

## 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*

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