

AGENDA SUPPLEMENT

Licensing/Gambling Hearing

To: Councillors Galvin, Hook and Melly

Date: Monday, 1 March 2021

Time: 11.00 am

Venue: Remote Meeting

The Agenda for the above meeting was published on **19 February 2021**.
The attached additional documents are now available for the following agenda item:

- 5. The Determination of a Section 18(3) (Pages 1 - 14)**
Application by Jimmy's York Limited for a
premises licence in respect of Jimmy's, 52
Low Petergate, York, YO1 7HZ (CYC-67685)

This agenda supplement was published on **24 February 2021**.

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Additional documents submitted by the Applicant

- Revised Operating Schedule
- Al fresco Dining Policy
- Dispersal Policy

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Jimmy's, Low Petergate, York

Opening Hours;

10am until 11.30pm Sunday to Thursday

10am until 00.30am Friday and Saturday

Licensable activities;

Sale of alcohol;

10am until 11pm Sunday to Thursday

10am until midnight Friday and Saturday

Late night refreshment (ie, consumption of hot food and hot drink on the premises)

11pm until 11.30pm Sunday to Thursday

11pm until 00.30am Friday and Saturday

(Prior to 11pm, the sale of hot food and hot drink is not a licensable activity.)

Nb. The request for live and recorded music which formed part of the original application is withdrawn.

Conditions;

1. The premises shall operate predominately as a restaurant and not as a vertical drinking establishment. Substantial food and non-intoxicating drinks shall be provided at all times the premises is trading (subject to a reasonable period before closing to allow for the kitchen to be cleaned.)
2. Waiter and waitress service shall be provided throughout the premises.
3. On the ground and first floor, there shall be no more than 10 customers permitted to stand at the bar (on each floor.)
4. There shall be no vertical drinking in the premises, save for those standing at the bar as described above.
5. 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.
6. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
7. An AI Fresco Dining Policy shall be implemented and adhered to (see attached.)
8. A Dispersal Policy shall be implemented and adhered to (see attached.)
9. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
10. 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.
11. 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.
12. 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.
13. Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request.
14. Documented training will be given to staff regarding their obligations 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.

15. A Refusals Register and an 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.
16. 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.
17. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.
18. 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.
19. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.
20. The exterior of the building shall be cleared of litter at regular intervals.
21. The emptying of bins into skips and refuse collections will not take place between 11pm and 7am.
22. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
23. A documented noise management plan shall be submitted to and approved by the City of York Council within two months of the licence being granted, once approved it shall be implemented. The noise management plan will also include a procedure for investigating noise complaints.
24. 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.
25. 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.

26. Notices advising what forms of ID are acceptable must be displayed.
27. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

AL FRESCO DINING POLICY

JIMMY'S, 52 LOW PETERGATE, YORK

The rear courtyard will be used as an extension of the restaurant on a seasonal basis and provide an attractive space for al fresco dining.

1. Customers using the external rear courtyard must be seated at all times.
2. No vertical drinking shall be permitted.
3. No more than 30 customers will be permitted to sit in the courtyard at any one time.
4. The area shall be cleaned regularly and crockery and glassware cleared away promptly.
5. A designated member of staff shall be responsible for monitoring the area at all times that it is in use.
6. From 9pm staff will begin the closure of the courtyard so that by 10pm it is entirely cleared of customers and closed.
7. No smoking shall be permitted in the courtyard and signs to that effect shall be displayed.
8. Smokers shall be directed to smoke outside the front of the premises on Low Petergate. Smokers will not be allowed to take drinks outside with them whilst they smoke. The smoking area will not be heated nor cover provided to decrease dwell time there.

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DISPERSAL POLICY

JIMMY'S, 52 LOW PETERGATE, YORK

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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Additional documents submitted by Public Protection

- Agreements with Public Protection

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Jimmy's 52 Low Petergate, agreements made with Public Protection

I have received further correspondence from the applicants and have considered the proposed alterations to the application and as the music, which was our biggest concern, has been withdrawn from the application, the licensing hours reduced and a suitable conditions submitted in relation to a noise management plan and use of the rear yard area, Public Protection's representation is withdrawn.

For clarity please see below the proposed alterations and conditions that should be attached to any granted premises licence:

- Live and recorded music shall be removed from the application in its entirety.
- The hours shall be reduced to 2300 for the sale of alcohol (closing 30 minutes thereafter) on Sundays to Thursdays and midnight on Fridays and Saturdays (plus 30 minutes).

Conditions that shall be attached to the licence:

1. The exterior of the building shall be cleared of litter at regular intervals.
2. A Dispersal Policy will be implemented and adhered to.
3. The emptying of bins into skips and refuse collections will not take place between 11pm and 7am.
4. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
5. A documented noise management plan shall be submitted to and approved by the City of York Council within two months of the licence being granted, once approved it shall be implemented. The noise management plan will also include a procedure for investigating noise complaints.
6. After 11pm the rear courtyard shall be used only for smokers, and customers shall not be permitted to take drinks outside into this area after this time.

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.

Should you have any queries please contact me either via email or on 01904 551580.

Regards

Michael Golightly
Technical Officer