

From: Woodhead, Nigel
Sent: 02 August 2019 14:35
To: licensing@york.gov.uk
Subject: Representation to Application for Premise Licence Playhouse, 2 Cumberland Street, York.

I am the Licence Enforcement Officer for the City of York Council and I am authorised to make representations on behalf of the Licensing Authority.

This representation is with regard to the application made by Playhouse at 2 Cumberland Street, York for the grant of a Premise Licence with regard to the provision of recorded music, performance of dance and supply of alcohol from 11:00hrs until 02.00hrs on each and every day, the provision of live music from 12:00hrs until 23.00hrs on each and every day, and late night refreshment from 23:00hrs until 02.00hrs on each and every day. The application states the premises open from 11:00 hrs until 02.30hrs on each and every day.

I make this representation in relation to the following two licensing objectives:

1. The Prevention of crime and disorder
2. Prevention of Public Nuisance

The application relates to a new Premise Licence in respect of a Games Restaurant within York's Cumulative Impact Area (CIA).

The Council's current Statement of Licensing Policy, which was adopted in March 2019 and is effective until March 2024 undertook a review of CIA which has resulted in a Red Zone being identified. Paragraph 9.14 of the Policy refers to this Red Zone and states that:

'The Council should refuse all applications within the red zone 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'.

Playhouse sits within this red zone.

The CIA also states that:

'this CIA has been identified because evidence shows that the cumulative impact of the number and concentration of licensed

premise in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:

1. The Prevention of crime and disorder
2. Prevention of Public Nuisance

Public Protection along with North Yorkshire Police have provided information that this area is such that the problems and cumulative impact directly relates to the type of businesses operating in the area and their customers due to the concentration of pubs, bars, nightclubs and restaurants especially late night into the early hours of the morning and I believe that by granting this application it will have a negative impact as it is adding another drinking establishment to the CIA.

The premises has been licensed previously, this licence lapsed on the 25 May 2019, which is why grant application has been made. Previous occupiers have all been restaurants with conditions that alcohol was only permitted ancillary to a meal and that the operation of the premise could not be changed from that of a restaurant due to its location within the previous area known as the Cumulative Impact Zone introduced in 2005. This was to prevent vertical drinking so as not to impact on the night time economy.

As stated above the applicant wants to open till 02.30hrs every day stating within the application that food will be available between 12.00hrs until 22.30hrs which is usual in a vertical drinking establishment, but is not common for a restaurant. The applicant has also asked for an extension of 1 hour on all bank Holiday Sundays and New Years Eve which would mean that licensable activities wouldn't cease till 03.00 closing at 03.30 which does not reflect the operating schedule of a restaurant.

The Licensing Authority asks members of the Committee that this application be refused. The applicants have not followed the Council's own Statement of Licensing Policy and have not taken into account that the premises sit within the CIA. There is currently signage within the premises actively promoting DJ nights in York's Number 1 Fun Bar which does not suggest that it will run as a family friendly restaurant. As stated within the application a pool table and table tennis are provided within the premises, these type of activities are not usually found in a restaurant, they are however usually found in a vertical drinking

establishment such as a pub/bar with the main licensable activity being the sale and consumption of alcohol.

2/8/19

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Please be aware of the new contact details for the Licensing Section (including Taxis):
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