



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: 5 WHIP MA WHOP MA GATE	
Post town: YORK	Post code (if known): YO1 8BL

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 is an application to vary to a premises licence for a restaurant with indoor and outdoor seating including a roof terrace in York's Cumulative impact area.

The applicant requests that the following be granted:

- To extend the hours the roof terrace can operate daily by replacement of Annex 3 conditions 2,3 and 8 from 2100hrs to 2300hrs daily.
- The extension of hours for recorded music from 2330hrs 7 days a week to 0100hrs.

The premises sits within York's CIA (Cumulative impact assessment area) 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 into effect in March 2022 and it states:

9.11 The published assessment relates to an area within York city centre. This 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

9.12 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:

- pubs, bars, nightclubs, restaurants, cafes, hotels (with bars open to the general public), late night refreshment premises (takeaways) and off-licensed premises (including supermarkets and convenience stores);
- especially in the night-time economy; and
- especially at weekends (day and night-time economy).

The policy also states:

9.9 Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant 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.

9.10 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.

The premises in question applied for the licence in 2018 and due to representations received, including one from North Yorkshire Police, a hearing was held to determine the outcome in June 2018.

As a result of this hearing and concerns raised regarding the impact of the roof terrace area and the premises to the licensing objectives, the committee saw fit to place a number of conditions on the licence preventing the roof terrace from being open after 2100hrs and restricted the opening hours applied for to stop licensable activities at 2330hrs.

In July 2021 a variation was applied for by the applicant requesting the hours for sale of alcohol be increased to 0100hrs, an extension to licensable area and an extension to the roof terrace to be in line with the hours applied for sale of alcohol. Responsible authorities including North Yorkshire Police visited the premises and made representations in objection to these changes and the applicant agreed before hearing to withdraw changes to the roof terrace due to concerns raised.

It was also raised by the licensing authority when I visited the premises with them in 2021 that the ground floor did not seem to match the current plans and this was pointed out to the applicants. The plans now submitted with this application seem still to be the old layout.

North Yorkshire Police still have concerns about the licensing objectives being undermined by these changes applied for, namely 'the prevention of crime and disorder' and 'public nuisance' and the impact that might be felt in this area, which has residential properties nearby.

The premises now have the sale of alcohol until 0100hrs inside the premises and it is believed that an extension further to the roof terrace is likely to cause a public nuisance and further add to the strain already felt in this area. It is also believed that the extension of regulated entertainment until 0100hrs is not in line with a food led venue and as the premises is already operating into the early hours of the morning for food and alcohol with background music its not believed that applicant has provided enough information about what is intended in applying for this change and how this will not further impact this sensitive area.

I do not believe that the applicant has demonstrated in the operating schedule how the granting of this variation will not impact this area.

Members it is therefore the position of North Yorkshire Police that we would not support this application within York's Cumulative impact area and would ask you to consider rejecting these changes applied for.

Signature:

Date: 22/08/22

Contact name: Kim HOLLIS (PC1671)

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**