



## 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:

<b>Postal Address of premises or club premises:</b> The Alchemist Nessgate	
<b>Post town:</b> YORK	<b>Post code (if known):</b> YO1 9FY

**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 checked="" 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 a new grant application for The Alchemist, creative cocktail bar and restaurant at the former Coach house, Nessgate, York.

The applicant requests that the following be granted:

- Supply of alcohol on and off sales at the following times:

0900-0000hrs Sunday-Thursday  
0900-0100hrs Friday and Saturday

- Late night refreshment at the following times:

2300-0030hrs Sunday-Thursday  
2300-0130hrs Friday and Saturday

-Recorded Music at the following times:

0900-0000 Sunday-Thursday  
0900-0100 Friday and Saturday.

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 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).

9.13 Red zones have been identified in this area due to the high concentration of licensed premises, the impact of which has 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 zones 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 these zones. A map showing the red and amber zones can be found in the assessment.

The Policy also tells us:

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 combines two previous retail units and is situated on Nessagate corner itself, a busy road in the centre of York.

Section 9.15 relating to the cumulative impact area states:

9.15 Applications for the grant or variation of a premises licence in the cumulative impact area may be considered more favourably if the applicant can demonstrate, through the operating schedule, that the premises is going to be predominantly food led with:

- alcohol being sold/supplied ancillary to a meal, with substantial food (more substantial than a bag of crisps or a bowl of olives or nuts);
- being served throughout the duration of the operating hours;
- no vertical drinking, all customers seated at tables;
- set number of table covers;
- table service only, no customers at the bar;
- no drinks promotion, unless they are in line with a food promotions.

The applicant has pre consulted with responsible authority's and has offered an operating schedule with a number of conditions which are welcomed by North Yorkshire Police.

The conditions however do not state that this shall be a food led venue and the timings applied for are consistent with a late night venue with alcohol and regulated entertainment until 0100hrs on Friday's and Saturdays and Midnight through hthe week. There is no offer of alcohol being ancillary to food and the hours offered for a menu to be available still allow

for 2 hours through the week without even the offer of food and 3 hours on Friday's and Saturdays at the key times when the impact is felt in this area.

Further the applicant offers that 75% of the public trading shall be given over to tables and chairs but it is felt that this would be difficult to enforce for responsible authorities and that a fixed number covers/seats better placed to ensure that compliance can be monitored.

Section 15 of the cumulative impact assessment 2022-2025 tells us

'The majority of incidents continue to occur in the night-time economy, peaking between 23:00 and 04:00.'

North Yorkshire Police have concerns regarding the granting of this licence and the operating schedule offered and believe that this is likely to undermine the licensing objectives:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety

And may add further to the impact already being felt in this area.

Below are recommendations made by North Yorkshire Police in regards to the operating schedule provided by the applicant.

- Condition 2 and Condition 3 offer 'non intoxicated beverages including drinking water shall be available throughout the premises at all times that alcohol is sold' and 'a substantial food shall be available to order from between opening and 22.30hrs.'

North Yorkshire Police would propose this is amended to read:

'The premises shall operate as a predominately food led establishment. Substantial food and non-intoxicating beverages including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises up to 1 hour before the end of permitted hours for the sale of alcohol. For the avoidance of doubt, a full menu shall be available up to 2 hours before the end of permitted hours for the sale of alcohol on any given day.'

- Condition 4 'At all times, a minimum of 75% of the public trading area of the premises shall be given over to tables and chairs.'

North Yorkshire Police would propose this is amended to read:

There shall be a minimum of 44 table covers in the restaurant area (marked in green on the plans) at all times the premises is open and operating for business and a minimum 70 seats provided for customer use throughout the rest of the premises.'

- Condition 18 'A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within a reasonable time of a request by an officer of North Yorkshire Police or York City Council.'

North Yorkshire Police would look to amend this to read:

'A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection within 48hrs upon reasonable request by an officer of North Yorkshire Police or York City Council.'

- In addition to Condition 22 offered 'There shall be a personal licence holder on duty at the premises at all times that they are open for licensable activities.'

We would also recommend that the following be added:

'A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.

The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.'

Further to this there are still concerns regarding the hours permitted for licensable activities especially during weekdays and given the location of the venue.

Management of the outside area, which is situated on a very busy corner, at a pedestrian crossing which already experiences congestion would be key and robust policy's would need to be implemented by the operators to ensure that when queues forms and people are exiting the premises this is not a public safety concern.

North Yorkshire Police would ask that due consideration is given to this application, its location and the City of York Council's own policy.

Signature: K HOLLIS

Date: 25/11/22

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**