

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: Impossible Motel 5 St Helens Square	
Post town: York	Post code (if known): YO18QN

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 checked="" 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 for a hotel and restaurant/bar in York's Cumulative impact assessment area for licensable activities i.e sale of alcohol, plays, performances of dance, films, indoor sporting events, adult entertainment, recorded music and live music 0800hrs-0300hrs, late night refreshment 0800-0500hrs 7 days a week with hours open to the public 0600hrs-0330hrs and includes an outside area (which on the plans attached has seating capacity for 52 persons).

The premises sits within York's CIA (Cumulative impact assessment area) 'Red zone', an area which The City of York Council has identified as being under the most stress from crime and disorder and public nuisance in their statement of licensing policy. The current policy came in to effect on 21st March 2019 and runs until 2024; it states:

'9.13 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 restaurants/cafes;
- entertainment

premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;

- late night refreshment premises – takeaways; and
- off licence premises – supermarkets and convenience stores.

9.14 A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of

which have led 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. A map showing the red zone can be found in the assessment.'

Furthermore the CIA policy states:

7. An applicant wishing to obtain a new licence or vary a licence for premises, within the cumulative impact area, must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.

On 02/12/20 North Yorkshire Police met with the applicant at the premises to view and discuss the proposed plans for the new licence application prior to this application being submitted.

It was explained that the premises is to join the Impossible tea rooms/bar next door (3 St Helens Square) and be used as a ground floor restaurant and bar with a hotel on the two floors above and the basement and an outdoor seating area at ground floor level from St Helens Square on to Blake Street.

The proposed operating schedule offers that 'The premises shall trade predominantly as restaurant and cocktail bar, with a hotel above and guest 'vault' rooms to the basement' and that 'There shall be 50 (minimum) chairs/seats for customer use inside the premises at all times the venue is open for usual operation'. It also offers a challenge 21 policy and that 'roof terrace' area's shall be closed at 0100hrs with New Years Eve as an exception wishing for this to be extended to the close of business.

Suitable doorstaff have also been offered and shall be employed from 2100hrs when the premises is open passed 0200hrs Friday, Saturday, Sundays leading into a bank holiday and days where race meetings are held at York racecourse as well.

Though the conditions offered in the operating schedule are appreciated it is felt that the timings and conditions are not consistent with a food led premises or restaurant to the ground floor and as such do not suitably consider the special policy in this area or risks associated with the adding of a further licensed premises. For example no offer of alcohol being ancillary to the sale of food has been offered or a suitable number of table covers within the ground floor restaurant, instead only seating for 50 has been offered throughout the whole premises and a challenge 21 policy when York's statement of licensing policy states that a challenge 25 policy will adopted for city centre venues and especially with the application of adult entertainment in the venue.

It is believed that the applicant has not suitably considered and shown how the restaurant/bar area of this premises will not impact on crime and disorder and public nuisance in this area and further that they have not shown how this will not impact the protection of children from harm given the range of licensable activities and adult entertainment applied for in this application.

North Yorkshire police would ask members of the committee to consider the implications of allowing non-residents to use the venue until 3am, with persons then dispersing onto the street and the potential for disorder in an area already experiencing issues due to the volume of licensed premises in the vicinity.

North Yorkshire Police would not oppose an application for a hotel and food led premises within the CIA area with timings and robust enforceable conditions ensuring the promotion of the 4 licensing objectives and which would not add to the cumulative impact of crime and disorder in the area and to not cause an unnecessary public nuisance to residents living in the area.

It is felt that this application does not take measures to mitigate associated risks with the adding of another alcohol led establishment.

It is the position of North Yorkshire Police that the applicant has not demonstrated how the adding of this licensed premises will not adversely impact on the night time economy in this area.

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 special policy area carefully and the timings and lack of enforceable conditions in the operating schedule are felt will have a negative impact on the crime and disorder and public nuisance in the area.

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.

Signature: K. Hollis

Date: 11/01/2021

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