

**APPLICATION FOR PREMISES LICENCE
BY THE ALCHEMIST BAR AND RESTAURANT LIMITED**

BEFORE

**THE LICENSING SUB-COMMITTEE OF
YORK CITY COUNCIL ON 22 DECEMBER 2022**

PREMISES: THE ALCHEMIST, THE COACHHOUSE, YORK

WITNESS STATEMENT OF DAVID OXTOBY

1. My name is David Oxtoby, and I am the Regional Operations Director for The Alchemist Bar and Restaurant Limited. I am personally based in York and I will be the senior member of The Alchemist team responsible for the operation of this site, should the Licensing Sub-Committee ("the Committee") be minded to grant us a licence to trade here.
2. This Statement is submitted on behalf of the Applicant in order to assist the Committee in advance of the hearing of the Application for a new premises licence dated 2nd November 2022 ("the Application"), as amended as a result of agreeing further conditions with the police.

BACKGROUND TO THE ALCHEMIST

3. A brochure accompanies this Statement as Exhibit DO1 to provide a helpful insight into background, ethos and the style of operation of The Alchemist.
4. The Alchemist has been trading since 2011, when we opened our flagship site in Manchester Spinningfields. This area was the focus of a regeneration project throughout the early 2000s, during which time it became a dynamic business, retail, leisure and residential destination. We are proud to be an integral part of the leisure and hospitality offer in this vibrant part of the city, and our premises has gone from strength to strength in its time at this location.
5. The brand has grown rapidly in recent years, and we now have twenty-one Alchemists and one Aether (a cocktail bar) operating successfully across the UK, including several in cumulative impact zones.
6. These premises trade without giving rise to concerns in respect of crime and disorder, anti-social behaviour or nuisance. This is as a result of years of experience and various exercises undertaken in obtaining feedback on the business and developing it in accordance with that.
7. The Alchemist does not just lack a negative impact from a licensing perspective, but has been shown to have a positive one, due to a variety of factors in terms of the way we trade.

STYLE OF OPERATION

8. The focus on quality of service and providing an experience to the customer is what we believe sets our establishments apart from other offerings in the sector. We want to be, and believe that we are, at the very forefront of the restaurant and bar scene in the cities in which we operate, providing a unique combination of food, drink and atmosphere which is unrivalled by other operators.

9. This commences with the training of our staff. All staff undertake an intensive and robust 2 week training/induction programme with us prior to commencing work at any of our sites. They must undertake mandatory CPL training courses in health and safety, food safety, fire awareness, age verification, drug awareness and equality and diversity amongst other things. They will also all undertake the Award for Licensed Premises Staff (ALPS) and the Aware for Underage Sales Prevention (AUSP). In this way, each and every one of our new employees understands the way in which we operate, what we want to achieve, and how they fit into this structure.
10. All members of staff have access to the Hospitality Action Employees Assistance Program (EAP) which offers help and support to any staff who require it with relevant issues such as debt management and emotional support. We are living wage employers across the board. We strongly encourage career progression and development within our business, and provide the support and infrastructure for our employees to succeed. We offer various apprenticeships and social enterprise opportunities throughout our business. For example, we work in partnership with Pure Innovations Supported Internships, providing placements for their employment based courses which offer students with additional needs the opportunity to develop practical skills which increase their employability.
11. We have a reputation as one of the best employers in the industry because of our training, support, staff retention and family values. We have consistently appeared in The Sunday Times 'Top 100 Best Companies to Work For' over the years. Retention rates are exceptionally high, and those staff who do leave us often return and stay with us for a long time.
12. It is these staff who allow us to create the atmosphere and experience that we strive for at all of our sites. The Alchemist is an experience-destination premises. It offers an exciting selection of high-quality cocktails, served in a variety of inventive ways (such as foam and dry ice). It is not your standard bar/restaurant. It is rightly described as 'theatre served', which customers are happy to watch whilst waiting for their drinks.
13. Since its inception, the aim of The Alchemist has always been to provide an all-day haven. We offer extensive breakfast, brunch, lunch and dinner menus as well as an exciting selection of high quality cocktails. Our chefs freshly prepare and deliver our food menus, whilst our talented mixologists combine their skill and technique with the very best ingredients to create the inventive cocktails that our customers return time and time again to experience.
14. Examples of our cocktail and food menus are contained within the brochure at Exhibit DO1. I hope that the Committee will agree that these demonstrate the quality nature of our offering, and gives an idea of the sort of customer that is likely to be attracted to our premises.
15. Our customers are looking for a high quality drinking and dining experience, not for somewhere that they can engage in high volume consumption. This is reflected in the price point of our offering. Furthermore, in terms of drinks sales, cocktails are by far our most popular offering and account for the vast majority of our alcohol sales mix (70%).
16. Additionally, our cocktails tend to be less intoxicating than the other drinks mentioned above. Our most popular cocktails range from 1.04 units of alcohol to 1.8 units. This is in contrast to a 175ml glass of wine which contains 2.1 units and a 250ml glass of wine or a pint of beer, both of which contain 2-3 units.
17. Customers consuming our cocktails are not consuming them for the purposes of intoxication, and we do not provide them with this option. If we wanted to sell a huge volume of cocktails quickly, they would be pre-mixed, which absolutely is not the case. As noted above, they are mixed in front of our customers at the bar, all with an element of theatre. The average bar wait across our estates is 3-10 minutes, because of the complexity and extensive nature of our offering, and because our cocktails are mixed to order. Our customers are happy to wait whilst they watch

their drinks being mixed, because they are there to sample our range and enjoy the experience, not to drink as much as possible.

18. Whilst our USP is our cocktails, the food offering at all Alchemist sites is extremely significant. As noted above, we serve food throughout the day, from breakfast through to dinner time. On average, we serve 20,000 main meals per week across our estate. As such, whilst we wouldn't describe ourselves as 'food led', our business would not be viable without our food element. We are most definitely a hybrid bar and restaurant.
19. We are not just providing a perfunctory food offer either – it's really high quality food, with our menus devised by our Culinary Director Seamus O'Donnell. Seamus won Executive Chef of the Year in 2020, after being shortlisted against equivalent individuals from Dishoom and Wagamama's. The Alchemist has won the best food offer 'after dark' in London in 2019, and has won awards from the Food Equipment Journal for menu innovation in 2018, 2019 and 2021.
20. Our excellent food and drink offerings are complemented and enhanced by the environment in which they are served. Our venues provide extensive seating in a beautifully designed setting. I believe that the finished product of all of our sites reflects the significant investment that we make in our fit outs. The brochure at Exhibit DO1 provides the Committee with photographs of many of our sites, giving an idea of what our premises look like.
21. As I say above, a key feature of all our venues is that they provide extensive seating throughout. This is true not just of the 'restaurant' areas, but also of the 'bar' areas. I use quotation marks here because our venues are not strictly and explicitly split into such areas. There is usually a natural sort of separation, with lower tables in the restaurant space and higher ones with stools in the bar space. However, we are happy for people to sit and enjoy drinks in our 'restaurant' spaces, or order food whilst sat in the 'bar'.
22. The key point though is that there is predominate seating throughout. Extensive research shows that more predominantly seated venues are positive in terms of their impact on the licensing objectives. Predominate seating assists in ensuring that the licensing objectives are upheld, by dictating the pace of consumption; ensuring oversight through waiter/waitress service; and creating a comfortable and relaxed environment which becomes self-selecting in terms of customers. Our venue is the opposite to a high volume vertical drinking venue, which are the sorts of venues which cause concern in terms of the undermining of the licensing objectives, and adding to cumulative impact.
23. Indeed, the superior nature of our offering means that we attract a certain type of customer. Our patrons are not the sort of people who visit licensed premises with the intention of consuming as much alcohol as possible. They want somewhere relaxed and inviting that they can visit for all manner of occasions. Many of our customers are repeat visitors – they come to us for a working lunch on a Tuesday; for dinner on a Thursday; and for cocktails with friends on a Saturday evening.
24. We are not just another bar. Our customers visit The Alchemist because they want a better quality offering, at all times of the day. We are not somewhere that customers stop off for a quick, cheap drink en-route to the next venue; we are a destination. Our customers come for dinner with friends and stay for cocktails afterwards, or they come to us to share a bottle of prosecco to celebrate a special occasion. The dwell time in our premises is much higher than is common in other bars and restaurants. We encourage our customers to take a table and spend the evening with us, socialising and enjoying the food and drinks on offer.
25. The Alchemist's customers tend to be mature, over the age of 25 years old. They are also generally discerning and visit The Alchemist to enjoy a quality offering reflected in the premium price points. In turn, this tends to dictate the type of behaviour associated with The Alchemist. So much

so, that objectors who have previously been concerned about the new opening of an Alchemist have found that their fears were unfounded.

26. The Alchemist does not operate as a stand-alone operation “within its four walls” but very much sees each site within the wider context of the night-time economy. That is, as part of a larger network of organisations and premises that collectively work to improve not only the attractiveness of their offering but also the overall experience of customers and the public as they engage in the night-time economy. We genuinely believe that we raise the bar in the areas in which we operate.
27. The Alchemist has previously undertaken exercises in which licensing consultants have covertly (insofar as site are concerned) visited The Alchemist premises to report back to Head Office on how they trade at site level.
 - 27.1. Paul Douglas, a former licensing officer says that it is ‘very much an up-market brand attracting customers in the 25+ age bracket’
 - 27.2. Alistair Turnham of Make Associates, who was instrumental in conceiving the Purple Flag standard for excellence in the night-time economy, describes The Alchemist as ‘the kind of venue that towns and cities looking to diversify their offer... to venues that attract a range of people should be looking to attract’
 - 27.3. Phil Hadfield, a PHD researcher in matters associated with the night-time economy described it as ‘an impressively formulated and well managed business which generated no negative impact’.

THE APPLICATION

28. We at The Alchemist are very keen to bring the offering that I detail above to York. As I say above, I live in York, and I believe that The Alchemist would be an excellent addition to the city.
29. The proposed site to which this application relates is currently unoccupied. It previously traded as two retail units – RBS and Thomas Cook. The space has laid empty since these businesses closed down in this location in September 2019. In my view, this site desperately needs to be redeveloped and occupied. I don’t believe that anyone wants to see empty units like this in York – frankly, they are an eyesore. I am confident that The Alchemist would be a fantastic occupant for this site. We would bring it back to life and be a hugely positive addition to the area.
30. I am really pleased to be working for a business that is still looking to grow, invest and open in new cities in the current economic climate, and I really hope that the Committee will agree with me that The Alchemist can trade successfully, positively and in accordance with the licensing objectives at this site.
31. However, we are of course aware of the licensing policy context here, and were from the outset aware that the site fell within York City Council’s cumulative impact zone. We were therefore keen to engage with the responsible authorities to see how we could best address any concerns that they might have before submitting the application. This typifies our approach – we always like to work closely with the responsible authorities from the outset at any site as we think establishing and maintaining positive relationships is vital.
32. We met with PC Kimberley Hollis of North Yorkshire Police, and Lesley Cooke of York City Council’s Licensing Team in October to discuss our proposals for the site. It was a constructive and positive meeting. Naturally, they highlighted the issues that the policy might pose, but we discussed our style of operation and what sorts of conditions we would be happy to offer in order to ensure that the licensing objectives are upheld.

33. We also reached out to the local Councillor for the ward in which the premises is located and asked her to contact us if she wished to discuss the application.
34. We then proceeded to lodge the application, with a very comprehensive set of a conditions proposed. I know that we can comply with and deliver on all of these conditions, as we do so across our estate on a daily basis.

THE REPRESENTATIONS

35. Following the end of the consultation period, I was made aware that we had received two representations – from North Yorkshire Police and the Licensing Authority.
36. I am pleased that no local councillors or residents have expressed any concerns in respect of this application. Indeed, much of the feedback we have received from locals appears to be excitement at the prospect of us hopefully arriving in the city.
37. It is disappointing that we were unable to address all of the concerns of the responsible authorities, but I am comforted to see that their representations do not raise specific concerns about us and our style of operation. Indeed, I think it is fair to say that their representations are based specifically on policy concerns, rather than individual concerns about our proposal.
38. Following receipt of the representations, we have engaged in further conversations with the authorities. As I say above, we are always keen to work with the authorities and we strive to reach agreement whenever we can.
39. As such, we have agreed to the vast majority of the proposals made by the police in respect of amendments and/or additions to our operating schedule. I attach at Exhibit DO2 a copy of the operating schedule submitted with our application, but with tracked changes showing what we have agreed with the police.
40. In fact, there is only one proposal made by the police that we cannot agree to, and that is a condition which says that:

'The premises shall operate as a predominately food led establishment'

41. As I have detailed above, food is a very significant, even essential element of our operation. However, we would not describe our operation as food led. It is a hybrid bar and restaurant.
42. Indeed, the hospitality industry has changed considerably since 2009. Socialising, drinking and dining trends have evolved, with an increasing range of formats and experiences being offered by premises. Premises seek to distinguish themselves from each other by creating a unique identity and delivering an experience to match. Furthermore, premises are less easily and neatly compartmentalised into 'restaurant' or 'bar', with many providing a hybrid of the two, albeit perhaps with a focus on one or the other.
43. The Alchemist's offering and style of operation reflects these changes (and has arguably been a leader of such changes within the hospitality industry).
44. The Alchemist is therefore different things to different people at different times. For example, it certainly is food led during the daytime. Most people in the premises at a brunch or lunchtime will be eating. A significant proportion of people in the premises will be eating in the evening. But we must be transparent, the operation will be drink led at other times, typically in the evenings.
45. Our data shows that across the board our split is 70/30% wet to dry. Again, this makes us hesitant to agree to a 'food led' condition. However, the importance and prevalence of food

within our business takes on a different complexion when you consider that our sales split between 'restaurant' and 'bar' sales is 55/45%. Restaurant sales represent total sales to people who are eating, so a significant percentage of the alcohol we sell is as part of a meal, and the majority of our total sales therefore come from people who are eating. Of course alcohol also has a more significant price point and mark up, and therefore that impacts upon the sales splits too.

46. We simply would not want to agree to a condition that we are not totally comfortable that we will always be in compliance with, which is why this issue remains the only one between us and the police (and licensing authority).
47. We can't comfortably describe ourselves as food led, but, as I have said, we can describe ourselves as an exceptional bar with a very significant food element, without which the business would not be viable. We do have a separate brand, Aether, which is a pure bar with no food element. That's not what we want to open here, we want to open an Alchemist, and serve great food and great drinks to the people of York.
48. Whilst we do have this one element of disagreement between us and the police, hopefully the Committee will be able to see that we have offered and agreed multiple other safeguards which will ensure that the licensing objectives are upheld at this site.
49. These include:
 - 49.1. A condition which guarantees a full meals menu throughout the vast majority of hours, and the availability of substantial food right up until 1 hour before the sale of alcohol ceases;
 - 49.2. Conditions which ensure that the predominate seating I describe above is always maintained, by requiring a minimum number of seats at all times and requiring that the loose furniture layout is not departed from;
 - 49.3. A condition which requires that waiter/waitress service is available at all times;
 - 49.4. A condition requiring no vertical drinking and only waiter/waitress service in part of the premises;
 - 49.5. Comprehensive CCTV conditions;
 - 49.6. Comprehensive SIA conditions;
 - 49.7. Comprehensive training conditions;
 - 49.8. Conditions requiring engagement with local initiatives such as YBAC, Pubwatch and the York Water Safety Forum;
 - 49.9. A condition requiring no drinks discounting;
 - 49.10. A condition requiring no active marketing to hen/stag groups and no fancy dress;
 - 49.11. Conditions requiring WAVE training and the employment of Welfare Ambassadors;
 - 49.12. A condition requiring an earlier last entry time on a Friday and Saturday;
 - 49.13. Conditions requiring dispersal, smoking and queuing policies to be implemented and agreed with the police before opening.

50. I hope that the Committee will agree that this is an extremely extensive set of conditions, that will ensure that the licensing objectives will be upheld. In my view, they address all of the concerns that are raised within the licensing policy and the objections that have been received.

CONCLUSION

51. I fully understand that the authorities and the Committee would not want to approve an application for a premises that will undermine the licensing objectives and cause problems in the city. I appreciate that there is no appetite for high volume vertical drinking premises, which discount drinks, offer no food and attract hen and stag parties. But I want to assure the Committee that that is not what we are.

52. We are a high end; beautifully fitted out; exceptionally well managed business, experienced in trading and upholding the licensing objectives across the country. I am confident that we can deliver this in York too. In granting this Application, we would submit that the Committee will allow a responsible operator to open a well-run, well managed, attractive business, that will be an asset to the area, and will not add to cumulative impact.