

## **Licensing Authority Representation, The Alchemist, York**

I am the Senior Licensing Officer for the City of York Council and I make this representation on behalf of the Licensing Authority.

This application relates to a new premises licence for The Alchemist at 2 & 4 Nessgate, York. The premises is situated within the cumulative impact assessment area, within one of the red zones.

The application seeks the following for licensable activities: -

- Recorded music and supply of alcohol 09:00 to 00:00 Sun to Thurs and 09:00 to 01:00 Fri & Sat
- Late night refreshment, 23:00 to 00:30 sun to Thus and 09:00 to 01:30 Fri & Sat

The premises sits within York's CIA (Cumulative impact assessment area), an area which City of York Council has identified as being under the most stress from crime and disorder and public nuisance, cumulative impact is covered within Section 9 of the Statement of Licensing Policy. Specifically, the premises falls within one of the Red Zones. The current policy came into effect on 24 March 2022 and 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 of prevention of crime and disorder and 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 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 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.

Furthermore, the policy 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
- 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 promotions unless they are in line with a food promotion.

The proposed conditions which form part of the operating schedule are welcomed, however they are conditions which will be difficult to enforce, and they do not go far enough to address the fact that the premises sits within the area identified by the Council as the highest risk.

The applicant proposes a condition (3) that substantial food shall be available until 22:30, this means there will be 2 or 3 hours each day where food is not available, meaning the premises post 22:30 will be a drinking venue only.

They do not stipulate that there will be table service throughout the venue only within a green hatched area on the plan, there is no mention of preventing vertical drinking other than within the green area, there is no requirement for customers to be seated, and there is no set number of table covers only a minimum percentage figure of 75% of the trading area which shall be given over to tables and chairs. A percentage figure is not easily identifiable during an inspection and therefore very difficult to enforce. The green area on the plan takes up less than half of the trading areas.

The application does not stipulate that the premises will be predominantly food led or that alcohol will only be sold ancillary to a meal.

The operating schedule offers the following policies: smoking, queuing and dispersal. Whilst the policies have yet to be seen it is difficult to envisage how the premises will manage customers outside the premises whether they be smoking, leaving the premises and/or queueing to get in. The premises has no external areas other than the public highway. The Licensing Authority has concerns about how the operator will manage the aspects described above on a busy road with a narrow junction which offers little scope for activities such as queuing and smoking.

The Licensing Authority cannot support the application in its current form in line with the Cumulative Impact Policy and entirely supports the representation made by North Yorkshire Police.

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