

**Bielby, Angela (Democratic Services)**

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**From:** Woodhead, Nigel  
**Sent:** 07 April 2020 13:42  
**To:** Sefton, Helen  
**Subject:** Licensing Authority Representation To application for a Premise Licence by Secret Square

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 for the grant of a Premise Licence to the application made by Secret Square Ltd, at Unit 4, Stonegate Walk, Hornby Passage, York. The application requests the licensable activity, the Supply of alcohol from 10:00hrs to 23:00hrs 7 days a week. The application states the premises will open from 10:00hrs to 23:30hrs 7 days a week with an additional hour in the evening for Christmas and New Year's Eve and Sundays leading to a Bank Holiday

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 Café/Bar within York's Cumulative Impact Area (CIA).

The Council's current Statement of Licensing Policy, which was adopted in March 2019 and is effective till March 2024 undertook a review of the 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'

Secret Square Ltd premises is located 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 premises 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

The Licensing Authority 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.

Even though this premises is located just off a prominent city centre location (Stonegate), it is also a residential area with a number of flats in very close proximity, some of which directly overlook the courtyard.

The applicant has applied for a premises licence with sale of alcohol from 10:00hrs to 23:00hrs 7 days a week with the sale of food until 22:00hrs, stopping 1½ hours before the close of business. This would mean the premises would be able to act as a vertical drinking establishment for a period of 1½ hours every day of the week, 2½ hours on Christmas and New Year's day and Bank Holiday Sundays in a residential area which is already saturated with licensed premises.

Additionally, the location has an outside area which the applicant has stated will be for a maximum of 10 seats available until 21:00hrs daily. The plan submitted with the application identifies 8 seats with room for more people to stand in the general area. The applicant has not suggested that only 10 people will be allowed into the outside area, or that they will have to be seated, they have just stated that there will be a maximum of 10 seats. They have also not indicated how this area will be managed to ensure this area does not cause a public nuisance, or how this area will be closed at 21:00hrs (movement of people from this area\_.

One SIA registered member of door staff has been offered for a Friday and Saturday and Race days, however it state that they will be located at the gate to the entrance to the courtyard monitoring who enters the courtyard. This gate and courtyard are also an access/egress route for residents and emergency escape route for residents and other businesses operating in this area. This SIA provision is also extended for Sundays leading into a Bank Holiday. The provision of just one member of door staff on nights which the city is notoriously busy does not seem adequate or safe.

The Licensing Authority believe the adding of a further café/bar with a limited mezze style menu and a full bar will further add to crime and disorder in the area and will lead to an increase in public nuisance, due to the very close proximity of residential properties.

We ask members of the committee that this application be refused. The applicant has not followed the Council's own Statement of Licensing Policy and have not taken into account that the premises sit within the CIA. The business model being

suggested alludes to a drinking establishment with an outside area in a residential area off Stonegate, with a small food menu, which leads the Licensing Authority to believe that will be a bar, offering limited food.

Nigel Woodhead  
Licence Enforcement Officer,  
City of York Council

[REDACTED]

email: [\[REDACTED\]](mailto:[REDACTED])

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

Telephone: 01904 552422

Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

**City of York Council** |

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**Please be advised that following the latest Government advice regarding the outbreak of Coronavirus (COVID-19), the Licensing Section will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause. It would help us greatly if you could communicate by email wherever possible.**