1100 – midnight Friday & Saturday
- Late night refreshment, indoors only, 2300 to Midnight, Friday & Saturday

The premises sits within York's CIA (Cumulative impact assessment area), an area which City of York Council has identified as being under stress from crime and disorder and public nuisance, in the statement of licensing policy. Specifically the premises falls within one of the Amber Zones. The current policy came in to effect on 24 March 2022 and 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 of prevention of crime and disorder and 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).

9.14 Amber zones have 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, unless the application relates to a food led operation, as detailed in paragraph 9.15, the Council should refuse all applications within the amber zones 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:

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
- 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 promotions, unless they are in line with a food promotion.

The applicant has failed to address that the premises sits within the Amber Zone, the application refers to an outdated Policy and states the premises lies within the Red Zone. This policy was replaced on 24 March 2022. The applicant fails 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 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.

The proposed conditions which form part of the operating schedule are in part welcomed but there are weak conditions which demonstrate that the applicant has failed to take into account York's Statement of Licensing Policy or the government guidance. The applicant does propose a condition (4) that the premises will be a restaurant with substantial food, with alcohol ancillary to food. They do not stipulate that there will be table service, there is no mention of preventing vertical drinking, there is no requirement for customers to be seated, and there is no set number of table covers. This is what we would expect to see in an application for a restaurant style premises being proposed within the Amber Zone of the CIA.

Furthermore the applicant proposes the acceptance of capacity limits, but does not put forward an actual numbered limit. The applicant proposes that door supervisors will be considered but does not demonstrate when, how many supervisors or who will determine when they will be employed and how. Condition 15 states that staff will prevent customers drinking alcohol in the retail unit. At no point in the application or on the plans is there a description/plan of a retail unit.

Within the operating schedule the applicant refers to past problems with the management of the premises, he also refers to incidents of unauthorised sale of alcohol at the premises. It is correct that there have been two previous applications for the grant of a new premises licence at this address. Both applications came before the Licensing Sub-Committee and both applications were refused on the grounds that the licensing objectives would be undermined if the licence were granted. At no time has this address held a licence to sell alcohol. In May 2021 information was received that the premises was selling alcohol both within the restaurant and via online sales/delivery services. In June 2021 a visit was undertaken by a Licensing Enforcement Officer, Mr Shields. Mr Shields found alcohol on display on and behind the bar and alcohol on offer on the menus. The premises manager, at that time, was advised to remove all trace of alcohol immediately from the premises and the menus and received a written warning for

these offences. The person in control of the premises at the time of these offences, is now known to be working either for, or with, the applicant Mr Kheng Chooi Koay at his premises Sky Blue, 16 Barbican Road, York. This information has been confirmed by PS Booth during her visit to Sky Blue, 16 Barbican Road on 21 June 2022.

The Licensing Authority cannot support this application in the Cumulative Impact Area, and respectfully ask members to refuse the application.

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