

**Sefton, Helen**

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**From:** Bolland, Samantha [mailto:sbolland@york.gov.uk]  
**Sent:** 02 August 2019 12:21  
**To:** licensing@york.gov.uk  
**Cc:** Sefton, Helen; Woodhead, Nigel  
**Subject:** Representation and supporting documents for Play House. 2 Cumberland Street, York  
**Attachments:** HLS Playhouse signed statement.pdf; Exhibits HLS.pdf; NYP REP - PLAY HOUSE.pdf; REP ANNEX LIST - Play House.pdf; MG11 - PC 1520 & Exhibits list.pdf

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Good afternoon

Please find attached the formal representation from North Yorkshire Police in relation to the premises licence application for Play House, 2 Cumberland Street, York.

Please acknowledge receipt.

Kind regards

**Samantha Bolland PC 1520  
York Police Licensing Officer  
Police Licensing Unit  
Partnership Hub**

"Committed to the code of ethics"

Work mobile :

Web: [www.northyorkshire.police.uk](http://www.northyorkshire.police.uk)

Twitter: @NYPAlcohol\_Lic

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## 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:

Play House  
2 Cumberland Street

Post town: York

Post code (if known): YO1 9SW

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 Games Restaurant in 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 the Cumulative Impact Area which has resulted in a Red Zone Area 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 (in which Play House is located) 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 Council's Cumulative Impact Assessment 2018 states:

"This cumulative impact 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:

Prevention of Crime and Disorder

Prevention of Public Nuisance"

North Yorkshire Police object to the application for this Premises Licence as it is believed another Licensed Premises in the CIA area would have a detrimental effect on Crime and Disorder in an area already experiencing high levels of Crime and Anti-social Behaviour.

The Section 182 Guidance of the Licensing Act 2003 paragraph 9.12 states the following:-

"the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective."

Following on from this, the Police would ask members of the Committee to consider the below concerns pertaining to this application in making their determination:

On 8th July 2019 North Yorkshire Police received a new premise grant application and three Temporary Event Notices (TENs) for Play House, 2 Cumberland Street, York. The agent for the application, Hilary Ramli, was emailed and the police received an out of office notification stating that Hilary Ramli was out of the office until after 5th August 2019, the end of representations consultation period.

PC 1520 Samantha Bolland was allocated the application and upon reading opening hours for the venue that the TENs, wanted to operate until 02:30 hours. PC Bolland spoke with the person detailed on the TENs as the premises user, in relation to drawing back the hours from 02:30 to 22:30 due to the fact the premises sits within the red area of the CIA and the premises was described in the premises licence application as a "Games Restaurant". The description on the TENs stated that it was a "Games bar and restaurant" – (Annex 1)

North Yorkshire Police were concerned with the terminal hour of 02:30 on a TEN which has no Premise Licence Conditions attached which are enforceable to mitigate any risk of Crime and Disorder in the Cumulative Impact Area. The applicant was contacted in respect of this and agreed to pull all the opening hours for all TENs back to 22:30 hours, reducing the risk into the Night Time Economy of any alcohol fuelled disorder.

owner / silent investor, contacted PC Bolland directly and stated that as the agent was uncontactable during the consultation period, he would like to meet and discuss the application further. PC Bolland stated that she would like to meet and discuss restaurant conditions and inspect the premises, to which asked why Police were seeking restaurant conditions. PC Bolland explained the application described the business as a "Games restaurant" but had a terminal hour of 02:30 hours which was uncommon for a restaurant, and no food served after 22:30 hours. stated that the concept had been fully explained to the agent as a games bar / restaurant and he believed the application description was misleading. He stated that the business wasn't viable unless it operated as a bar / restaurant and opened until 02:30 hours. Please see full statement of PC Bolland detailing her involvement/contact with parties associated with the application. (Annex 2)

As a result of information provided to PC Bolland by , City of York Planning department were contacted and planning officer visited the premises to advise about the permitted use of the Premises as a restaurant. Please see email (Annex 3).

As a result of the conversation between PC Bolland and , alongside the social media coverage relating to the Premises (Annex 4) and the posters in the Premises Window advertising it as York's Number 1 Fun Bar (Annex 5), the Police have concerns that the premises intend to operate predominately as a bar serving food as ancillary to the sale of alcohol.

On Thursday 25th July 2019 an email was received from the agent Hilary Ramli on behalf the applicants sent to Sergeant Jackie Booth North Yorkshire Police Force Licensing Manager (Annex 6).

As a result of contact from the agent, the police entered into negotiations with the agent to offer conditions consistent with a restaurant style model and asked for the hours to be drawn back and for all Licensable activities to cease at

2300hrs. The agent stated in her reply:-

"Firstly What is the reason for suggesting all licensable activities cease at 23:00 hrs? This is actually not a legal condition to attached to this licence, there are no grounds for it." – (Annex 6)

I would refer members of the committee to your own statement of Licensing policy, paragraph 7.12 which states:-

"Applicants should consider the following measures to address disturbance and nuisance:

- hours of operations - the tolerance to disturbance is likely to be reduced at certain times of day. The later into the night the operation continues the greater the likelihood of public nuisance being caused. Particular consideration should be given to minimise disturbances during the night-time hours of between 11:00pm and 7:00am".

The conditions within the operating schedule appear basic and are not tailored to counter the problems associated with York city centre, more specifically, they do not deal with how they seek to promote the licensing objectives within the CIA in line with the licensing policy.

Paragraph 9.13 of the Statement of Licensing Policy states:

"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:

- drink led premises - pubs, bars, nightclubs and restaurant / cafes ;
- entertainment premises - pubs, bars , nightclubs providing entertainment, especially late night into the early hours of the morning;
- late night refreshment premises - takeaways; and
- off licence premises - supermarkets and convenience stores.

North Yorkshire Police believe that this premise will have a negative impact as it is adding another drinking establishment to York's CIA which is already subject to multi-agency initiatives, set-up to tackle York's current issues within the city's day and night-time economy.

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, 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.

The location of the premises is on Cumberland Street. The premise previously operated as a restaurant and was granted in September 2005, within the previous CIZ area (introduced in April 2005), and had a terminal hour on all licensable activities until 4am. However, the conditions attached to the previous licence only permitted alcohol ancillary to a meal and the operation of the premise could not be changed from that of a restaurant due to its location within a CIZ, to prevent vertical drinking and so the premise would not impact on the night time economy.

North Yorkshire Police received notification from the Licensing Authority that the previous licence had lapsed on 25th March 2019, hence the need for a new application to be submitted.

The applicant seeks to allow all licensable activities until 02:00 hours and opening hours until 02:30 hours daily. On the application it states food will be offered between 12:00 hours - 22:30 hours, which is common for vertical drinking establishments, but it is uncommon for a restaurant.

Following the negotiations with the agent, food was offered to be served until 0200hrs.

In PC Bolland's discussions with \_\_\_\_\_ he asked "What would constitute substantial food, Nuts, Crisps on

tables or people sharing a Pizza?". North Yorkshire Police do not constitute this as substantial food for a Restaurant and believe that the applicants would offer Takeaway style food as ancillary to the supply of alcohol. commented to PC Bolland that unless the Premises could operate as a Bar/Restaurant where people could just have a drink while playing games and the premises could remain open until 0230hrs it would not be financially viable- See PC 1520 Bolland's statement (Annex 2)

The applicant has also applied for an extension of 1 hour on all Bank Holiday Sundays and New Year's Eve, which would mean all licensable activities would cease at 03:00 hours and the premises would close at 03:30 hours. Again this does not reflect the operating schedule of a restaurant.

The applicant has stated within the application that this venue is a family-friendly restaurant, with kids menus available and games tailored specifically for under 16 year olds (Section M part e). However, the proposed opening hours until 02:30 hours, combined with the applicant's website advertising DJ nights, Thursday through to Sundays from 7PM til late, (Annex 4), do not support this description. DJ events, invariably, are vertical drinking events mainly associated with nightclubs and late night opening venues. This does not reflect a venue which is purporting to be a family-friendly restaurant and is ultimately undermining the licensing objective of the Protection of children from harm.

Members of the Committee it is the view of North Yorkshire Police that this application should be refused. The above highlights that the applicants have not considered the Council's own Statement of Licensing Policy and have not taken on board that the Premises is in the Cumulative Impact Area. The business model they are promoting of DJ nights and 'York's Number 1 Fun Bar', does not in any way suggest that this premises will operate as a Family-Friendly Restaurant, but will indeed be a bar with the main Licensable activity being the sale of Alcohol.

North Yorkshire Police are working hard with key stake holders and partners within the City of York to tackle Alcohol fuelled disorder and I would ask members to also consider their obligations under Section 17 of the Crime and Disorder Act "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."

ANNEX:

1. Copy of the TENS detailing "Games Bar and Restaurant"
2. PC 1520 Bolland's Statement
3. Copy of email from Andy Blain, Planning Officer, City of York Council
4. Pictures taken from Play House website
5. Poster of "Yorks number 1 fun bar"
6. Email exchanges between PS 133 Jackie Booth and agent for the applicant Hilary Ramli

Signature:

Date: 01/08/2019

Contact name: PC 1520 Samantha Bolland

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](mailto:NYPLicensing@northyorkshire.pnn.police.uk)

