

Sefton, Helen

From: Golightly, Michael
Sent: 07 January 2020 09:48
To: EAP Licensing Unit
Subject: Premises License application for Unit 4, Stonegate Walk, Hornby Passage, York, YO1 8AT

Hi

Public Protection are making representations for the above premises on the grounds of public nuisance.

The CIA is: the cumulative impact Area and is an area designated by City of York Council in its statement of licensing policy where evidence shows that the cumulative impact of the number and concentration of licensed premises continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives of prevention of crime and disorder and prevention of public nuisance. Within this area, when applying for licenses the onus is on the premises license holder to demonstrate that the licensing objectives will be met and that their proposed activities will not result in an escalation of crime, disorder and public nuisance in this area.

A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead to a high level of occurrences in relation to crime and disorder related issues. Therefore, 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.

The premises is Unit 4 Stonegate Walk, Hornby Passage, York, YO1 8AT. The site has a rear yard that is proposed to be open to customers on Friday and Saturday nights until midnight within the CIA that already has 4 other bars on Stonegate. The CIA was reviewed in April 2018 and now includes a red hot spot zone within the CIA which represents an area in the City where there has been a increased number of crimes and anti-social behaviour and noise related incidents.

There are residential dwellings within close proximity and public protection have received complaints from these residents about night time noise from loud amplified music from other licensed premises in the area and from music from buskers in the area.

The proposed license in the application is to be one for "a restaurant serving food from 12:00hrs – 23:00hrs" that will be licensed to be open to the public until 02:00 hrs. The license proposes live music until 23:00hrs and recorded until 01:00hrs on Friday and Saturday nights.

My concerns

The Application: The agent has stated that the premises will be predominantly food led, however, the premises is likely to cease to be a food led establishment on Friday and Saturday nights after 23:00hrs. There are lots of bar stools shown in photographs of the proposed premises and raised tables down the centre of the restaurant bar area. The table spaces are small and more consistent with a bar than a restaurant. The permission of recorded music would turn this into a drinking establishment with recorded music. The photographs show shelves of alcohol for sale and the applicants have not proposed any conditions for controlling the use so that alcohol can only be served with a meal. This may result in more anti-social behaviour and noise associated with this from customers raised voices.

Our major concern, however, relates to the recorded music and customers voices and whether these two noise sources can be controlled. The site has a yard to the rear and there are residential dwellings to the rear on Blake Street and it is not clear whether there are other residential dwellings to the rear that may be affected. It is also unclear as to whether there is an effective lobby between the premises and the courtyard that would contain noise from music escaping into the courtyard after 23:00hrs.

The applicants have offered some conditions, however, these may not be precise enough to adequately control noise from the premises and there has not been sufficient time for a site visit or to negotiate conditions, comment on the suitability of the premises or proposed conditions or advise on other conditions that would be required in order to mitigate a public nuisance from noise.

This application seeks to change the character of the use of the premises after 23:00hrs from a restaurant into a bar with recorded music and insufficient controls in place within the red zone of the Cumulative Impact Area where the Council should refuse all applications unless the applicants can show how their application would not lead to an increase in the impact of licensed premises in that area. I would therefore advise the members of the committee that unless either stringent conditions are agreed to any premises license that they refuse this application on grounds of public nuisance.

Should you have any further queries please contact me on 01904 551580.

Regards

Michael Golightly
Technical Officer

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