

APPLICATION FOR VARIATION OF PREMISES LICENCE**NEXUS, 25 TANNER ROW, YORK****APPLICATION SUMMARY**

- 1 This is an application for a variation to a Premises Licence in respect of Nexus, 25 Tanner Row, York; the Applicant currently trades the premises and wishes to extend the existing hours to 4am each day.
 - 1.1 The premises are located on the B1226 at the corner of George Hudson Street, Rougier Street and Tanner Row, an area of existing late night licensed leisure and city traffic until well after 4am.
 - 1.2 The premises are located within York's recognised cumulative impact zone but the applicant understands from section 6.3⁷ of the City of York Councils Statement Of Licensing Policy 2008, that applications that seek to extend the licensed hours will be considered on an individual basis and no different policy will apply in this area as opposed to the rest of the city.
- 2 The Applicant has over 19 year's experience of trading in York City Centre and have traded their premises in this city centre location since 1989. The Applicant has detailed, first-hand knowledge of York's evening and late night economy.
- 3 Mr Judson and Mr Brown have a day-to-day involvement in the business development and operational management of the venue and hold an excellent and professional relationship with the local Council and Police.
- 4 The Applicant is a local organisation and have represented many years of major investment within the area and economy.
- 5 Both Directors are local York people, who have built up good working relationships with all the statutory authorities working with them closely to ensure the best possible outcome.

- 6 The premises are recognised for being an integral part of York's end of night economy, this recognition is a tangible asset within their business. The Applicant intends to secure the maintenance of that asset within this variation.
- 7 The Applicant does not believe there is a substantial customer demand for an extra hours trading within their venue, however this application does form an important part of the applicant's long term business strategy, as they look to maintain and secure their existing business position within York's end of night economy.
- 8 It is likely that operating between 3am and 4am will be none profitable, but will encourage customers to continue to attend the venue in the earlier part of the evening as they choose a venue which provides them with the greatest choice on what time they will make their way home.
- 9 At present the area is often busy until well after 4am with substantial city centre traffic on the B1226 and with customers from other city centre premises utilising the fast food takeaway, well established taxi rank facilities and recognised taxi pickup area.
- 10 If this application were granted, there would be a much more gradual dispersion of customers between 2.30am and 4.30am, substantially reducing the number of people in the streets between 2.30am and 3.30am.
- 11 Due to heavy city centre traffic flowing along the B1226 and existing activities throughout the area, there is a level of ambient noise in existence, operating these premises until 4am followed by 30 minutes drinking up time would have no negative effect on these existing levels of noise.
- 12 There has been much recent press coverage regarding the substantial reductions in crime and disorder throughout the city and within the CIZ. Extended/staggered hours have been identified as substantial contributors to that success. This application, if granted, would further extend the staggered closing times to cover existing time of street activity, providing better management of the existing activities until 4.30am.

- 13 Granting of this variation would support staggered hours within the immediate area and would remove a potential congestion point between 2am and 3.30am.
- 14 At present zoning occurs between opposing city centre location, leading to a movement of people across boundaries in search of premises closing later. Granting of this variation would reduce the potential for zoning to occur and would promote a level approach between opposing city centre locations.
- 15 The application premises are well established and highly accredited. There have been no representations received from Responsible Authorities in relation to this application.
- 16 The Applicant has agreed to a last entry time of 3am at the request of North Yorkshire Police.
- 17 There are a total of 33 existing conditions attached to the Premises Licence which promote the four licensing objectives and the Applicant takes a proactive approach to ensuring they are achieved and maintained.
- 18 The granting of this licence would allow the existing street and taxi marshals who are employed by the venue to be extend to 4.30am providing support to a time which the area can already remain busy.
- 19 The premises are conditioned within their existing premises licence to ensure that the music escaping from the premises is not audible at the nearest noise sensitive façade. This condition is already being very well managed with no contention from local authorities.
- 20 Sound attenuation systems are in place with tens of thousands of pounds worth of sound proofing being incorporated in to the building to eliminate the escape of noise. These sound attenuation systems will be further improved as part of this development.

- 21 The entrance to the premises is to be moved in to George Hudson Street and re-managed to better facilitate customers as they enter and leave the premises. These alterations will also further ensure the elimination of any potential for music to be heard at the nearest living façade.
- 22 The Applicant understands the points raised by the objector much consideration has gone in to the preparation of this application and the Applicant believes the application to be clearly justified. Providing a longer dispersal period for their existing customers, reducing the number of people in the streets at any one time after 2.00am and providing visible supervision to the end of existing late night activities in this area.
- 23 This application is well thought out by the Applicant and offers activities which support the licensing objectives through further staggering of hours and an increased presence of supervision between 3.30am and 4.30am.
- 24 The Applicant believes the granting of this variation would further reduce disorder within the city and CIZ, would reduce peaks of activity and noise between 2.00am and 3.30am and would have no negative effect on existing levels of activity and noise between 3.30 and 4.30am.
- 25 If this application is granted, it is likely to have a positive impact on existing peaks of noise and activity within this area. It is not likely to have a negative impact on any existing levels of noise and activity.

Please find further information attached:

Appendix 1 – Statement of Mr L Judson (Director)

Appendix 2 – Statement of Mr A Coleman (Designated Premises Supervisor)

Appendix 3 – Capacity Calculations

Appendix 5 – Support Letter from YTC

Appendix 1

BEFORE THE CITY OF YORK COUNCIL – 3rd APRIL 2008

APPLICATION STATEMENT OF MR L JUDSON (DIRECTOR)

I, Mr Lindsay Judson am the Director at McMillan York Ltd, the premises licence holder of the application to vary the existing premises licence in respect of Nexus Bar//Club, 25 Tanner Row, York. I am providing the following information in support of this application.

1. There are two Directors of McMillan York Ltd, Mr Russell Brown and myself and we have over 19 year's experience of trading in York City Centre. We have traded our premises in this city centre location since 1989 and we have detailed, first-hand knowledge of York's evening and late night economy.
2. McMillan York Ltd is a York based company and both Russ and myself have lived and worked in York most of our lives. We have worked hard to build up our company for over twenty five years and have held the freehold at Nexus since the late 1990's, we invested much of ourselves and money in to York's economy.
3. Our premises are recognised for being an integral part of York's end of night economy and have been so since the early 1990's.
4. Both myself and Russ have a day-to-day involvement in the business development and operational management at the venue. We also hold an excellent and professional relationship with the local Council and Police and can be contacted directly by the authorities.
5. McMillan York Ltd permanently employs in excess of 80 people, over 40 of which are employed at Nexus. We are employee focused and have been recognised for our employee processes on a number of occasions, including Investor In People recognition.
6. The premises are well established and we are committed to further improving the public's social behaviour within the area and the public perception of the area.

7. The company makes every effort to ensure a justified balance between economic security and community responsibility and we have been highly commended and awarded in our efforts towards these goals. Receiving BEDA Shine award for corporate responsibility and winning the award for Best Community Partner at York's very own 2007/8 Best Bar None Awards.
8. We are a local organisation and this represents many years of major investment on our behalf. Both myself and my fellow Director are local York people, who have built up a good working relationship with all of the statutory authorities working with them closely to ensure the best possible outcome.
9. Although at present both our premises within this area close at 3am, the area is often busy until well after 4am with people coming to the area to use the fast food takeaway and taxi facilities.
10. Market research conducted on behalf of the company identified that the demand for a 4am licence is very limited, but the importance of the opportunity exists. We believe this application is important to the sustainability of our existing business in the earlier part of the night.
11. If Nexus operated until 4am there would be a much more gradual dispersion of customers between 2.30 and 4.30am, reducing the numbers of people in the streets between 2.30am and 3.30am.

We believe the application to be clearly justified, providing a longer dispersal period for our existing customers, reducing the number of people in the streets at any one time after 2.30am and providing visible supervision until 4.30am, the end of existing late night activities in this area on weekend nights.

Lindsay Judson

Director



25 March 2008

Appendix 2

BEFORE THE CITY OF YORK COUNCIL – 3rd APRIL 2008

APPLICATION STATEMENT OF MR A COLEMAN (DPS)

I, Mr Alan Coleman am the Designated Premises Supervisor for Nexus Bar//Club, 25 Tanner Row, York. I am providing the following information in support of this application.

1. I have worked for McMillan York Ltd since July 1996 and have been the Licensee and DPS of Nexus since late 2003. During this time I have built up a good working relationship with all of the statutory authorities, working with them closely and following their direction to ensure my premises are excellently managed.
2. Nexus is a late night bar/nightclub and is well recognised to the residents of York, as an end of night venue due to its nature and style. The venue has a good mix of regular customers, with people of all ages (18+) attending and although the premises does have a number of regular customers aged between 18 and 21, the large majority of our late night customers are historically of the 22+ demographic.
3. At present the venue closes at 3am and everyone is out of the premises by 3.30am, but the area outside Nexus, known as “the Square” is often busy until 4.30am with people using the area to catch taxis. On Friday and Saturday nights there is often between 30 and 40 people waiting for taxis in the Rougier Street area past 4am and a small number of people still waiting at the rank in Rougier Street until past 4.30am.
4. These people are from a number of city centre premises whose closing times are between 2am and 3.30am who are attracted to the area to utilise the takeaway and taxi rank facilities.
5. Over recent years the bar and nightclub industry has gone through many changes, the majority of which, although challenging, have provided positive results for operators who are willing to promote best practice and compliance. At Nexus we are always working towards better standards and the company is constantly looking to outside organisations to provide research on standards required and market direction.

6. We are working with some market research at present which identifies our customer makeup, importance of later hours and perceived usage of a 4 to 4.30am closing time. The research shows that although having later hours is important when it comes to choosing where you go towards the end of the night the actual partaking within the extended hour would be limited.
7. My experience of the impact extended hours has had on the end of night market would agree with the research in general terms and my professional opinion of the existing late night market is that the natural terminal hour for the vast majority of people is 2am. After this time the vast majority of people have or are starting to make their way home.
8. I believe that due to this natural terminal hour there can be a lot of activity within the “the Square” between 2.30am and 3.30am and although the area is already well managed, there is an opportunity to further improve the facility of the area through further staggering of hours.
9. I forecast that making profit between 3am and 4am is very, very unlikely, but the additional time will encourage customers to continue to attend the venue in the earlier part of the evening as they choose a venue which provides them with the greatest choice on what time they will make their way home. We have made and prepared capacity calculations based on our existing customer patterns, market research and our professional experience.
10. At present we are losing a number of our existing market after 1am to premises in an other city centre locations. People are moving across city boundaries to visit premises on the opposite side of the river as these premises already hold a 4am licence. The granting of this variation would stop this late night movement and provide each side of the city centre with a level end time.
11. The premises are well established and operated to an excellent standard:
 - a. Nexus is highly accredited and recognised in relation to our operational best practice, winning best in category, best in city centre and best overall at York’s 2006/7 Best Bar None Awards
 - b. Incident records are kept which include notes of incidents which are not connected to the premises. These records are reviewed regularly and discussed at monthly meetings.
 - c. Noise monitoring is conducted at 30 minute intervals after 11pm to ensure music from the premises cannot be heard at the nearest noise sensitive façade and records are kept.
 - d. The company played an integral part in the relocation of a problem taxi rank in Tanner Row to a more appropriate location in Rougier Street, committing to funding of a taxi marshal for the first three months. This project has been so successful the applicant decided to continue funding the taxi marshal indefinitely.

- e. Street and taxi marshals are employed, creating a safer and more enjoyable night out, supporting the local authorities and providing a visible deterrent and taxi rank supervision up until 3.30am.
 - f. The premises are conditioned within their existing premises licence to ensure that the music escaping from the premises is not audible at the nearest noise sensitive façade. This condition is already being very well managed with no contention from local authorities.
 - g. Sound proofing systems are in place with tens of thousands of pounds worth of sound proofing being incorporated in to the building to eliminate the escape of noise.
12. At present the area is unsupervised from just before 3.30am, therefore extending the existing licence at Nexus to 4am would allow for the provision of improved management and supervision in the area as the street and taxi marshals provided by Nexus would remain until 4.30am
13. In my professional opinion this variation, would not extend the time of the activities which already exist in the area, they would further extend the staggered closing times to cover existing times of activity, providing better management of the existing activities over the same period of time and reducing the number of people in the street between 2.30am and 3.30am.

Alan Coleman

Designated Premises Supervisor



25 March 2008

Appendix 3

Business Model Following a 4:00am Extension – Capacity Forecasts

Business Model Following Grant of Extended Hours - Monday

Time Slot	Existing Average by %	Existing Capacity	Hourly Change	Step Change	Calculated business growth connected to extended hours	Calculated capacity changes in venue	Venue Footfall by time slot
8:00pm	0.2%	1	1		8%		34
8:30pm	6.5%	32	31	3050%	34	3	-30
9:00pm	0.8%	4	-28	-88%	4	0	13
9:30pm	3.3%	16	12	320%	17	1	15
10:00pm	6.1%	30	14	87%	32	2	13
10:30pm	8.7%	42	12	42%	45	3	10
11:00pm	10.5%	51	9	21%	55	4	15
11:30pm	13.3%	64	14	27%	70	5	3
12:00am	13.8%	67	2	4%	72	5	3
12:30am	14.3%	69	2	4%	75	6	-19
Customer flow changes							
1:00am	10.7%	52	-18	-25%	56	4	-37
1:30am	3.6%	17	-34	-66%	19	1	3
2:00am	4.1%	20	2	13%	21	2	-7
2:30am	2.8%	13	-6	-32%	14	1	-6
3:00am	1.6%	8	-6	-43%	8	1	-5
Forecasted from here							
3:30am	0.0%	0	-8	-55%	4	4	-3
4:00am	0.0%	0	0	-70%	1	1	-1
4:30am	0.0%	0	0	-100%	0	0	0

Business Model Following Grant of Extended Hours - Tuesday

Time Slot	Existing Average by %	Existing Capacity	Hourly Change	Step Change	Calculated business growth connected to extended hours	Calculated capacity changes in venue	Venue Footfall by time slot
8:00pm	0.0%	0	0		8%	0	0
8:30pm	0.0%	0	0	#DIV/0!	0	0	0
9:00pm	0.0%	0	0	#DIV/0!	0	0	7
9:30pm	2.6%	7	7	#DIV/0!	7	1	8
10:00pm	5.2%	14	7	105%	15	1	13
10:30pm	9.6%	26	12	83%	28	2	11
11:00pm	13.3%	36	10	39%	38	3	14
11:30pm	18.0%	48	13	35%	52	4	2
12:00am	18.9%	50	2	5%	54	4	0
12:30am	19.0%	51	0	0%	55	4	-16
Customer flow changes							
1:00am	13.3%	36	-15	-30%	38	3	0
1:30am	0.0%	0	-36	0%	38	38	0
2:00am	0.0%	0	0				2:00 to 2:30
2:30am	0.0%	0	0				2:30 to 3:00
3:00am	0.0%	0	0				3:00 to 3:30
Forecasted from here							
3:30am	0.0%	0	0				3:30 to 4:00
4:00am	0.0%	0	0				4:00 to 4:30
4:30am	0.0%	0	0				4:30 to 5:00

Business Model Following Grant of Extended Hours - Wednesday

Time Slot	Existing Average by %	Existing Capacity	Hourly Change	Step Change	Calculated business growth connected to extended hours	Calculated capacity changes in venue	Venue Footfall by time slot
8:00pm	0.0%	0	0		8%		16
8:30pm	2.4%	15	15	#DIV/0!	16	1	-15
9:00pm	0.2%	1	-14	-91%	2	0	19
9:30pm	2.9%	19	17	1226%	20	1	34
10:00pm	7.8%	50	31	167%	54	4	40
10:30pm	13.6%	87	37	74%	94	7	24
11:00pm	17.1%	109	22	26%	118	9	-2
11:30pm	16.9%	108	-2	-2%	116	9	-1
12:00am	16.7%	106	-1	-1%	115	9	-22
12:30am	13.5%	86	-20	-19%	93	7	-36
Customer flow changes							
1:00am	8.2%	53	-34	-39%	57	4	-55
1:30am	0.3%	2	-51	-97%	2	0	0
2:00am	0.3%	2	0	27%	2	0	0
2:30am	0.0%	0	-2	0%	2	2	0
3:00am	0.0%	0	0				
Forecasted from here							
3:30am	0.0%	0	0				3:30 to 4:00
4:00am	0.0%	0	0				4:00 to 4:30
4:30am	0.0%	0	0				4:30 to 5:00

Business Model Following Grant of Extended Hours - Friday

Time Slot	Existing Average by %	Existing Capacity	Hourly Change	Step Change	Calculated business growth connected to extended hours	Calculated capacity changes in venue	Venue Footfall by time slot
8:00pm	0.0%	0	0		8%		21
8:30pm	0.6%	19	19	#DIV/0!	21	2	38
9:00pm	1.8%	55	36	183%	59	4	51
9:30pm	3.4%	102	47	86%	111	8	41
10:00pm	4.7%	141	38	38%	152	11	45
10:30pm	6.0%	183	42	30%	197	15	88
11:00pm	8.7%	264	81	45%	285	21	22
11:30pm	9.4%	285	20	8%	307	23	47
12:00am	10.9%	328	44	15%	354	26	29
12:30am	11.8%	355	27	8%	384	28	12
Customer flow changes							
1:00am	12.1%	366	11	3%	396	29	-51
1:30am	10.6%	319	-47	-13%	345	26	-58
2:00am	8.8%	266	-53	-17%	287	21	-65
2:30am	6.8%	205	-61	-23%	222	16	-80
3:00am	4.3%	131	-74	-36%	142	10	-78
Forecasted from here							
3:30am	0.0%	0	-131	-55%	64	64	-45
4:00am	0.0%	0	0	-70%	19	19	-19
4:30am	0.0%	0	0	-100%	0	0	0

Business Model Following Grant of Extended Hours - Saturday

Time Slot	Existing Average by %	Existing Capacity	Hourly Change	Step Change	Calculated business growth connected to extended hours	Calculated capacity changes in venue	Venue Footfall by time slot
8:00pm	0.0%	0	0		8%		37
8:30pm	0.7%	35	35	#DIV/0!	37	3	62
9:00pm	2.0%	92	57	166%	99	7	80
9:30pm	3.6%	166	74	81%	180	13	72
10:00pm	5.0%	233	67	40%	252	19	103
10:30pm	7.1%	329	96	41%	355	26	118
11:00pm	9.5%	438	109	33%	473	35	-6
11:30pm	9.4%	433	-5	-1%	468	35	39
12:00am	10.1%	469	36	8%	507	38	43
12:30am	11.0%	509	39	8%	549	41	18
Customer flow changes							
1:00am	11.4%	526	17	3%	568	42	-36
1:30am	10.6%	492	-34	-6%	531	39	-87
2:00am	8.8%	412	-80	-16%	445	33	-109
2:30am	6.7%	311	-101	-24%	336	25	-137
3:00am	4.0%	184	-127	-41%	199	15	-110
Forecasted from here							
3:30am	0.0%	0	-184	-55%	90	90	-63
4:00am	0.0%	0	0	-70%	27	27	-27
4:30am	0.0%	0	0	-100%	0	0	0

Business Model Following Grant of Extended Hours - Sunday

Time Slot	Existing Average by %	Existing Capacity	Hourly Change	Step Change	Calculated business growth connected to extended hours	Calculated capacity changes in venue	Venue Footfall by time slot
8:00pm	0.0%	0	0		8%		3
8:30pm	0.2%	3	3	#DIV/0!	3	0	7
9:00pm	0.9%	10	7	260%	10	1	30
9:30pm	3.4%	38	28	294%	41	3	31
10:00pm	5.9%	66	28	75%	71	5	33
10:30pm	8.7%	97	31	47%	104	8	30
11:00pm	11.3%	125	28	29%	135	10	23
11:30pm	13.2%	146	22	17%	158	12	13
12:00am	14.3%	158	12	8%	171	13	-3
12:30am	14.0%	155	-3	-2%	168	12	-20
Customer flow changes							
1:00am	12.3%	137	-19	-12%	147	11	-34
1:30am	9.5%	105	-31	-23%	114	8	-39
2:00am	6.2%	69	-36	-34%	74	6	-74
2:30am	0.0%	0	-69	-100%	0	0	0
3:00am	0.0%	0	0	0%	0	0	0
3:30am	0.0%	0	0	-55%	0	0	0
4:00am	0.0%	0	0	-70%	0	0	0
4:30am	0.0%	0	0	-100%	0	0	0
Forecasted from here							

Appendix 4

York Taxi Association

Secretary

***Alan Rowley
117 Millfield Lane
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York***

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Tuesday, June 05, 2007

Mr. P. B. Brownsword
McMillan York Ltd
1 Rougier Street
York
YO1 6HZ

Dear Peter.

I am writing on behalf of all the membership of our association to thank you and your company for the vast improvements you have made to the Rougier Street taxi facility.

Following on from your suggestion to re position the rank, and your introduction of a Marshall to oversee the safe loading of passengers, the new arrangement has been hailed by all as a great success, drivers who would avoid the old rank, now flock to this new rank and have voted it as the best and safest in town.

From a passenger point of view the improvements are many fold, because of the increased number of cars using the new rank because the drivers feel safer, waiting times are significantly less and the presence of the uniformed marshall means that taxi queue public order offences are virtually nil.

Once again thank you for the invaluable strategies that you continue to introduce which allows the general public in York to enjoy entertaining and safe nights out within our City.

Yours sincerely

Alan Rowley
Secretary York Taxi association.

Alan Rowley

Pete - Liberated Leisure

From: Alan Rowley [alrow42@yahoo.co.uk]
Sent: 18 March 2008 17:13
To: Peter Brownsword
Subject: rougier street

Dear Peter.

The membership of York Taxi Association would like to thank you all at Nexus for your continued efforts in the Marshalling of the Rougier Street taxi rank, but we must not forget it was your idea to begin with. We would be pleased to support any application that you may have to increase the trading hours of your establishments. You already possess an established track record for being an extremely well organised and well run company and whatever you apply for will no doubt have been thoroughly researched, the longer hours of your supervision at the taxi rank until 4.30am will be to everyones benefit and will continue the good relationship that has been forged through many years of dedicated hard work that you have demonstrated in improving the night time enjoyment provided within the City of York.

Yours sincerely

Alan Rowley
Secretary YTA

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