



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: Stone Roses Bar	
Post town: York	Post code (if known): YO1 95P

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 in York's Cumulative Impact Area (CIA). 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 Area (CIA) because they may also increase the incidence of disorder or criminal activities in the street.

The Premises was granted a Premises Licence to conduct Licensable activities in August 2014 and has operated as a vertical drinking establishment until 19th December 2018 when it was discovered that the owner had been declared insolvent in June 2018 and the premises were forced to close, as no transfer had taken place (See Appendix 1). There is no change to the management and staff of the Premises with this application who want to continue to run Stone Roses with no change to the previous business model, of a vertical drinking establishment not serving any food.

The applicant has not provided any information as to why this application should be considered to be an exception to the CIA policy and the applicant should demonstrate specifically, how if they are to be issued a premises licence within the CIA, 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.

In 2018 North Yorkshire Police saw a 34% increase in calls for service to the premises, compared to 2017, with 16 out of the 51 calls for service being post- midnight.

Jan- Dec 2018 Total of 51 calls compared to 38 for the same period in 2017.

The below table shows the nature of the calls:-.

Nature of call	2017	2018
VIOLENCE	10	14
SEXUALCRIME RELATED	3	4
CRIME RELATED	7	2
ASB	7	8
PSW	5	4
CRIMINAL DAMAGE	0	4
THEFT	4	8
ADMIN/OTHER	2	7

North Yorkshire Police have been concerned about the increase in calls for service, particularly due to the fact that the Premise is located within the CIA and of note the increase in calls pertaining to violence. Two meetings have taken place with the police and management within the last six months to discuss the concerns, and ascertain what measures the venue are taking to promote the Licensing Objectives, and address the increase, with the most recent meeting on 12th December 2018. As such the applicants are aware of the concerns from the Police.

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 CIA and has made no reference to the premises being within a CIA, 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 CIA. (I refer the committee members again to the above table for calls for service and the impact the premises which intends to operate the same business model will have on alcohol fuelled disorder in an area already experiencing huge difficulties in terms of the stress of the cumulative impact of premises being concerned in the sale and/or consumption of alcohol and the impact this has on residents, visitors and other businesses).

North Yorkshire Police would like to highlight the potential weaknesses of the applicant's operating schedule and ask the Committee members to also consider their obligation under Section 17 of the Crime and Disorder Act 1998 which states "it shall be the duty of each authority to which this section applies to do all it reasonably can to prevent crime and disorder in its area", when considering this application.

b) The Prevention of Crime and Disorder

"CCTV is installed in premises. 16 Cameras in total" – offer by applicant

The condition does not specify that the CCTV has to be recording, that it will be in a digital format or that it will be in colour, all of which are key factors when reviewing CCTV if it was needed in evidence. It also does not specify where the cameras will cover; it would be expected that all areas where alcohol is consumed would be covered as a minimum standard.

There is no mention of the images been of good quality if the CCTV needs to be seized. To promote the prevention of crime and disorder, CCTV has to be of good quality to be able to identify suspects, to protect both staff and customers. These recordings should be available to any responsible authority as defined in the Licensing Act 2003 upon request and the images should be stored for a period of 28 days. The condition also fails to state that the CCTV system will contain the correct date and time. Recordings with incorrect times shown are of no evidential value if a crime has occurred or that Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.

c) Public Safety

Door Supervisors in and outside the premises. – offer by applicant

There is no mention regarding the number of Door supervisors/ what times they will be operating from or if they will be on duty each day the premises is open.

York hosts 17 race days a year and it has been witnessed by North Yorkshire Police officers that on race days, visitors arrive into York already intoxicated as many arrive via public transport and consume alcohol on the way in. Racing Commences at 11am and premises need to have adequate provision to deal with the influx of patrons to the city.

d) The Protection of Children from Harm

ID scheme in place – offer by applicant

This aspect is already covered by Mandatory licensing conditions which state that the Premises Licence Holder or club premises certificate holder must ensure that an age verification policy is adopted respect of the premises in relation to the sale or supply of alcohol.

There is no mention in the operating schedule of a smoking policy (this is important as it should cover aspects that patrons should not be permitted to take glass or open vessels outside of the premises).

The premises have applied for opening times till 0230hrs, and again there is no mention of a dispersal policy, which considering the time of night and problems associated with the night time economy in an area already experiencing issues of disorder this is a key aspect.

Previous meetings between Police and management have stressed the importance of keeping an incident and refusal book, to record all ejections, incidents which take place on the premises, and refusals to drunk persons or those who are suspected to be under-age, and that these records should be kept for a minimum of twelve months and produced to a responsible authority upon request. Management have omitted any condition relating to this from the operating schedule.

The application fails to specify specifically if Recorded Music is Indoors/outdoors or both and regarding the supply of alcohol fails to specify if on premises/off premises/ or both, which requires clarification from the applicant.

North Yorkshire Police does not believe that the information provided by the applicant meets the standard to be considered an exception to the Council's Special Policy, thereby departing from the presumption of refusing the application (the evidence of the increase for calls in 2018 whilst the premises was operating contributes directly to disorder within the CIA) and NYP do not support the grant of this application.

Supplementary Documentation

Appendix 1 – Letter dated 19 December 2018 from City of York Council

Signature:



Date: 17/01/19

Contact name: PS 133 Jackie 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

