

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