



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: 5 Whip Ma Whop Ma Gate York	
Post town: York	Post code (if known): YO1 8BL

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 in respect of a bar / restaurant in York's Cumulative Impact Zone (CIZ). An area which the Full Council at City of York Council has identified as being under stress from crime and disorder and public nuisance in its Statement of Licensing Policy. The council adopted the current policy in 2005 and the current version is effective until 26th March 2019. Cumulative Impact is an important licensing concept which, unusually, arises entirely outside of primary legislation.

Large concentrations of people are of concern in Cumulative Impact Zones (CIZ) because they may also increase the incidence of disorder or criminal activities in the street.

The premises subject to this application 5 Whip Ma Whop Ma Gate is currently used as a barbers shop and requires planning permission to change the use to a restaurant/bar with a roof top terrace (currently being considered by City of York Planning Department). The applicant has applied for a Premises Licence until 0130hrs. A previous planning application with a rooftop terrace was refused on 25th January 2017. Planning Ref 16/02641/FUL states:-

"The external seating area at first floor level would accommodate up to 30 persons. It is some 10m from neighbouring offices and apartments at Sharnles (no21). There is potential for noise disturbanceNo evidence has been provided by the applicants to confirm that the proposed use would not have a significant effect on existing noise levels and that there would be no harm to the amenity of surrounding occupant,"

I am also aware of the recommendation from Public Protection from this previous planning application that the premises should be required to close at 23:00hrs.

The current planning application still seeks the rooftop terrace and to open on seven days a week till 0130hours, which

is common for vertical drinking establishments and late night refreshment venues, but it is uncommon for a restaurant.

The applicant has not provided any information as to why this application should be considered to be an exception to the CIZ policy and the applicant should demonstrate specifically, how if they are to be issued a premises licence within the CIZ, how they would actively promote the licensing objectives. Until this is demonstrated, the Licensing Policy advises that any application for an alcohol licence should be rejected. Crucially, in this instance the burden of proof is on the applicant to demonstrate that the licensable activities and the behaviour of the clientele once they have left the premises will not contribute to the overall Cumulative Impact in the area, and that they are promoting the four licensing objectives in line with Paragraph 8.39 of the S182 Guidance.

The operating schedule in respect of this application appears to be a generic set of conditions. It is not tailored to the unique needs of the York CIZ. The application for this new grant has made no reference to the premises being within a CIZ, nor has it outlined any specific conditions in the operating schedule which will seek to promote the licensing objectives and mitigate any potential impact within the CIZ. North Yorkshire Police would seek robust and enforceable conditions in line with the principles as outlined in paragraph 1.16 of the Section 182 Guidance, in respect of this application.

North Yorkshire Police does not feel that the applicant has provided adequate information in respect of the operating schedule and conditions. If the Licensing Sub Committee were minded to grant this application within the CIZ the Police would seek the following conditions in respect of the premises.

Suggested Conditions:-

1. Licensable activities and closure of the premises to the public shall be no later than 23:30, with no access to the roof top terrace after 1900hrs. (The premises are pending planning permission and I have noted the comments in the previous planning application 16/02641/FUL from Public Protection that the entire premises should be required to close at 23:00. By allowing the sale of alcohol to 23:00 hours this would allow half hour drinking time up time.) The premises are offering café style cuisine, patisseries and panini sandwiches, requesting to open till 0130hrs however this is not consistent with a restaurant style premises within the CIZ and North Yorkshire Police would not support the opening until 0130hrs.

2. Customers shall only be served by way of waiter/waitress service.

3. On days when race meetings are held at York Racecourse (save for the family meeting held in September) A min of 2 door supervisors shall be provided at the premise from 17:00 hours to the close of business.

At all other times the need for SIA registered door staff shall be determined in accordance with a risk assessment, to be carried out by the Designated Premises Supervisor and or the Premises Licence Holder. When employed, door staff will wear high visibility arm bands.

4 (a). A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place and at any other times where members of the public are present on the premises.

b) The recordings shall be of good evidential quality to be produced in court or other such hearing.

(d) Copies of recordings will be kept available for any responsible authority for 28 days.

(e) Copies of the recordings will display the correct date and time of the recording.

(I appreciate the applicant has offered CCTV in the operating schedule but as there are no details North Yorkshire Police would seek to amend to this condition)

5. Staff Training

A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- retail sale of alcohol;
- age verification policy;
- conditions attached to the P remises Licence;
- permitted licensable activities;
- the licensing objectives; and
- opening times for the venue.

with such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry];

6. Incident & Refusals Register

An incident log will be kept at the premises and made available on request to an authorised officer or the police which will record the following:

- all crimes reported to the venue
- any complaints received regarding crime and disorder
- any incidents of disorder
- any refusal of sale of alcohol

with such records being kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]

7. All off-sales shall be in sealed containers and no drinks in open vessels to be taken off the premises.

8. There will be a minimum of 45 seat covers for diners on the ground floor and a minimum of 30 seated covers for diners on the rooftop terrace at all times the venue is open to reduce the need for vertical drinking.

If the applicant is agreeable to the suggested amendments North Yorkshire Police would formally withdraw its representation.

Signature:

Date: 23/05/18

Contact name: PS133 Jacqueline Booth

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**

