



Low Petergate
York
YO1 7HZ

Monday 28th 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. 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,

(_____)

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: C

 Virus-free. www.avast.com

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" <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 52 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

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From: [redacted]
Sent: 14 January 2021 07:22
To: 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). 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 building is a 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