

## Licensing/Gambling Hearing

**To:** Councillors Galvin, Hook and Melly

**Date:** Monday, 1 March 2021

**Time:** 11.00 am

**Venue:** Remote Meeting

### AGENDA

#### 1. Chair

To elect a Member to act as Chair of the meeting.

#### 2. Introductions

#### 3. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 4. Exclusion of Press and Public

To consider excluding the Press and Public during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

**5. The Determination of a Section 18(3) Application by Jimmy's York Limited for a premises licence in respect of Jimmy's, 52 Low Petergate, York, YO1 7HZ (CYC-67685)**

Democratic Services officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

For more information about any of the following, please contact the Democratic Services Officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim własnym języku. (Polish)**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)**

** (01904) 551550**

## **LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REMOTE LICENSING HEARINGS**

### **Introduction**

1. During the coronavirus pandemic emergency period it will be necessary for licensing hearings to be dealt with remotely. This procedure sets out how City of York Council will deal with such hearings. This procedure must be considered in conjunction with the Council's Delivery of Remote Meetings document which sets out how all meetings, including licensing hearings will be held in York.
2. The procedure adopted at a licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
3. The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.
4. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal. The Hearing will be recorded and the recording placed on the Council's website.

### **Preparation for the Remote Licensing Hearing**

5. The Sub-Committee will use the video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee. This video-conferencing platform will also be used for decision making in private. All paperwork relevant to the hearing will be published online on the Council's

website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

6. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
7. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
8. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
9. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

### **The Remote Licensing Hearing**

10. The Applicant is permitted to speak at the remote hearing (see below). Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
11. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.

12. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
13. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by Members.
14. **The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives.** Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length.
15. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
16. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

### ORDER OF PROCEEDINGS AT THE REMOTE HEARING

#### **Chair's introduction and opening comments**

17. The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant and Representors (or their

representatives), and establish the identity of all who will be taking part.

18. The Chair will outline the procedure to be followed.

19. The Chair will proceed with the order of business on the agenda.

### **Licensing Manager**

20. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application. The Chair will invite all present, one by one, to ask the Licensing Officer questions if they wish, to clarify any points raised in the report.

### **The Application**

21. The Applicant (and/or their representative) will address the Sub-Committee and present information in support of the application and may call any witnesses to support the application, one witness at a time [*maximum 15 minutes*].

22. The Chair will invite the Representors to ask questions of the Applicant in the following order [maximum 5 minutes each party]:

- Police;
- Other Responsible Authorities;
- Ward Councillors;
- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

### **The Representations**

23. The Chair will invite the Representors and/or their representative in the following order to address the Members of the Sub-Committee and call any witnesses in support of their representation [*maximum 15 minutes each party*]:

- Police
- Other Responsible Authorities

- Ward Councillors
  - Public representation
24. The Chair will invite the Applicant to ask questions of each Representor and/or their witnesses after each presentation [maximum 5 minutes per Representor]. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
25. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

### **Summaries**

26. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
- Police
  - Other Responsible Authorities
  - Ward Councillors
  - Local residents
27. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
28. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

### **Determination**

29. The Sub-Committee will withdraw to consider their decision with the Legal Adviser and the Democratic Services Officer in a separate private on line meeting. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

30. If the decision is made following the conclusion of the hearing, the Sub-Committee will return to the public online meeting to announce an outline of the decision to those present. This decision will then be communicated in full in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not) usually within 5 working days of the hearing. There can be no further questions or statements.
  
31. If the Sub-Committee does not make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democratic Services Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 5 working days of the decision being made.

The notification will include information about the rights of appeal against the determination made.





## Licensing Act 2003 Sub Committee

1 March 2021

Report from the Assistant Director – Planning & Public Protection

### Section 18(3) (a) Application for a premises licence for Jimmy's 52 Low Petergate, York, YO1 7HZ

#### Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-67685
3. Name of applicant: Jimmy's York Limited
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities:

Proposed Activity	Timings
Live music (indoors)	1000 - midnight Sun to Thurs 1000 – 0100 Fri/Sat From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day
Recorded music (Indoors)	1000 - midnight Sun to Thurs 1000 – 0100 Fri/Sat From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day
Late night refreshment (indoors)	2300 - midnight Sun to Thurs 2300 – 0100 Fri/Sat From the end of permitted hours on New Year's Eve until the start

	of permitted hours on New Year's Day
Sale of alcohol (on and off sales)	1000 - midnight Sun to Thurs 1000 – 0100 Fri/Sat From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day
Opening times	1000 - 0030 Sun to Thurs 1000 – 0130 Fri/Sat From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

### Background

6. A copy of the application can be found at **Annex 1**, including a plan(s) of the premises, an operating schedule and a dispersal policy.
7. The premises is described in the application as restaurant and bar.
8. This site already has the benefit of a premises licence which was granted to the company Café Rouge in 2005. The applicant has stated that licence (CYC-009267) will be surrendered upon the grant of this new application, a copy of the current licence can be found at **Annex 2**. The applicant has determined to apply for a new grant rather than vary the existing licence due to the substantial changes to the operating hours and the proposed areas to be licensed as detailed on the plans.
9. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 3**.

### Promotion of Licensing Objectives

10. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows: **The applicant has produced the operating schedule and a dispersal policy as an additional document, it appears in full at Annex 4.**
11. General  
See Annex 4.

12. The Prevention of Crime and Disorder

See Annex 4.

13. Public Safety

See Annex 4.

14. The Prevention of Public Nuisance

See Annex 4.

15. The Protection of Children From Harm

See Annex 4.

**Special Policy Consideration**

16. This premises is located within the cumulative impact assessment (CIA) area approved by full council on 21 March 2019. The assessment can be found at **Annex 5**. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at **Annex 6**.

**Consultation**

17. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
18. All procedural aspects of this application have been complied with.

**Summary of Representations made by Responsible Authorities**

19. North Yorkshire Police have made a representation on the grounds that the licensing objectives, prevention of crime and disorder and prevention of public nuisance will be undermined by the granting of this application. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA.

20. The Police representation is attached at **Annex 7**.
21. City of York Council Public Protection Team (Environmental Protection) has made a representation on the grounds that the prevention of public nuisance licensing objective would be undermined if the premises licence was to be granted in the terms applied for. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA.
22. The Public Protection representation is attached at **Annex 8**.
23. City of York Licensing Authority has made a representation on the grounds that the granting of this application would undermine the licensing objectives of both prevention of crime and disorder and prevention of public nuisance. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA.
24. The Licensing Authority representation is attached at **Annex 9**.

### **Summary of Representations made by Other Parties**

25. There have been seven other representations received from other persons. One of the representations is made on behalf of 27 named residents/owners of a complex of properties on Low Petergate. The list of representors is attached at **Annex 10**.
26. The representations are based on the prevention of public nuisance and the prevention of crime and disorder licensing objectives. They state that the objectives will be undermined if the application is granted.
27. A copy of all the representations are attached at **Annex 11**.
28. A map showing the general area around the venue is attached at **Annex 14**.

### **Options**

27. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
28. Option 1: Grant the licence in the terms applied for.

29. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
30. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
31. Option 4: Reject the application.

### **Analysis**

32. The following could be the result of any decision made this Sub Committee:-
33. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
34. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
35. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
36. Option 4: This decision could be appealed at Magistrates Court by the applicant.

### **Council Plan**

37. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
38. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

### **Implications**

39.
  - **Financial** - N/A
  - **Human Resources (HR)** – N/A

- **Equalities** – N/A
  - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
  - **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
  - **Information Technology (IT)** – N/A
  - **Property** – N/A
- Other** – none

### **Risk Management**

40. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
41. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

### **Recommendations**

42. Members determine the application.  
Reason: To address the representations received as required by the Licensing Act 2003.

### **Contact Details**

**Author:**

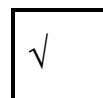
**Chief Officer Responsible for the report:**

Helen Sefton  
Senior Licensing Officer

Mike Slater  
Assistant Director for Planning and Public  
Protection.

Tel No. 01904 551526

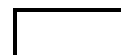
**Report  
Approved**



**20/01/2021**

**Specialist Implications Officer(s)**  
Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected: Guildhall Ward**



**For further information please contact the author of the report**

**Background Papers:**

- Annex 1** - Application form, operating schedule, policies & Plans
- Annex 2** - Copy of licence CYC 009267
- Annex 3** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 4** - Operating Schedule
- Annex 5** - Cumulative Impact
- Annex 6** - Licensing Policy Annex
- Annex 7** - North Yorkshire Police Representation
- Annex 8** - Public Protection Representation
- Annex 9** - Licensing Authority Representation
- Annex 10** - List of representors (**CONFIDENTIAL**)
- Annex 11** - Copy of representations from other persons
- Annex 12** - Legislation and Policy Considerations
- Annex 13** - Mandatory Conditions
- Annex 14** - Map of area

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Annex 1

**Application for a premises licence to be granted under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Jimmy's York Limited

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, Ordnance Survey map reference or description			
<b>Jimmy's (formerly Café Rouge) 52 Low Petergate</b>			
<b>Post town</b>	York	<b>Postcode</b>	YO1 7HZ

Telephone number at premises (if any)	<b>To be advised</b>
Non-domestic rateable value of premises	<b>£68,000.00</b>

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes			
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes			
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

<b>Name</b> Jimmy's York Limited
<b>Address</b>  1 <sup>st</sup> Floor, 17/19 Foley Street, London, W1W 7HZ  <b>Correspondence address</b> – 1 Bondgate, Helmsley, YO62 5BW
<b>Registered number (where applicable)</b> 12882634
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Limited company

Telephone number (if any) 07
E-mail address (optional) Ri

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
1	9	012021

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Restaurant and bar on the site of the former Café Rouge.

On the successful grant of the licence, the existing licence (CYC009267) will be surrendered.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
<b>Wed</b>			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
<b>Thur</b>					
<b>Fri</b>			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
<b>Sat</b>					
<b>Sun</b>					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon	10.00	00.00			
Tue	10.00	00.00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed	10.00	00.00			
Thur	10.00	00.00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	00.00			

## F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	10.00	00.00			
Tue	10.00	00.00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed	10.00	00.00			
Thur	10.00	00.00			
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	00.00			

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23.00	00.00			
Tue	23.00	00.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	23.00	00.00			
Thur	23.00	00.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Fri	23.00	01.00			
Sat	23.00	01.00			
Sun	23.00	00.00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	10.00	00.00			
Tue	10.00	00.00			
Wed	10.00	00.00			
Thur	10.00	00.00			
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	00.00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

<b>Name</b> Craig Newton	
<b>Date of birth</b> _____	
<b>Address</b> _____ _____ _____ _____ _____	
<b>Postcode</b>	Y1 _____
<b>Personal licence number (if known)</b> LN/200600084	
<b>Issuing licensing authority (if known)</b> Ryedale District Council	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

Not applicable.

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	10.00	00.30	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
Tue	10.00	00.30	
Wed	10.00	00.30	
Thur	10.00	00.30	
Fri	10.00	01.30	
Sat	10.00	01.30	
Sun	10.00	00.30	



**M**

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Please refer to the attached Operating Schedule and Policies.

**b) The prevention of crime and disorder**

Please refer to the attached Operating Schedule and Policies.

**c) Public safety**

Please refer to the attached Operating Schedule and Policies.

**d) The prevention of public nuisance**

Please refer to the attached Operating Schedule and Policies.

**e) The protection of children from harm**

Please refer to the attached Operating Schedule and Policies.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or</li> </ul>
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	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>Kuit Steinart Levy LLP</i>
Date	21 December 2020
Capacity	Solicitors

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Kuits LLP 3 St Mary's Parsonage			
Post town	<b>Manchester</b>	Postcode	<b>M3 2RD</b>
Telephone number (if any)	0161 838 7888		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports - defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts - are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
    - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and

(b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

#### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,

- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

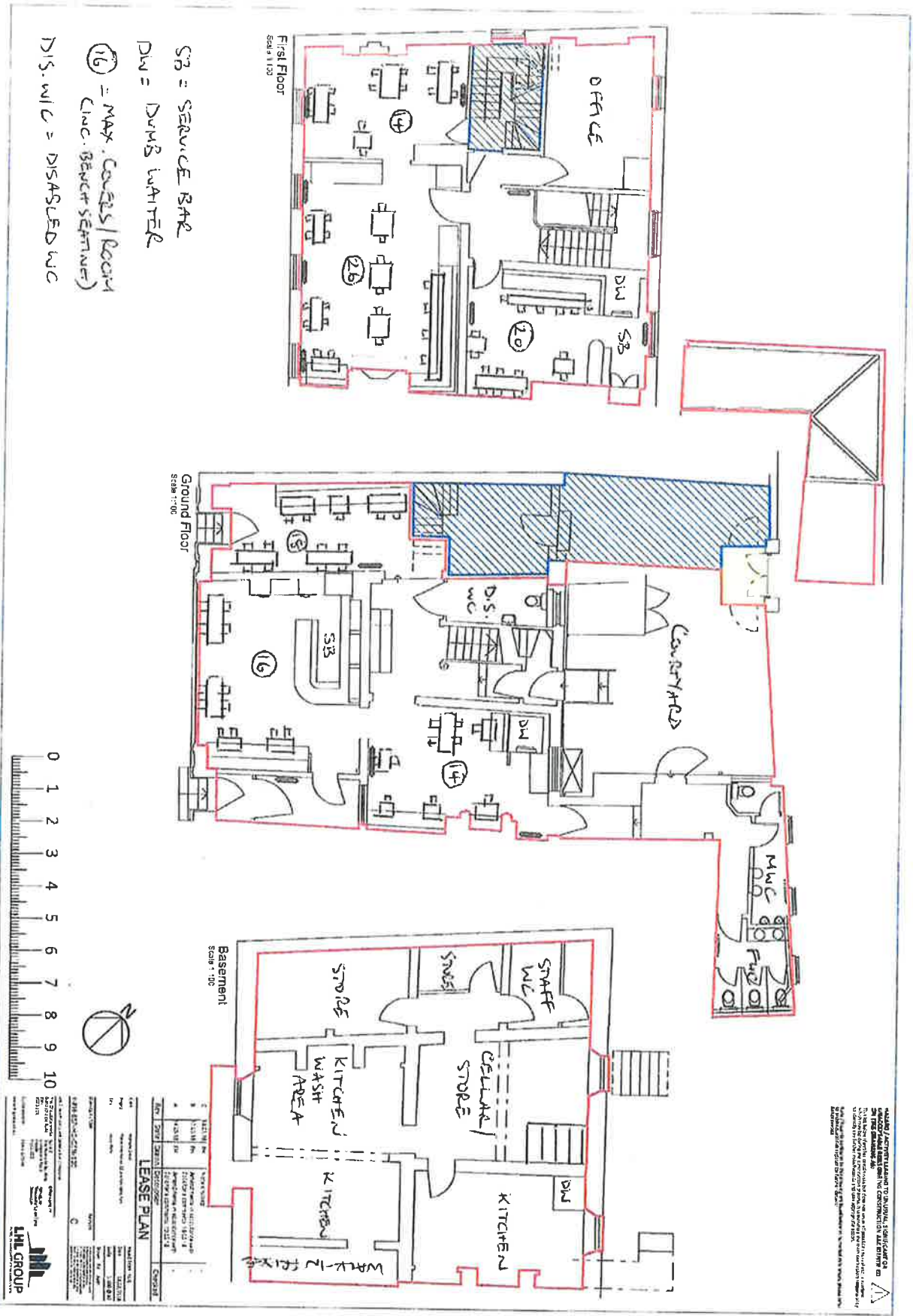
As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.



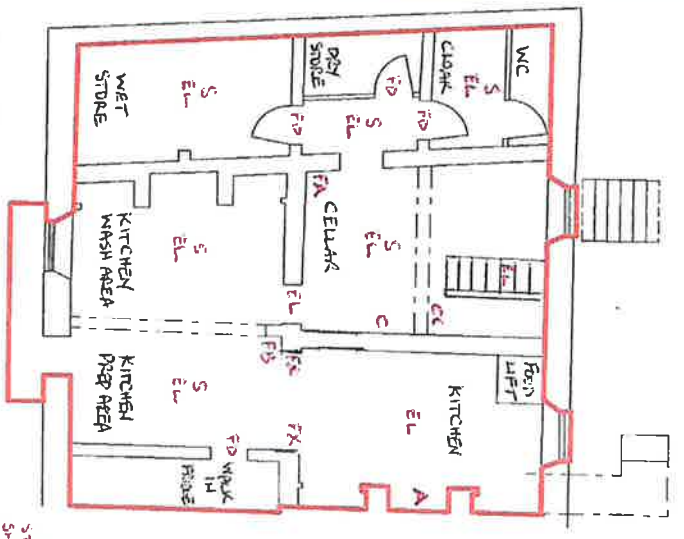


NOTES / INFORMATION TO BE OBSERVED ON THE FIRST FLOOR: [illegible]

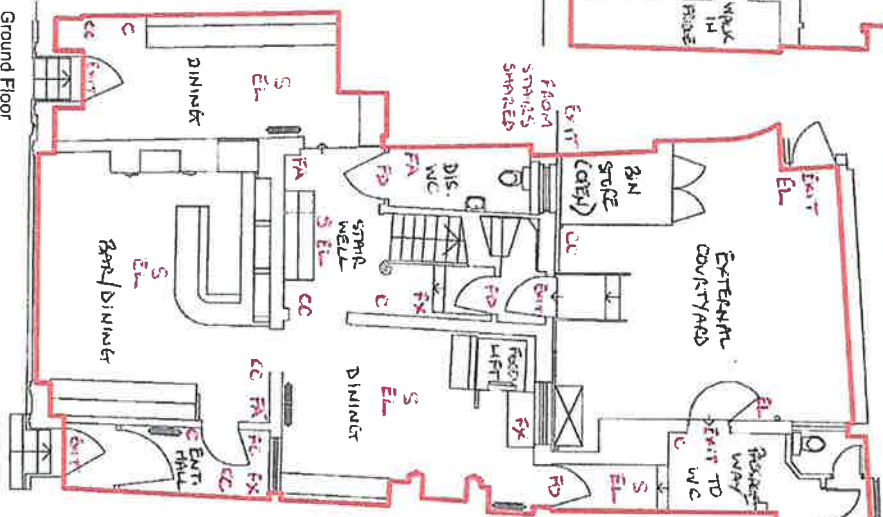


FIRE STRATEGY:  
 JIMMY'S YORK LIMITED  
 52 LNW PETERSGATE  
 YORK YO1 7HZ

Basement  
 Scale 1:100

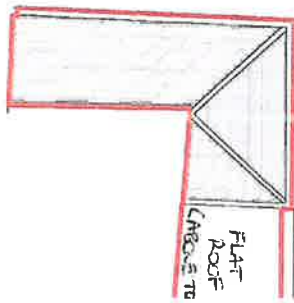
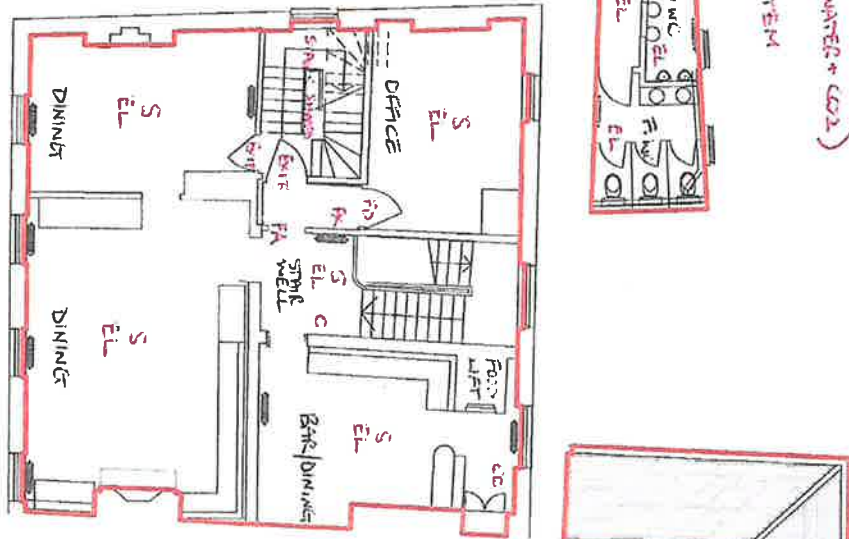


Ground Floor  
 Scale 1:100

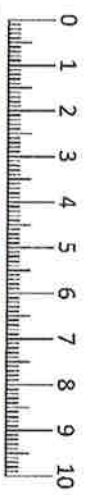


- S: SMOKE DETECTION
- EL: EMERGENCY LIGHTING
- EXIT: ILLUMINATED EXIT SIGN + FIRE EXIT DEEN
- FA: FIRE ALARM SIGN (PLUS FLUORESCENT SIGN IN DISABLED WC)
- FC: FIRE ALARM SYSTEM UNIT
- FD: 30 MIN FIRE DOOR
- C: CALL POINT
- FX: FIRE EXTINGUISHER POINT (WATER + CO2)
- FB: FIRE BRANDET
- A: INSUL FIRE SUPPRESSION SYSTEM
- CC: CCTV

First Floor  
 Scale 1:100



NOTES: / ACTIVITY LEADING TO MANUAL START POINT OR ON THIS DRAWING AND...  
 THIS DRAWING IS THE PROPERTY OF...  
 ANY REPRODUCTION OR TRANSMISSION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF...  
 IS STRICTLY PROHIBITED.



DIMENSIONAL  
 ACCURACY TO BE  
 CHECKED ON-SIT

PROJECT INFORMATION	
Project Name	JIMMY'S YORK LIMITED
Client	JIMMY'S YORK LIMITED
Site	52 LNW PETERSGATE, YORK YO1 7HZ
Drawn by	[Signature]
Checked by	[Signature]
Date	2023/08/15
Scale	1:100
APPROVALS	
Author	[Signature]
Checker	[Signature]
Designer	[Signature]
Project Manager	[Signature]
LH C	



**OPERATING SCHEDULE -**

**JIMMY'S YORK LIMITED T/A Jimmy's**  
**52 Low Petergate, YORK YO1 7HZ**

**A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and be able to produce CCTV images to an officer from a responsible authority upon request.
5. Staff will be trained in the laws relating to underage sales, and that training shall be documented and repeated at 6 monthly intervals.
6. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS.
7. A refusals book will be maintained at the premises and made available to an officer of a responsible authority upon request.

**B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

**C) The Prevention of Public Nuisance**

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.

2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
5. A Dispersal Policy will be implemented and adhered to (see attached).
6. The emptying of bins into skips and refuse collections will not take place between 11pm and 7am.
7. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.

**D) The Protection of Children from Harm**

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment, and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

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**DISPERSAL POLICY**

**JIMMY'S, 52 LOW PETERGATE, YORK**

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The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises.
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.







**LICENSING ACT 2003**

**PREMISES LICENCE**

**Schedule 12**

**Part A**

**Part 1 Premises details**

Premises licence number  
CYC - 009267

Postal address of premises:

**52 Low Petergate**

Post town: **York**

Post code: **YO1 7HZ**

Telephone number: 01904 673293

**Expiry date:** This licence has no expiry date.

**Licensable activities authorised by the licence:**

Recorded Music  
Late Night Refreshment  
Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

See Annex 1 – Embedded Restrictions

**The Opening Hours of the Premises**

No Restrictions

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**

On and off the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premise licence:**

Name: Jimmys York Limited

Address: First Floor  
17-19 Foley Street  
London  
W1W 6DW

Telephone number: none

Email address: None

**Registered number of holder, for example company number, charity number (where applicable):**

12882634

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Name: Andrea Gaiga

Address: [REDACTED]  
[REDACTED]

Telephone number: None

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

City of York Council  
CYC - 65832

## **Annex 1 – Mandatory conditions**

### MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to -
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
    - (iii) still wine in a glass: 125ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
  - (b) "permitted price" is the price found by applying the formula –
$$P = D + (D \times V)$$
where –
    - (i) P is the permitted price,
    - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Embedded Restrictions**

#### **STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO ON LICENCE WITH NO CHILDREN'S CERTIFICATE AND SUPPER HOURS CERTIFICATE**

On Licence with no Children's Certificate

#### **Permitted Hours**

1. Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:

- a) On weekdays (other than Christmas Day or Good Friday) 10:00 to 23:00
- b) On Sundays (other than Christmas Day) 12:00 to 22:30
- c) On Good Friday, 12:00 to 22:30
- d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- e) On New Year's Eve from the end of the permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December).

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of alcohol on the premises
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken away in an open vessel
- c) during the first thirty minutes after the above hours, the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as an ancillary to the meals.
- d) the sale or supply of alcohol to, or consumption of alcohol by, any person residing at the licensed premises
- e) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered
- f) the sale of alcohol to a trader for the purposes of his trade, or to a registered club for the purposes of the club
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

- h) the taking of alcohol from the premises by a person residing there
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

#### Children

2. No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence
- b) He resides in the premises, but is not employed there
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

In this condition bar includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is -

- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

#### Credit Sales

3. Intoxicating liquor shall not be sold or supplied for consumption on the premises unless it is paid for before or at the time when it is sold or supplied. This condition, however, shall not apply:

- a) If the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal or
- b) If the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation, or
- c) If the sale or supply of intoxicating liquor is to any canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or to an authorised mess of members of Her Majesty's naval, military or air forces.

#### Other Conditions

4. CCTV cameras are to be installed covering the outside and the inside of the premises after consultation with the police. Recordings shall be kept for 31 days and be made available to the police for evidential purposes. The system will record round the clock and the time and date of the recording will appear on the tape.
5. Substantial food shall be available at all times the premises are open.
6. There shall be no amusement with prizes machines, no amusement only machines, and no pool tables and dart boards on the premises.
7. There shall be no change in the current style of operation.
8. Discounting of alcoholic drinks will only take place as part of promotion organised by the Pelican Group Plc or their parent company Whitbread.
9. There shall be no disc jockey, and music shall only be by way of background music controlled by members of staff from behind the bar.
10. Seating for not less than 80 persons shall be provided at all times.
11. The maximum number of customers permitted on the premises at any one time shall not exceed the number fixed by the Fire and Rescue Service.
12. There shall be no television entertainment, no videos and no live broadcasts.
13. Alcohol will only be served to persons seated at tables or at the bar or to no more than 10 people standing at the bar by way of waiter/waitress service only.
14. The following requirements shall be complied with;
  - (a) To operate the early warning system (Pubwatch) on an approved electronic pager.
  - (b) To comply with any instructions issued by the police and justices regarding closures on race days and/or other sporting events.
  - (c) To ensure that when an exclusion order is made the person subject to the order is denied access to your premises.

#### Supper Hours

1. Alcohol may be sold or supplied [for one hour following the hours set out above] and [on Christmas Day, between 15:00 and 19:00] to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for the consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes, or in other parts of the premises, the normal permitted hours as set out above shall continue to apply.

Recorded Music

Recorded music may be played throughout the premises without limitation in line with previous provisions as set out in Section 182 of the Licensing Act 1964.

Late Night Refreshment

The licence holder may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above.

Private Entertainment

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the City of York Council area, private entertainment for gain may be provided throughout the premises without limitation by virtue of the previous Justices Licence.

**Annex 2 – Conditions consistent with the operating schedule**

**Licensing Objectives**

None

**Annex 3 – Conditions attached after a hearing by the licensing authority**

No hearing held

**Annex 4 – Approved Plan**

Plan Number's            12035 101A LS

For and on behalf of  
The Director of Economy & Place

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Date: 15/08/2005  
03/12/2020 (Transfer)

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)





## PREMISES LICENCE SUMMARY

### Part B

#### Part 1 Premises details

Premises licence number  
CYC - 009267

Postal address of premises:

**52 Low Petergate**

Post town: **York**

Post code: **YO1 7HZ**

Telephone number: 01904 673293

#### Where the licence is time limited the date:

This licence has no expiry date.

#### Licensable activities authorised by the licence:

Recorded Music  
Late Night Refreshment  
Supply of Alcohol

#### The times the licence authorises the carrying out of licensable activities:

Supply of Alcohol:

- a) On weekdays (other than Christmas Day or Good Friday) 10:00 to 23:00
- b) On Sundays (other than Christmas Day) 12:00 to 22:30
- c) On Good Friday, 12:00 to 22:30
- d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- e) On New Year's Eve from the end of the permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December).

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of alcohol on the premises
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken away in an open vessel
- c) during the first thirty minutes after the above hours, the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as an ancillary to the meals.
- d) the sale or supply of alcohol to, or consumption of alcohol by, any person residing at the licensed premises
- e) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered
- f) the sale of alcohol to a trader for the purposes of his trade, or to a registered club for the purposes of the club
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces
- h) the taking of alcohol from the premises by a person residing there
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

#### Supper Hours

Alcohol may be sold or supplied [for one hour following the hours set out above] and [on Christmas Day, between 15:00 and 19:00] to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for the consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes, or in other parts of the premises, the normal permitted hours as set out above shall continue to apply.

#### Recorded Music

Recorded music may be played throughout the premises without limitation in line with previous provisions as set out in Section 182 of the Licensing Act 1964.

#### Late Night Refreshment

The licence holder may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above.

**The Opening Hours of the Premises**

No Restrictions

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**

On and off the premises

**Name and (registered) address of holder of premise licence:**

Name: Jimmy's York Limited

Address: First Floor  
17-19 Foley Street  
London  
W1W 6DW

**Registered number of holder, for example company number, charity number (where applicable):**

12882634

**Name of designated premises supervisor where the premise licence authorises the supply of alcohol:**

Andrea Gaiga

**State whether access to the premises by children is restricted or prohibited**

No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence
- b) He resides in the premises, but is not employed there
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.

In this condition bar includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is -

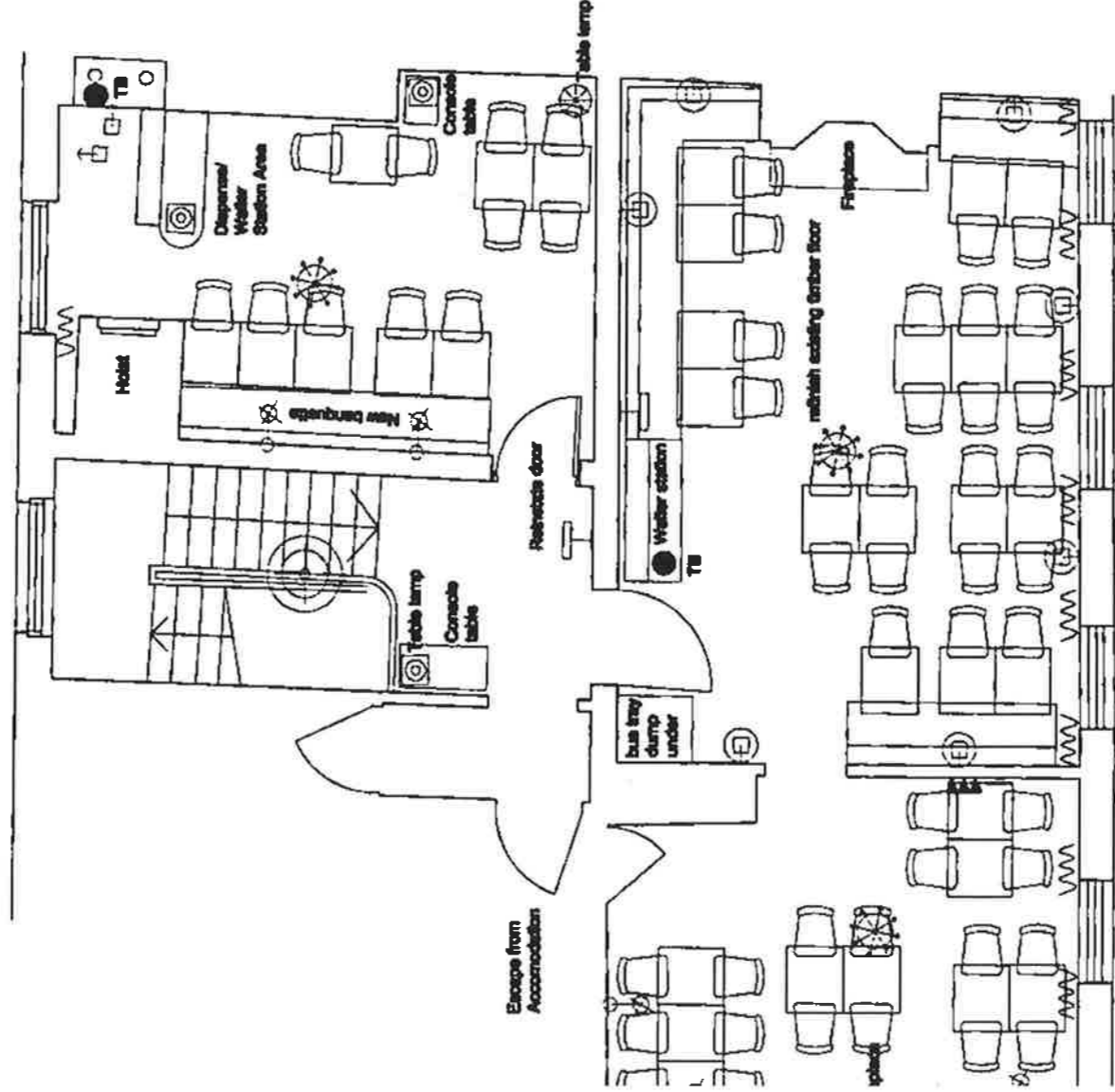
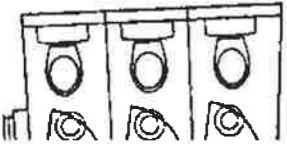
- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

For and on behalf of  
The Director of Economy & Place

Date: 15/08/2005  
03/12/2020 (Transfer)

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)



**NOTES:-**

1. All drawings to be read in conjunction with Structural Engineer's details & any relevant sub-contractor's details. All works to comply with current Building Regulations, British Standards & Codes of Practice.
2. The Main Contractor & Sub-Contractor where applicable will be responsible for checking all dimensions on site & reporting any discrepancies to all relevant consultants.
3. The contractor must familiarize himself with the site and measure all areas affecting his work. All dimensions must be verified on site prior to manufacture of any joinery or works on or off site.
4. All works to be carried out by approved installation contractors, and to manufacturers recommendations.
5. All dimensions to be in millimeters.
6. Contractor to ensure that all work meets the requirements of the EHO, Building Control, Fire Authority and all other statutory bodies.
7. All shop-fit decoration to achieve Class 'O' surface spread of 'fame' in accordance with BS476, Part 7.
8. All stained timber areas to be treated with Thermoguard or similar to achieve Class 'O' surface spread of fame. All painted timber areas to be treated with Thermoguard Timbercoat or similar to achieve Class 'O' surface spread of fame.
9. Where MDF is specified this is to be Zero or Low Formaldehyde type MDF made to British Standards.
10. The contractor is to ensure that all walls to be decorated are prepared prior to decoration and all surfaces smooth level and joint free.  
All applied coatings are to be water based to large wall areas. Contractor to allow for one mist coat and two top coats in corners, walls and timberworks.

All new timber to be pressure impregnated with preservative prior to delivery to site. Where subsequent cutting & bonding is necessary all exposed faces to be coated with Profim.

**REVISIONS**

REV	DATE	DESCRIPTION
A	02 02 15	NOTES AMENDED



80W STREET, BIRMINGHAM B1 1DW  
Telephone 0121 685 6857  
brook.milard@keanebrands.com

**CLIENT** Tragus

**PROJECT** Cafe Rouge - York

**DRG TITLE** Proposed Plan- Preliminary

**SCALE** 1:100 @ A1

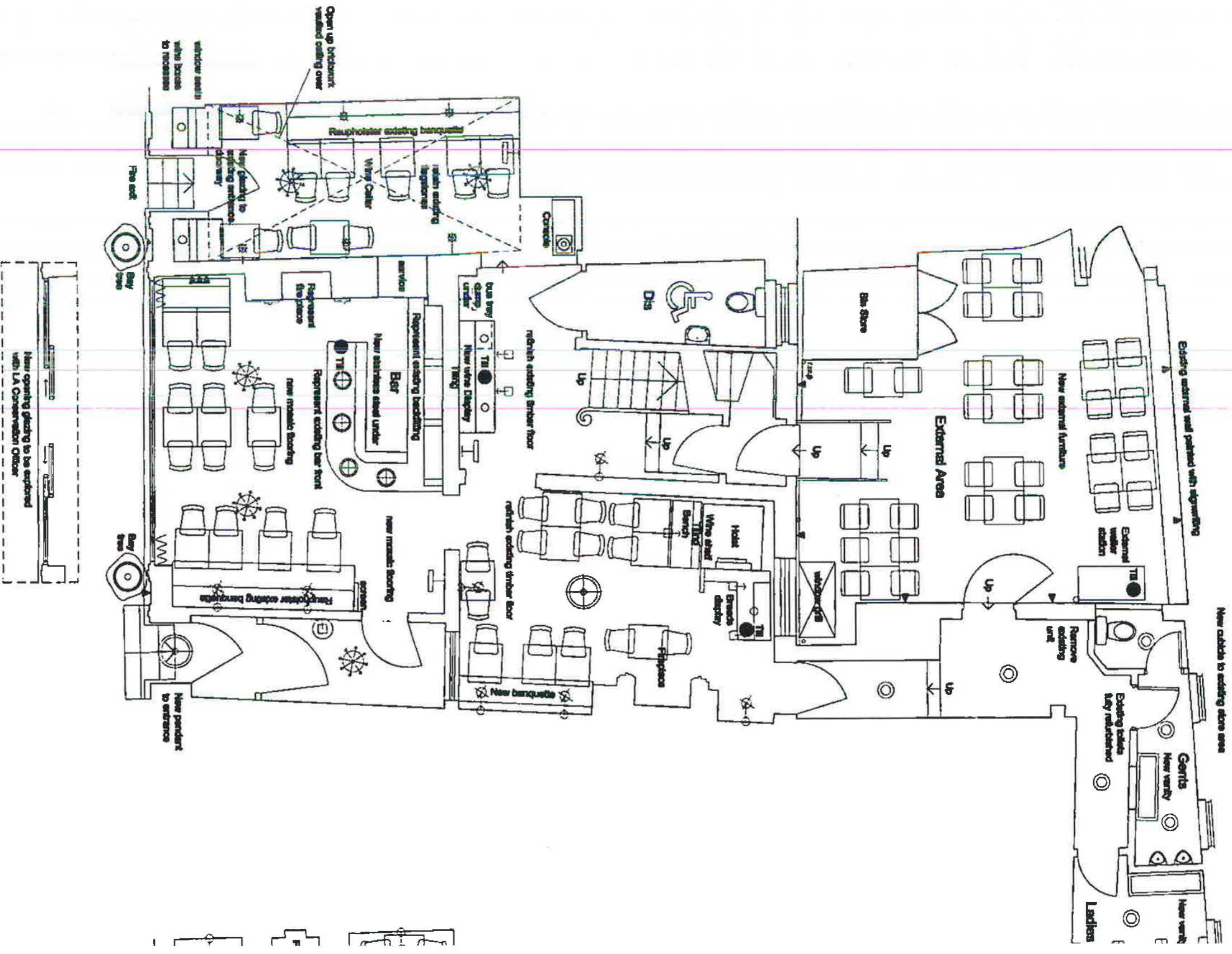
**DATE** 11.11.14 **DRN BY** LS

**JOB NO** 12035 **DRG NO** 101 A

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**EXISTING AND PROPOSED COVERS**

<b>GROUND FLOOR</b>	62	62			
<b>EXISTING</b>					
<b>PROPOSED</b>					
<b>FIRST FLOOR</b>	62	67	24	28	138
<b>EXISTING</b>					
<b>PROPOSED</b>					
<b>EXTERNAL</b>					
<b>EXISTING</b>					
<b>PROPOSED</b>					
<b>TOTALS</b>					
<b>EXISTING</b>					138
<b>PROPOSED</b>					147



# PROPOSED GROUND FLOOR PLAN

## Home Office – Guidance Issued Under Section 182 of the Licensing Act 2003

### Section 16 Regulated Entertainment

#### Overview of circumstances in which entertainment activities are not licensable

16.5 There are a number of exemptions that mean that a licence (or other authorisation<sup>18</sup>) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors).

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the

audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace<sup>26</sup> that does not have a licence, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;



- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

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**OPERATING SCHEDULE -**

**JIMMY'S YORK LIMITED T/A Jimmy's**  
**52 Low Petergate, YORK YO1 7HZ**

**A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and be able to produce CCTV images to an officer from a responsible authority upon request.
5. Staff will be trained in the laws relating to underage sales, and that training shall be documented and repeated at 6 monthly intervals.
6. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS.
7. A refusals book will be maintained at the premises and made available to an officer of a responsible authority upon request.

**B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

**C) The Prevention of Public Nuisance**

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
5. A Dispersal Policy will be implemented and adhered to (see attached).
6. The emptying of bins into skips and refuse collections will not take place between 11pm and 7am.
7. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.

### **D) The Protection of Children from Harm**

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment, and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

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**ANNEX 4**

**DISPERSAL POLICY**

**JIMMY'S, 52 LOW PETERGATE, YORK**

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The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises.
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

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**Cumulative Impact**

1. Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
2. Relevant authorisations means:
  - premises licence
  - club premises certificate
3. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
4. The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

**Cumulative Impact Assessment**

5. As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
6. As required by the Act the Council has formally consulted on the assessment.
7. By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of

Police and all parties who made a relevant representation, with the reasons for departing from the Policy.

8. Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
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.
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.
11. The Statement of Licensing Policy and Cumulative Impact Assessment were approved by the City of York on the 21 March 2019.

### **Cumulative Impact Area**

12. 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
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.
14. A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead 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.



## 9. Cumulative Impact

- 9.1 Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
- 9.2 Relevant authorisations means:
- premises licence
  - club premises certificate
- 9.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 9.4 The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

### Cumulative Impact Assessment

- 9.5 As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
- 9.6 As required by the Act the Council has formally consulted on the assessment.
- 9.7 By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council

determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation, with the reasons for departing from the Policy.

- 9.8 Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
- 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.

### **Cumulative Impact Area**

- 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:
- 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.
- 9.13 A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead 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.



## 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> Jimmy's 52 Low Petergate	
<b>Post town:</b> York	<b>Post code (if known):</b> YO17HZ

**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 application relates to a new premises licence for restaurant and bar on the site of the former Café Rouge at Low Petergate within York's Cumulative impact area for licensable activities over a ground floor, first floor, basement and outside courtyard as follows:

Live music- Sunday to Thursday 1000-0000hrs, Friday and Saturday 1000-0100hrs indoors only  
 Recorded music - Sunday to Thursday 1000-0000hrs, Friday and Saturday 1000-0100hrs indoors only  
 Sale of alcohol - Sunday to Thursday 1000-0000hrs, Friday and Saturday 1000-0100hrs  
 Late night refreshment - Sunday to Thursday 2300-0000hrs, Friday and Saturday 2300-0100hrs.

Jimmy's are a small chain and have premises in Liverpool and Manchester with a focus on live music. On speaking with the applicant's agent I am advised that this premises in York is to be more of a food focused venue.

The premises on low Petergate 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 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.

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.

The applicants have offered an suggested operating schedule with this application which it is felt fails to take into account the specific needs of the location and it's special policy.

North Yorkshire Police have attempted to mediated with the applicant via the agent and have proposed the below amendments/conditions in order to promote the licensing objectives and mitigate risk associated with the opening of a further late night venue. The existing premises licence for the venue allows licensable activities from 1000-2300hrs weekdays and 1200-2230hrs on a Sunday

Operating Hours Suggested:

All licensable activities until 2300hrs weekdays and 0000hrs Fri+Sat

Closure of the outside area at 2100hrs daily.

Suggested conditions and amendments:

CCTV condition to add - Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request.

Staff training condition offered to be replaced with-

1.Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-

Retail sale of alcohol

Age verification policy

Conditions attached to the Premises Licence

Permitted Licensable activities

The Licensing objectives and

The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

Refusals/incident register condition replaced with –

2.A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.

Such records shall be kept for at least one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]: They will be made available immediately upon a reasonable request from any responsible authority.

- 3.The premises shall operate predominately as a food led establishment and not as a vertical drinking establishment providing food and non-alcoholic drinks. Alcohol shall be ancillary to the sale of food.
- 4.Customers shall only be served by way of waiter / waitress service in all areas of the premises.
- 5.Only customers dining in the restaurant may use the bar area. There shall be no vertical drinking at the bar.
- 6.There shall be a minimum of 48 table covers available at all times on the ground floor and a minimum number of 60 table covers on the first floor.
- 7.The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
- 8.A minimum of 1 SIA Licensed door staff shall be deployed at the premises every Friday and Saturday evening from 1900 until close of business.

A minimum of 2 SIA Licensed door staff shall be deployed at the premises on days where race meetings are held at York Racecourse from 1800hrs until close of business (Save for the family meeting held in September and the first meeting in May)

At all other times the need for SIA Licensed door supervisors shall be determined in accordance with risk assessment to be carried out by the DPS and/or the Premises licence holder. When Employed door staff shall wear high visibility arm bands.

9. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.
10. All off sales shall be in sealed containers
11. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly
12. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.

If the applicant is willing to agree to the above conditions to be included as part of a premises licence then North Yorkshire Police would formally withdraw their representation.

Signature: K. Hollis

Date: 18/01/2021

Contact name:

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**

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## Annex 8

### Representation by Public Protection, Jimmy's 52 Low Petergate

Public Protection are making representation against the premises licence grant for Jimmys at 52 Low Petergate, York on the grounds of public nuisance.

**The CIA is:** the cumulative impact Area and is an area designated by City of York Council in its statement of licensing policy where evidence shows that the cumulative impact of the number and concentration of licensed premises 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. Within this area, when applying for licences the onus is on the premises licence holder to demonstrate that the licensing objectives will be met and that their proposed activities will not result in an escalation of crime, disorder and public nuisance in this area.

**The premises** is a mid-terraced, listed building, on Low Petergate, with business premises to the front and to the north, a hotel, directly adjacent to the south and a flat at the top floor, above the premises. Low Petergate is predominantly made up of shops with a few food outlets and restaurants and includes a number of residential dwellings. To the rear is a historic open space in front of York Minster.

The application as it stands would be for a restaurant/ bar with live and recorded music in any part of the building from 10:00 hours to 00:00 hours Sunday – Thursday and until 01:00 hours on Fridays and Saturdays and late night refreshment both indoors and outdoors from 23:00 hours – 00:00 hours Sunday – Thursday and from 23:00 hours – 01:00 hours Fridays and Saturdays.

### Offered conditions

I have been in mediation with the applicants and they have offered the following conditions which, should the committee members be minded to grant the premises licence, should be attached:

- The exterior of the building shall be cleared of litter at regular intervals.
- A Dispersal Policy will be implemented and adhered to.
- The emptying of bins into skips and refuse collections will not take place between 11pm and 7am.
- Doors and windows at the premises are to remain closed after 11pm, save for access and egress.

The applicants have also agreed to remove the following two conditions which are not deemed to be achievable:

- Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.

The applicants have agreed to restrict the outside rear yard to 11pm and only to be used as a smoking area after 11pm each day, I would support this, but I have not had time to formally agree the wording of a condition.

The applicant has also agreed to attach a condition for a noise management plan, which again, I would support, but have not had time to formally agree the wording of a condition.

### **Outstanding Concerns**

The application seeks to change the current use as a quiet restaurant into a restaurant/ bar where loud amplified music, bands and DJ's that could be played and perform anywhere within the licensed part of the building. This would increase the times of regulated entertainment from 11pm as with the current licence, to midnight weekdays and 1 am Friday and Saturdays and could also change the nature of the area.

During mediation with the applicants have not agreed to fully remove live and recorded music from the application and have asked for the ability to allow ticketed and pre-booked events. This would mean that live and recorded music would still be included in the application and could take place in every part of the licensed premises, until midnight weekdays and 1am Fridays and Saturdays, on an unrestricted number of occasions.

This raises two concerns; The first is about the buildings ability to attenuate noise from the live and recorded music, as there is a chance that noise will break out from the premises through the windows and the two lobby's, especially if the lobbies are not acoustically sound. Noise could also transmit through the walls to the adjacent hotel and as no area has been designated within the building as a music room, noise could be played below the flat and transmit through the ceiling into the flat.

The second concern is that having live and recorded music at the premises may result in added pressure on the CIA in terms of public nuisance from customers raised voices. This is because customers who have been exposed to loud amplified music can experience hearing threshold loss which can cause them to raise their voices louder than usual. This is especially pertinent in this case, as this application seeks to take the licensed activities later into the night than the current premises licence would permit.

The applicant has suggested a condition about the number of SIA door staff to control the people outside being on a risk based approach, however, considering this site is in York's CIA, a more robust condition for this should be proposed to ensure that they have an adequate number of door staff, especially on weekend nights and race days and thereby aid their ability to prevent noise from customers at the front of the building.



**Summary**

As it stands the applicants have offered some conditions which are welcomed but have not demonstrated that the building can adequately prevent noise from live and recorded music breaking out of the premises and causing a public nuisance. They have not agreed to remove live or recorded music from the licence nor agreed suitably worded and robust conditions to demonstrate that the premises will not add to public nuisance within this area of the CIA, and therefore, Public Protection cannot support this application and would advise that members refuse it on grounds of public nuisance.

Regards

Michael Golightly  
**Technical Officer**

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## Annex 9

### Representation by the Licensing Authority, Jimmy's 52 Low Petergate

I write to make representation on behalf of the Licensing Authority in relation to the grant of a premises licence for the above premises. Due to the Christmas period and work demands I have not had the opportunity to discuss the application with the applicant.

This application relates to the grant of a premises licence for a restaurant and bar on the site of the former Café Rouge, for licensable activities to take place seven days a week. Requested activities and hours as follows:

- Regulated entertainment (live and recorded music) to take place Sunday – Thursday 10:00hrs – 01:00hrs, Friday and Saturday 10:00hrs – 01:00hrs
- Late night refreshment Sunday – Thursday 23:00hrs – 00:00hrs, Friday and Saturday 23:00hrs – 01:00hr
- Supply of alcohol Sunday – Thursday 10:00hrs – 00:00hrs, Friday and Saturday 10:00hrs – 01:00hrs
- Opening hours Sunday - Thursday 10:00hr – 00:30hrs, Friday and Saturday 10:00hrs – 01:30hrs

The proposed licensed areas are located over three floors, from the plans the kitchen and cellar are located in the basement; bars, seating areas, court yard and toilets on the ground; seating areas and office on the first floor.

The seating capacity for each floor, as indicated on the plans, is 48 ground and 60 first. There is no indication of seating in the court yard.

This premises is located in York city centre in close proximity to a number of licensed premises (bars, restaurants, cafes and takeaways), residential premises and churches (including York Minster). The premises is also located within York's Cumulative Impact Assessment (CIA) area, this area has been identified by the Council within the Statement of Licensing Policy (the Policy) as being under the most stress from crime and disorder and public nuisance related issues due to the high concentration of licensed premises.

The Policy came into effect in March 2019, 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

9.13 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.

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 Policy and CIA can be found at: <https://www.york.gov.uk/LicensingPolicy>

Within the proposed operating schedule the applicant has offered conditions relating to CCTV, door supervisors, noise management and age policy which are welcomed, however they are not considered robust enough for a premises located within the CIA.

As detailed above this premises is located in an area identified by the Council as being under the most stress due to crime and disorder and public nuisance, already having a high level of licensed premises. I do not believe that the applicant has demonstrated through the hours applied for and the operating schedule how the granting of a licence for this restaurant and bar will not impact this area.

Even though the applicant has stated within the application that this premises is to be a restaurant and bar, I would ask Members to take into consideration that there is nothing within the proposed operating schedule to prevent this premises from just operating just as a bar and live music venue seven days a week.

As a premises licence is already in place for a restaurant to operate at this premises, an application for a food led premises (restaurant) with reasonable timings for licensable activities and robust conditions which ensure the promotion of the four licensing objectives and not add to the cumulative impact of crime and disorder and public nuisance within the CIA may not be opposed by the Licensing Authority.

The Licensing Authority do not believe the applicant has fully considered the Policy and CIA, and therefore has not demonstrated through the application and proposed operating schedule how the granting of this licence will not add to the cumulative impact already being experienced.

The Licensing Authority cannot support this application as it is within the CIA.

Kind regards

*Lesley*

Lesley Cooke | Licensing Manager

t: 01904 551515 | e: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

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Low Petergate  
York  
YO1 7HZ

Monday 28<sup>th</sup> December 2020

Licensing Team  
City of York Council  
Licensing Services  
Hazel Court Eco Depot  
James Street  
York  
YO10 3DS

Dear Sir/Madam,

We are writing to make a representation against the premises licence application made for Jimmy's York Ltd (formerly Café Rouge) 52 Low Petergate, York, YO1 7HZ.

We object on the following grounds:

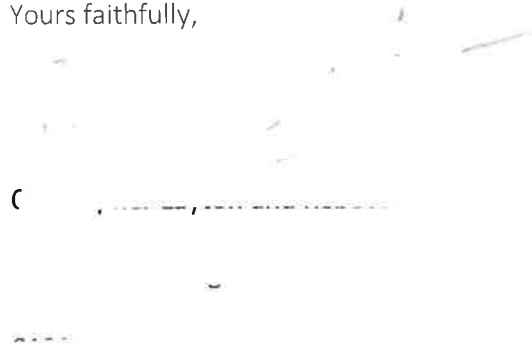
- We occupy the property, 52 Low Petergate, York, YO1 7HZ and our guests are disturbed by noise late at night. Almost all of our hotel bedrooms are street facing and/or share the adjoining wall with the neighbouring property. Any live or recorded music after the hours of 9pm will unreasonably disturb our guests. The application for live or recorded music to be played until midnight Sunday – Thursday, and until 1am on Friday and Saturday is totally unreasonable when located next door to a hotel on a quiet street, and in such close proximity to York Minster.
- The owners of the flat above will be disturbed by noise late at night. There are also several other residential homes surrounding the property (50 Low Petergate etc).
- The application fundamentally changes the use of the business from a café/restaurant to a bar/club, which will result in a completely different type of clientele; a drinking crowd are typically noisy and cause a disturbance. Where alcohol is the primary product sold, the possibility for inappropriate and anti-social behaviour is increased.
- The provision of late night refreshments to be served until 11pm midnight Sunday – Thursday, and until 1am on Friday and Saturday suggests that customers will be drinking late in to the night, causing a nuisance as they leave.
- Their kitchen extractor fan blows on to our property and is extremely loud and causes vibrations, this has previously created complaints from our hotel guests when the premises was occupied by Café Rouge. Café Rouge stopped serving food at 9pm and the fans were turned off at 10pm nightly, which was an acceptable compromise. If

Jimmy's intend to serve late night refreshments until 11pm and 1am, then the fan will need to be moved/replaced/re-routed to avoid noise disturbance.

- Currently there are no late-night venues on Low Petergate or High Petergate meaning that late night noise is minimal. The addition of a late-night venue on Petergate means that the noise disturbances will be much more frequent as groups move from the venues on Swinegate and Back Swinegate to the new venue on Low Petergate. Police and similar have no reason to patrol this area as it is a quiet and safe zone, and there is no CCTV in the area. A business whose principal hours of business are late at night is not compatible with this location. A late night venue would be better placed on a street which already has other late night venues on it.
- As the neighbouring business, we have concerns about the likelihood that Jimmy's customers will stand outside the premises (and therefore outside our premises) in groups, smoking, and generally affecting the appearance of the street, which is predominantly restaurants and high-end shops.
- The view along Low Petergate towards York Minster is one of the most photographed in York, it is a quintessential York street. Bouncers and groups of drinkers will severely impact the traditional feel of the area.
- We are concerned that the licence applied for would require door security; this would have a hugely negative impact on our business as our door is directly linked to theirs. Customers already accidentally enter our business when meaning to visit Café Rouge and vice versa. It could reasonably be assumed that any door staff for Jimmy's would appear to be standing at our own doorway, which would significantly affect our appearance. Not many people want to stay in a hotel that is next door to a club, or has the requirements of bouncers.

We welcome the addition of a new business to York, and would support a venue that is predominantly a *restaurant*, with a closing time of around 11pm, and minimal noise.

Yours faithfully,

A faint, illegible signature and a circular stamp are visible in this area. The signature appears to be written in blue ink and is mostly obscured by the stamp. The stamp is circular and contains some text that is too light to read.

**From:** [redacted]  
**Sent:** 01 January 2021 11:20  
**To:** licensing@york.gov.uk  
**Subject:** Representation against granting a premises licence for Jimmys York Ltd at 52 Low Petergate, York

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir or Madam

I am writing to make representation against Jimmys York Ltd's application for a premises licence at the property 52 Low Petergate, York (formerly Cafe Rouge).

I live in the flat [redacted] the premises and the impact on my life would be intolerable. Please, no more late night eateries/drinking places in the historic heart of our beautiful city when people such as myself who live in the area just don't want them. The character of this area has already changed since my husband and I moved here in January 2004 due to the extension of opening hours for places selling alcohol since our move, and we don't want it to get any worse.

We have lived at our current address for 16 years and in York city centre (the Minster quarter) for over 35 years. We love living here in this beautiful historic part of the city during the day time and evening, and in no way would call ourselves killjoys. We enjoy the hustle and bustle, the colour, the convenience of shops, bars and eateries close by, the proximity of the railway station as well as the music of the buskers and performers (some better than others!) that have been outside our flat on a daily basis in the past (but not quite so often during the current Covid crisis) – so many things that make this a vibrant and convenient area in which to live. But we didn't choose to live here for a noisy, drink-fuelled night life with all its accompanying detritus. Having establishments open serving alcohol until midnight or 1am is simply not appropriate to this area, and certainly not in an establishment directly beneath my home. I already suffer enough disturbance at the front of our property (Grape Lane/Low Petergate) through the night from revellers in the area as it is, especially in the summer months when we need our bedroom windows open. I would envisage getting not only more noise at the front as people exit onto Low Petergate but also at the back, as doubtless the small yard ( [redacted] ) would be used as a smoking/gathering area. The sound of voices naturally travels upwards, and raucous laughter and loud voices late at night would be even worse. At the moment, restaurants in Low Petergate close at an earlier time. It would be the thin end of a wedge if Jimmys Bar was the first to push the boundaries beyond 11pm, other establishments would surely try and follow.

When Cafe Rouge ran the restaurant below, things were always quiet by 10.30/11.00pm at the latest. They never had live music playing, just quiet background recorded music that was never a problem. We got on very well with our neighbours and were on friendly terms.

I would also point out that there are possible problems with regard to the [redacted] Fire Escape routes that [redacted] with the premises [redacted]. It is my understanding that the fire alarm automatically releases the magnetic door lock when the fire alarm goes off. It means [redacted] can exit through the restaurant and out to the front (Low Petergate side) if necessary, but also people on the first floor in the restaurant can escape [redacted] and out through [redacted] (indeed, [redacted] on to the Minster

side. The thought of hoards of drinkers piling  
at midnight makes me shudder.

to get outside through

My final point is that we are concerned about the impact the proposed licence would have on the value of our property.

Please reject Jimmys York Ltd application as it stands. If they would like to change it to just recorded music and premises closing by 11pm at the latest, I would consider that reasonable.

Yours sincerely

C

Minster Yard, York, YO1 7HH

Tel: (



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**From:** [redacted]@york.gov.uk <[redacted]@york.gov.uk>  
**Sent:** 07 January 2021 14:46  
**To:** licensing@york.gov.uk  
**Subject:** Fwd: Proposed planning application - Objection - 52 Low Petergate - Formerly Cafe Rouge  
**Attachments:** Representations - Guidance.pdf

**Categories:**

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Licensing team,

Further to my previous email please can I register a formal objection to the licence application at 52 Low Petergate ( Formerly Cafe Rouge) proposed by Jimmys York Ltd.

The main objections is to vary the licence so that the establishment is operating and selling alcohol past 11pm. Proposed in the application sale of alcohol until midnight weekdays and 1am on Fridays and Saturdays and 24 x 7 on New Years Eve.

Additional the other objection is a licensing for 'Live Music' in what is a listed building with single glazing.

This establishment is in a well maintained and respected conservation area. Directly next to historical buildings and in particular a large number of RESIDENTIAL properties.

Under the grounds of prevention of crime and disorder and in the interests of prevention of public nuisance, the last thing the residents of Low Petergate need is another late night establishment selling alcohol until 1am. No doubtedly then open until later with patrons egressing from the property in the early hours of the morning. Additionally this location is not suitable as a 'Live Music' event location. A historic building with single glazing will attract significant crowds that will be dispersing inevitably disturbing ourselves and nearby residents.

We are therefore also concerned from a public safety perspective with late night revellers leaving the establishment in the early hours and not at a respectable time for a normal restaurant that closes at 11pm.

Our bedroom windows that are also single glazed as we are in a conservation area in a grade II listed building is ~ meters from the 52 Low Petergate front entrance/exit and we also have bedroom windows overlooking the courtyard at the back which we note they are also requesting to be licensed now until 11pm ( for a 'beer garden'). This will cause disturbance at both the front and back of the building at unacceptable times of the day.

It is clear the Jimmy's York Ltd is trying to re-create the same concept they have in larger cosmopolitan cities like Manchester and Liverpool. Their Liverpool venue did have live music performers 7 nights a week.

<https://the-yorkshireman.com/a-rock-roll-live-music-venue-with-beers-and-burgers-is-coming-to-york/>

<https://yorkmix.com/pop-duo-to-open-bar-and-restaurant-in-york-with-rock-n-roll-on-the-menu/>

It is clear that there is place and location for this type of venue. Re-creating 'Fibbers' right next to a large number of residential properties with live performers and music, sale of alcohol until 1am is absolutely unacceptable. The fact that they have stated they would need to have 'door staff' indicates the trouble that this would bring. This would add to the significant challenges already in the CIZ and we want to formally object to the licensing application.

The concept in this location is not right. It will attract like their other locations, crowds and cult followings and involve noise, people stood outside all evening smoking.

Their application states that 'noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises'. Also 'No noises shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance. This is clearly not possible with a live music venue and there will be immediately public nuisance at any time there is loud jukebox or live musicians playing in the single glazed venue right next to residential properties.

Their application states 'staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance'. - The reality is there will be a constant flow of people coming into and out of the venue, stood outside through the evening and especially between 11pm and 1/2am. This will be directly outside bedroom windows and will cause a public nuisance.

We absolutely do not need in Low Petergate a late night live music venue with sale of alcohol until 1am. This would significantly impact and disturb my family causing a public nuisance.

Please could you acknowledge receipt of this objection.

Mr  
Low Petergate  
York  
YO1 7HZ

Begin forwarded message:

**From:** "[licensing@york.gov.uk](mailto:licensing@york.gov.uk)" <[licensing@york.gov.uk](mailto:licensing@york.gov.uk)>  
**Subject:** RE: Proposed planning application - Objection - 52 Low Petergate - Formerly Cafe Rouge  
**Date:** 7 January 2021 at 13:06:57 GMT  
**To:** ' \_\_\_\_\_ '

Dear ]

If the notice is blue this will be the licence application not planning.

You can indeed make a representation before 18 January via this email address, I have attached a guidance for you which may assist.

Regards

Licensing Section

**From:** §  
**Sent:** 10 January 2021 19:58  
**To:** licensing@york.gov.uk  
**Cc:** \\  
**Subject:** JIMMY's York Ltd. - Application for a Premises Licence on a GRADE II\* listed building - 52 Low Petergate (formerly Cafe Rouge)

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**Re: JIMMY's York Ltd. - Application for a Premises Licence on a GRADE II\* listed building - 52 Low Petergate (formerly Cafe Rouge)**

To whom it concerns,

I wish to object, in the strongest terms possible, to the applicant Jimmy's York Ltd. being granted a license in the format which they have applied. As a Director of Talbot Court Ltd., I also object on behalf of the residents of the 19 apartments (35 residents) of Talbot Court, No's 62- 68 Low Petergate - just a few doors down from 52 Low Petergate.

Low Petergate and the locality of Grape Lane, Stonegate, Minster Gates and High Petergate is a quiet conservation area in which the current hospitality establishments close by 11pm.

As mentioned above, Low Petergate is also a residential area, City of York Council have actively encouraged the development of City residencies in the locality, such as the one v , ow Petergate. In addition, there are many residency units above commercial premises along Low Petergate and in the general locality and this trend continues to add more residencies within the immediate locality.

I am a supporter of live music venues and attend many music concerts. **However, late night live music venues AND residencies are far from being compatible bed fellows!**

Taking into account the **OPERATING SCHEDULE**, we object to the above mentioned application on a number of grounds :

**OPERATING SCHEDULE:**

**JIMMY'S YORK LIMITED T/A Jimmy's  
52 Low Petergate, YORK YO1 7HZ**

**THE PREVENTION OF PUBLIC NUISANCE:**

The property in question is a Grade II\* listed building, is single glazed and faces directly onto the street and within direct earshot of many residency units. Some residencies (including those at Talbot Court) will be in the 'firing line' of noise from both the front and the rear of the planned licenced premises. Noise nuisance from the planned licensed premises will emanate both into the street and also from the rear of the premises across the gardens to the rear of Talbot Court.

**C1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.**

**C2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.**

From experience, we know that to implement C1 and C2 is all but impossible. The venue Mr P's directly opposite the Talbot Court development had live music events, thankfully only once per month...even with windows and doors shut the noise was intolerable and unacceptable. Although in the case of Mr P's, the venue closed at 11pm and it was only once per month.

**C4. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.**

Given that the recent advertisement of Jimmy's in The Yorkshireman reads: "**A 'ROCK & ROLL' LIVE MUSIC VENUE WITH BEERS AND BURGERS IS COMING TO YORK**", as already mentioned above, the closure of doors and windows in the premises will have only a minimal impact on the prevention of noise and nuisance leakage.

**C5. A Dispersal Policy will be implemented and adhered to.**

The dispersal policy for JIMMY'S, 52 LOW PETERGATE, YORK, while being the ideal might look and sound good in writing. However, residents within the immediate vicinity know from experience that such policies just do not work. Even if it did work, once patrons have actually left the premises, the nuisance situation is out of the hands of Jimmy's and the residents along Low Petergate and other connecting streets will be subject to enduring the nuisance from individuals and groups until well after the premises have actually closed their doors.

**C7. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.**

Unless one has experience of residing near venues of the type which is applying for the planned licenced premises, it is perhaps difficult to understand when someone like me states that C7. 'simply will not happen'...the rule book soon becomes forgotten.

To reiterate, I object most strongly to the Premises Licence being granted.

Yours sincerely,

Low Petergate  
York, YO1 7HZ  
**AND**

of the same address



.....  
 52 Low Petergate  
 York  
 YO17HZ

Date 11th January 2021

**RE: REPRESENTATION TO NEW PREMISES LICENCE JIMMYS (FORMALLY CAFE ROUGE) 52 LOW PETERGATE YORK**

We wish to make a representation against the above application for a new premises licence on the grounds of Public Nuisance and Crime and disorder.

The application is for a Live music bar and restaurant with live and recorded music until midnight Monday, Tuesday Wednesday Thursday and Sunday and until 01:00 on a Friday and Saturday

The premises sits within York's CIA (Cumulative impact assessment area) and is located approximately 8 metres from the red zone. Introducing this style of premises will lead to the red zone being increased and further crime and disorder and public nuisance down High Petergate and Low Petergate.

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.

The Map included in the CIZ policy shows Low Petergate as a high hot spot for Crime and disorder and is listed as one of the streets for noise complaints. To rely on a risk assessed basis for door supervisors in this area is completely unacceptable as crime and disorder is already an issue.

Our property is located at Low Petergate a few doors down from the application site. Both of our bedrooms will be affected by noise from the rear and the front of the premises.

The licensing plan shows a large courtyard, however the application does not state how many people can be seated or standing and what times this area will be used. Furthermore if the rear exit is to be used as a fire escape route this would enter onto Minster Precinct land and surely necessary permissions will have to be obtained. This would also affect occupancy figures.

The application does not state if patrons will use the rear for ingress and egress, if this is the case the noise emanating from the premises will considerably affect us at our property as the noise will travel.

This premises is completely unsuitable for a live music bar and restaurant. The premises is Grade II listed with single glazed windows, and although the application states no noise will be heard from the building there is no explanation of how they will achieve this. There is no reference to any noise assessment to be carried out.

The premises before it closed, was a restaurant which opened until 23:00hrs. Jimmys is a rock and roll live music bar and restaurant which is vastly different. There is no mention in the application that alcohol will be ancillary to food which is currently a condition of the current premises licence.

There is a significant number of residential property along Petergate that would be impacted by noise, public nuisance and crime and disorder. This application should be refused on the grounds of crime and disorder and public nuisance.

Should this application be granted it should be with strict suggested conditions that we find more acceptable such as

Alcohol ancillary to food

Live music to cease at 22:00hrs

Recorded music to cease 23:00hrs

Alcohol to cease at 23:00hrs

Premises close at 23:30

Door supervisor to be provided friday Saturday, bank holidays and race days.

Outside courtyard to cease use at 20:00hrs

(6)

**From:** [redacted]  
**Sent:** 14 January 2021 07:22  
**To:** [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
**Subject:** Planning App for Changes to Licence at Cafe Rouge, Low Petergate

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir

I have recently seen the planned changes to the licence at what was 'Cafe Rouge' on Low Petergate in York.

I object to the application based on the following concerns:

The location is extremely close to quiet residential flats and overnight accommodation business.

A business whose principal hours of business are late at night is not compatible with this location.

Where alcohol is involved, the possibility for inappropriate behaviour is increased.

If that risk of possible damage is increased by introducing a considerable number of people, late at night and having been in an environment where alcohol and possibly other substances are involved, then this is not an acceptable risk to have placed on existing residents.

Generally, any activity involving increased numbers of people, vehicles, music and alcohol after 11:30 at night is not appropriate for an area with residents and it increases the possibility of becoming a public nuisance and significantly raises the risk of criminal and disorderly behaviour.

If the intention is for the property to be used as a late-night bar, then the potential risks are considerably different from that of a restaurant.

Having witnessed the pressure on the local area late at night with droves of drunk and unruly people falling all over the street, causing a disturbance and making a racket it is a wonder how the police will cope with that problem being spread even further from its current hot spots.

In short, I would hope the planning department will take pause with this application and consider the long term implications for local businesses and residents and reject the application for very loud late-night music and drinking in an area that is currently free from it.

11 Town Street  
Malton  
YO17 7HB.

e: \_\_\_\_\_

t: \_\_\_\_\_

\*\*\*\*\*  
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**From:**  
**Sent:** 16 January 2021 22:51  
**To:** licensing@york.gov.uk  
**Subject:** Objection to Application for a premises licence on a grade 2 listed building - 52 Low Petergate (formally Café Rouge)

**Importance:** High

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs

**Re : Application for a premises licence on a grade 2 listed building - 52 Low Petergate (formally Café Rouge)**

**I would like to register my very strong objection to this Application.**

Two days ago I received a letter through my door from 'A Neighbour', informing me of the proposal to change the old Café Rouge premises at 52 Low Petergate into a '**Rock & Roll Live Music Venue with Beers and Burgers**' by **Jimmy's York Ltd.** (Quoting the [yorkshireman.com](http://yorkshireman.com)). No one had informed me of this and it was the first I had heard of it and it has been a real shock to me and most upsetting. I have been in almost total lockdown since March and had not therefor seen the notice which I believe is in the window. I am horrified at the thought of it being turned into this type of venue in these narrow Historical streets. I am 76 and have lived and worked here in this Minster property since 1977, where it has been my home and studio (I am a professional Artist & Printmaker).

**I would like to point out the following potential problems arising from such a venue:**

1) The thoughts of having a live music venue, especially with **rock 'n' roll music, and live bands a few doors away** just horrifies me. This will make living here intolerable for me and other residents!! The fact that their **closing time is not until 1.30am** will, on top of the noise from the venue itself, mean an incredible amount of disruption from street noise from a large number of customers gathering outside and hanging around waiting for taxis etc after closing time. As you will no doubt be aware, and as I have learn't from experience, customers who have spent time in noisy environments will invariably come out with raised voices, full of high jinks and frequently shouting to their friends. So much louder than people just quietly chatting as they walk along.

2) There are several other residential Minster properties in the immediate vicinity, the complete row from St. Michael le Belfrey church up to the Café Rouge. In fact The Minster are at the moment in the process of converting the building that is actually physically attached to Café Rouge (above the silver shop) into three prestigious flats. The Minster Agents, Sanderson Wetherall were, like me, horrified when I rang to tell them of the proposals. They had not been informed either.

3) The properties in this area, being mostly old Georgian properties, are built with only a brick and a half thick walls, rather than the more conventional cavity walls, so are very sensitive to sound pollution from outside. The property is a three storey building with five levels, one room on each floor with the only windows looking directly out onto Petergate and down Stonegate. There are actually two windows in each of the 1st and 2nd floor rooms, one of the two, in the sitting room, is 8ft by 9ft. All windows throughout the property start at floor level, so sounds travels unimpeded directly up from the street.

4) Café Rouge was a generally a quiet venue but there were a couple of notable exceptions:

I. On a few occasions when private parties were held, with probably just an in-house DJ, not live bands, in the front first floor room (with windows facing directly onto Low Petergate and wide open) went on into the early hours of the morning. It was most disruptive and needless to say I found myself unable to sleep with the thumping of the loud music.

II. Also a more persistent nuisance was caused by, every night, an hour or so after closing, several of their rubbish wheelie bins, were trundled noisily around from the rear to the front of their property, via Minster Gates into Low Petergate. Within a few feet of the walls/front door of my home, directly under all my windows! Bottles were also emptied into them outside the Café premises.

5) I see from your website that in the City Centre complaints have previously been received re noise pollution on many occasions - quote - 'Attributable to large crowds of pedestrians congregating outside a licensed premises' - in other city streets, so I am sure you are well aware of the potential for general disruption outside such a venue.

So, with all these factors in mind, I am expressing in the strongest manner, my objection to the opening of such a potentially nuisance creating venue and hope you will take this into consideration when making your decision. Thank You.

Yours faithfully,

Address: 1  
Low Petergate  
YO1 7HZ

**Legislation and Policy Considerations**

1. The following provisions of The Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; ss19, 20 and 21 mandatory conditions; The Licensing Act (Mandatory Licensing Conditions) Order 2010; and The Licensing Act 2003 (Mandatory Conditions) Order 2014.
2. The following provisions of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives; Section 9 Determining applications; Section 10 Conditions attached to premises licences and club certificates; and Section 14 Statements of licensing policy.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.0 Applications for Premises Licences, Club Premises Certificates and Variations; 6.0 Guidelines for Applicants; 7.0 Saturation and Cumulative Impact and 8.0 Licensing Hours.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE  
LICENSING ACT 2003**

**MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
  - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to –
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
    - (iii) still wine in a glass: 125ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **MANDATORY CONDITION: ALCOHOL PRICING**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
  - (b) “permitted price” is the price found by applying the formula –  
$$P = D + (D \times V)$$
where –
    - (i) P is the permitted price,
    - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**MANDATORY CONDITION: DOOR SUPERVISION**

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to -
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

**MANDATORY CONDITION: EXHIBITION OF FILMS**

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

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# Annex 14 - Map of area

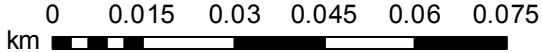


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**Author:** n/a

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