



**Notice of a public meeting of  
Licensing and Regulatory Committee**

**To:** Councillors Melly (Chair), Cuthbertson (Vice-Chair),  
Baxter, Clarke, Hook, Kilbane, Knight, Mason, D Myers,  
Nicholls, Ravilious, Smalley, Widdowson, Warters and  
Wilson

**Date:** Thursday, 6 February 2025

**Time:** 5.30 pm

**Venue:** West Offices - Station Rise, York YO1 6GA

**A G E N D A**

**1. Apologies for Absence**

To receive and note apologies for absence.

**2. Declarations of Interest** (Pages 7 - 8)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

**3. Minutes** (Pages 9 - 18)

To approve and sign the minutes of the meeting held on 11 November 2024.

#### **4. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday 4 February 2025.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

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During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

#### **5. Gambling Act 2005 - Local Area Profile (Pages 19 - 66)**

This report asks Members to approve the amended Local Area Profile at Annex 2 of the published report.

#### **6. Renewal of a Sex Establishment Licence for First Floor of Ziggy's (Known as Club 55), 53-55 Micklegate, York, YO1 6LJ [CYC019257] (Pages 67 - 116)**

This report seeks Members determination of an application to renew a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Ziggy's (Club 55), 53-55 Micklegate, York, YO1 6LJ.

- 7. Street Trading Policy Update** (Pages 117 - 124)  
As requested at the Licensing and Regulatory Committee on 4 November 2024, this report updates Members on the current position regarding a Street Trading Policy. The report also asks Members to determine arrangements for city centre street trading consent holder trading pitches for the 2025 Christmas Market event.
- 8. Work Plan** (Pages 125 - 126)  
To consider the Committee's Work Plan for the 2024-25 municipal year.
- 9. Urgent Business**  
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Contact details:

Angela Bielby

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Email – [a.bielby@york.gov.uk](mailto:a.bielby@york.gov.uk)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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





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**Declarations of Interest – guidance for Members**

- (1) Members must consider their interests, and act according to the following:

<b>Type of Interest</b>	<b>You must</b>
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

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## City of York Council

## Committee Minutes

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Meeting	Licensing And Regulatory Committee
Date	4 November 2024
Present	Councillors Melly (Chair), Cuthbertson (Vice-Chair), Baxter, Clarke, Hook, Kilbane [withdrew for agenda item 6 Street Trading Consent Policy update], Mason, Nicholls, Ravilious, Warters and Wilson
In Attendance	Sandra Branigan, Senior Lawyer Lesley Cooke, Licensing Manager Helene Vergereau, Head of Highways Access and Development
Apologies	Councillors Knight, Smalley and Widdowson

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**PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

**[See also under Part B]**

**67. Apologies For Absence (5.35pm)**

Apologies for absence were received and noted for Cllrs Knight, Smalley and Widdowson, and Matt Boxall (Head of Public Protection).

**68. Declarations of Interest (5.35pm)**

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. Cllr Kilbane noted that as the Executive Member with responsibility for Economy, he would withdraw from agenda item 6 Street Trading Consent Policy update as Make it York were accountable to him. There were no further declarations of interest.

**69. Minutes (5.35pm)**

Resolved: That the minutes of the meeting held on 11 June 2024 be approved and signed as a correct record subject to the following amendments:

1. In the paragraph of public speaker Arshad Mahmood, change the first sentence to Arshad Mahmood (Chairman of York City Taxi Association) noted that there were 84 wheelchair use taxis.
2. In the paragraph of public speaker Gary Graham change her to he at the beginning of the third sentence.
3. The last paragraph of the oral representations made at the meeting by the applicant under the application for a private hire operator's licence - Mr Neil McGonigle on behalf of Uber Britannia limited ('uber') to change to:  
'Regarding the political manifesto referred to by a public participant, the Senior Lawyer advised that the Monitoring Officer had given legal advice on the meeting. The Chair noted that the Conservative and Liberal Democrat manifestos make no mention of taxis and private hire. The Labour Party had not published their manifesto.'

## **70. Public Participation (5.37pm)**

It was reported that there had been four registrations to speak under the Council's Public Participation Scheme. All were speaking on agenda item 6: Street Trading Consent Policy update.

Andrea Piette noted a number of concerns regarding street trading. She explained that there was an issue with blue badge access to the city centre, which was complex and urgent issue and could not be fairly attributed to street traders. She also noted a concern regarding the MiY balance of power and noted that they would not accept any proposals and she asked how it was justifiable to remove street trade pitches during their busiest periods.

Margaret Rush noted that she and her husband had been running Graham's Ices for 50 years and was a member of the Street Traders Association. Referring to section 24 of the report, she noted that MiY were unwilling to guarantee the location of pitches or consult on it. She noted a number of points in relation to make it York and added that Councillors with links to MiY should make that link clear.

Tom Jackson thanked the Head of Public Protection and the licensing department for work on street trading. Addressing

section 7 of the report he asked that street traders only be moved for road repairs and not for commercial gain. He raised concern regarding his pitch in St Sampson's Square and asked why street traders were being singled out.

Lisa Grimbley (Head of Markets & Events, Make it York (MiY) thanked the licensing department for the opportunity to consult on street trading. She noted the how increased footfall brought economic benefits to York. She explained that MiY accepted point 11 of the report. She noted that MiY evaluated each event which resulted in changes to events. She noted that MiY would offer street traders a pitch within the footprint of an event and she listed a number of things MiY would like street traders to agree to.

Following speakers, a Member requested a change in the order of agenda. The Chair explained that this would not be possible as the agenda had already been published.

**71. Review of Pavement Café Licensing Process and Guidance (5.52pm)**

Members considered a report that presented options for the Committee to review the Council's pavement café licensing process and guidance following the commencement of the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023. The Head Highway Access and Development detailed the report outlined the changes made in line with the law. The Chair explained that a number of items had been decided at budget stage.

In response to questions from Members, The Head Highway Access and Development and officers explained that:

- The Highway Authority had the power to reduce the area of the pavement café if it was for a highway reason and there was not a notice period for that.
- Café pavements on private land were not covered by the guidance and the authority would work with individual businesses to find a solution. Work on this was aimed to start in 2025.
- There has to be a 3 metre wide corridor available on the carriageway/street for emergency services and for larger events any requirements to remove or reduce pavement cafes areas would be identified through the Safety Advisory Group (SAG).

- The Highway Authority requests 2 metre wide footway on new developments where possible.
- There is a requirement for a 3 metre wide corridor on the carriageway for emergency services access and a 1.5 metre available width for footways.
- Business/trade applications for a pavement café to be licensed in areas where Blue Badge holders are allowed vehicular access are considered on a case by case basis.
- The new legislation only covers furniture used by cafés. Other furniture such as A boards are covered under separate legislation (by the Highways Act).
- The fees do not enable full cost recovery for the Council when the cost of administering the pavement café licensing process.
- Advertising on outside barriers could not be considered under planning rules as they are temporary.

The Committee had the following options available to them in making their decision:

Option 1:

1. Note the legislative changes to the pavement café licensing regime and the budget decision made by Council in February 2024 (concerning the pavement café licence fees and licence duration under the permanent regime).
2. Approve the following changes to the CYC local guidance:
  - a. Continue to implement the local guidance where a minimum available width of 1.5m is generally required on footways (with an exception for level surface streets in the footstreets area, where cafes can be licensed to occupy the full width of a footway during pedestrianised hours).
  - b. Applications to be treated as new licence applications (at the cost of £500/year) where there is a different licence holder, different premises and/or different terms.
  - c. Update the guidance to state that where internal seating is provided, toilets should be available for customers but accepting that exceptions can be made for premises which serve drinks and food as take away premises, without internal seating and without the ability to provide customer toilets.

Option 2: the Committee could ask for a further review.



The Chair proposed Option 1. This was seconded by Cllr Cuthbertson. Following a vote with eleven Members voting in favour and one voting against, it was:

Resolved:

1. That the Committee noted the legislative changes to the pavement café licensing regime and the budget decision made by Council in February 2024 (concerning the pavement café licence fees and licence duration under the permanent regime).
2. That approval be given to the following changes to the CYC local guidance:
  - a. Continue to implement the local guidance where a minimum available width of 1.5m is generally required on footways (with an exception for level surface streets in the footstreets area, where cafes can be licensed to occupy the full width of a footway during pedestrianised hours).
  - b. Applications to be treated as new licence applications (at the cost of £500/year) where there is a different licence holder, different premises and/or different terms.
  - c. Update the guidance to state that where internal seating is provided, toilets should be available for customers but accepting that exceptions can be made for premises which serve drinks and food as take away premises, without internal seating and without the ability to provide customer toilets.

Reasons: To ensure that the Council's pavement café licensing guidance is in line with the new legislation and to clarify some aspects of the guidance where required.

[Cllr Kilbane left the meeting at 6.12pm].

## **72. Street Trading Consent Policy Update (6.12pm)**

Members considered a report that provided an update on the progress towards implementing a Street Trading Policy. The Licensing Manager outlined the report noting that there was no legal requirement for the policy. She detailed the key changes to the policy, noting that consultation had been carried out. She noted the outcomes of the meeting with MiY and street traders.

She advised that condition 19 in the policy was no longer relevant. She explained that officers would continue to explore solutions and consider how the Street Traders Charter could be incorporated into the policy. She added that the aim was for the policy to go to the February meeting, or if not the March meeting. She explained that paragraph 8.2 was the contentious part of the policy. The Chair noted that the policy was putting into place what already took place.

The Licensing Manager was asked a number of questions from Members to which she explained that.

- Officers were aware of MiY planning in January and they would try to have a policy that took into account the views of different people.
- At present, consents were issued to individual names and officers would look into consents been issued in company's name. If the business was sold to a different person, the consent would need to be surrendered to allow the council to informally tender the site.
- Environmental considerations were lightly introduced in the policy and the council did not tender annually for street trading consents. If a site became available, they would write to people who had shown an interest in trading in the city.
- Regarding the formation of a working group, the Committee could not make a decision that day as it was an update report. Officers would discuss a working group with the Chair.
- At the meeting with MiY and street traders, MiY events such as the Christmas market, ice trail, Halloween/autumn events during half term were discussed.
- MiY have received some negative feedback regarding overcrowding at the Christmas market. They took this feedback and feedback given by the SAG into consideration. The food festival and Viking festival footfall was not as large as that of the Christmas market.
- MiY put out information about the costs of huts and the different fees for the different sizes of huts. The fees for the huts were considerably higher than street trader fees. MiY had said that they would accommodate street traders within the Christmas market offering a pitch, if street traders requested a different location for the pitch a different fee might be charged.
- Regarding the vehicle weight permitted as a street trader, officers would take advice on it from MiY and street traders at their next meeting.

- It couldn't be confirmed that street traders would get a different pitch at the Christmas market.
- [At this point a Member queried the transparency regarding Deputy Leader being a Director of MiY and a member of the Shareholder Committee. Members were advised that appointments were made at Council and the Staffing Matters and Urgency Committee].
- If traders had to be moved, officers would work with MiY to try to relocate them.
- Information was collected when applications were renewed.

Resolved: That the update report be noted.

Reason: To be kept up to date on the development of the Street Trading Consent Policy.

[The meeting adjourned from 6.45pm until 6.50pm].

[Cllr Kilbane rejoined the meeting at 6.50pm].

**73. Gambling Act 2005 - Statements Of Licensing Policy (6.51pm)**

Members considered a report advising them of the review of the Councils Statement of Licensing Policy (the Policy) and the consultation undertaken. The report sought a recommendation to Council that the Policy be approved and permission to publish the revised Local Area Profile.

The Licensing Manager outlined the report noting the information in the annexes to the report. She noted that there had been one response from GamCare to the consultation. She noted they requested a public health approach be taken to gambling. She added that the last premises licence application was received in 2013 for a betting shop. She then outlined the options available to Members. The Chair thanks Members on the working group, officers and local partners for their work on the policy.

In response to questions from Members, the Licensing Manager explained that:

- With reference to the number of schools in the Rural West Ward, she would check the number with the council Business Intelligence Unit.

- Regarding licensed gambling premises in areas of deprivation, a new applicant and/or licence holder has to do a risk assessment looking at the risks within their area.
- Regarding government guidance, it was not known if this was one of their priorities. Officers were aware that the government had been in contact with the Gambling Commissions.
- Regulation in terms of the national lottery came under the Gambling Commission.

The Committee had the following options available to them in making their decision:

Option 1: Approve the revised Policy and make a recommendation to Council that the Policy is adopted. Authorise officers to publish the revised Local Area Profile.

Option 2: Amend the revised Policy and make a recommendation to Council that the amended revised Policy is adopted. Authorise officers to publish the revised Local Area Profile.

Cllr Cuthbertson moved and Cllr Hook Baxter seconded the recommendation as detailed in Option 1 – to approve the revised Policy and make a recommendation to Council that the Policy is adopted and to authorise officers to publish the profile. On being put to the vote it was unanimously;

Resolved: That;

- i. It be recommended to Council that the Statement of Licensing Policy be adopted.
- ii. Authorisation be given to officers to publish the Local Area Profile.

Reason: To meet the legislative requirements of the Gambling Act 2005, and recommendations within the Gambling Commissions Guidance to Licensing Authorities.

#### **74. Work Plan (7.04pm)**

Members considered the Committee's Work Plan for the 2024-25 municipal year. During discussion, Officers undertook to find out if street traders and MiY could be invited to the next meeting. The Licensing Manager was asked and confirmed that if the Street Trading Policy was not on the agenda for the

February meeting, there would be an update at that meeting. Regarding the formation of a working group to look at street trading, the Senior Lawyer advised that this could be set up outside the meeting.

Resolved: That an update on street trading update be given at the February meeting should the policy not be on the agenda for approval.

Reason: To keep Members updated on the progress of the Street Trading Policy

## **PART B - MATTERS REFERRED TO COUNCIL**

### **73. Gambling Act 2005 - Statements of Licensing Policy (6.51pm)**

**[See also under Part A]**

Members considered a report advising them of the review of the Councils Statement of Licensing Policy (the Policy) and the consultation undertaken. The report sought a recommendation to Council that the Policy be approved and permission to publish the revised Local Area Profile.

The Licensing Manager outlined the report noting the information in the annexes to the report. She noted that there had been one response from GamCare to the consultation. She noted they requested a public health approach be taken to gambling. She added that the last premises licence application was received in 2013 for a betting shop. She then outlined the options available to Members. The Chair thanks Members on the working group, officers and local partners for their work on the policy.

In response to questions from Members, the Licensing Manager explained that:

- With reference to the number of schools in the Rural West Ward, she would check the number with the council Business Intelligence Unit.
- Regarding licensed gambling premises in areas of deprivation, a new applicant and/or licence holder has to do a risk assessment looking at the risks within their area.

- Regarding government guidance, it was not known if this was one of their priorities. Officers were aware that the government had been in contact with the Gambling Commissions.
- Regulation in terms of the national lottery came under the Gambling Commission.

The Committee had the following options available to them in making their decision:

Option 1: Approve the revised Policy and make a recommendation to Council that the Policy is adopted. Authorise officers to publish the revised Local Area Profile.

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Cllr Cuthbertson moved and Cllr Hook Baxter seconded the recommendation as detailed in Option 1 – to approve the revised Policy and make a recommendation to Council that the Policy is adopted and to authorise officers to publish the profile. On being put to the vote it was unanimously;

Resolved: That;

- i. It be recommended to Council that the Statement of Licensing Policy be adopted.
- ii. Authorisation be given to officers to publish the Local Area Profile.

Reason: To meet the legislative requirements of the Gambling Act 2005, and recommendations within the Gambling Commissions Guidance to Licensing Authorities.

Cllr Melly, Chair

[The meeting started 4.30pm and finished at 7.00pm].



## Agenda Item

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### Licensing & Regulatory Committee

6 February 2025

Report from the Director – Environment, Transport and Planning

### Gambling Act 2005 – Local Area Profile

#### Summary

1. This report asks Members to approve the amended Local Area Profile at Annex 2.

#### Recommendations

2. That Members approve Option 3 and authorise officers to publish the amended Local Area Profile.

**Reason:** To meet the recommendations within the Gambling Commissions Guidance to Licensing Authorities by publishing a Profile.

#### Background

3. A report was brought before this Committee on 4 November 2024 asking Members to recommend to Council that the Statement of Licensing Policy be approved, as required by the Gambling Act 2005, and seeking permission to publish a revised Local Area Profile (Profile). A link to this report can be found within the background papers.
4. Members approved Option 1 of the report – to recommend to Council that the Policy is adopted and to authorise officers to publish the Profile. The Profile can be found at Annex 1, this Profile was published on 10 January 2025.
5. During questions at the meeting a Member asked for clarification with regards to the number of schools in the Rural West Ward, that are detailed on page 5 of the Profile.
6. Clarification has been sought on this point from the Councils Business Intelligence Unit who produced the Profile. The 'primary' and

‘secondary’ school numbers listed again each Ward related to ‘catchment area’ and not the actual number of schools in each Ward, for example Bishopthorpe Ward does not have any secondary school, but it is in the catchment area for two.

7. While seeking clarification it was also noted that section 3.2 of the Profile does not provide details of the Wards in which special and private schools, or the colleges that under 18 year olds attend are located.
8. A revised Profile can be found at Annex 2, which details the actual number of schools in each Ward and provides the details in paragraph 7 above.

### **Consultation**

9. There is no requirement to undertake a consultation on the Profile.

### **Options**

10. Option 1 – Authorise officers to make no changes to the Local Area Profile that was approved on 4 November 2024.
11. Option 2 – Amend the Local Area Profile that was approved on the 4 November 2024 to include details of the Wards where special and private schools, and the colleges that under 18 year olds attend are located, and authorise officers to publish the amended Local Area Profile.
12. Option 3 – Authorise officers to publish the amended Local Area Profile that can be found at Annex 2, which provides details of the actual number of schools in each Ward and details of the Wards where special and private schools, and the colleges that under 18 year olds attend are located.

### **Analysis**

13. An effective Profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partners. Good Profiles will increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and more coordinated responses to local risks.
14. The Profile should be taken into consideration by new applicants prior to submitting an application, the Council when determining



applications for the grant or variation of premises licences, and licence holders when undertaking risk assessments.

### **Council Priorities**

15. By complying with the requirements of the Gambling Commission Guidance to Licensing Authorities the Council are supporting new and existing licence trade, as well as residents and businesses. The functions support the Council's Plan 'One City, for all'.

### **Implications**

16. The implications arising from this report are:

- **Financial:** There are no financial implications associated with this report.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** There are no Equalities implications associated with this report. An Equalities Impact Assessment has been completed with regards to the report brought before this Committee on 4 November 2024.
- **Legal:** This report asks the Licensing and Regulatory Committee to agree the amended Local Area Profile at Annex 2. Doing so would be within the terms of reference of this Committee. Completing a local area profile is not a requirement for the licensing authority but there are significant benefits in having a better awareness of the local area when the Licensing Authority makes decisions in respect of matters relating to the Gambling Act 2005.
- **Crime and Disorder:** There are no crime and disorder implications.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

### **Risk Management**

17. Legal action could be taken against the Council if it fails to comply with the requirements of the 2005 Act.

### **Contact Details**

**Author:**

**Lesley Cooke**

Licensing Manager

Phone: 551515

**Chief Officer Responsible for the report:**

**James Gilchrist**

Director (Environment, Transport and Planning)

**Report  
Approved**



**Date** 10/01/2025

**Specialist Officer Implications: None**

**Wards Affected:**

**All**



**Background Papers:**

[Gambling Act 2005](#)

Gambling Commission – [Guidance to licensing authorities](#)

Licensing and Regulatory [Committee report](#) 4 November 2024

**Annexes**

Annex 1: Local Area Profile – published 10 January 2025

Annex 2: Amended Local Area Profile

## Annex 1

# Business Intelligence Hub

## Gambling Act 2005 Local Area Profile York

Author: Business Intelligence Hub  
Date: 04/09/2024

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## 1. Introduction

Local authorities are responsible for processing applications related to gambling premises. The Gambling Act 2005 encourages the consideration of licences, should they meet the three main licensing objectives; which are:

- a) prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- b) ensure that gambling is conducted in a fair and open way
- c) protect children and other vulnerable persons from being harmed or exploited by gambling

Local authorities have no legal requirement to create local area profiles; however, they can be seen as a useful tool when it comes to carrying out assessments on a local area. Local area profiles display relevant information regarding certain topic areas/policies, in this case the Gambling Act 2005. In order for the profile to be most effective, the content must be relevant - key characteristics relating to the specific area/policy can increase awareness of issues within the local area that can be connected to that specific policy.

Using a gambling related local area profile helps present useful information to the local authority that highlights potential and current issues within the local area. The highlighted issues should be considered before any gambling related decisions are made, such as authorising premise licences. Adhering to the licensing objectives is something that the local area profile contributes towards. This local area profile will look at York's resident information such as areas of deprivation, crime and disorder and how they can relate to gambling, as well as how these factors can help identify and inform current and potential gambling related risks within the local area.

*The general aims of the following Gambling Act 2005 local area profile are:*

- a) to identify the areas within the City of York mostly likely to be at risk of gambling related harm, which may help to identify possible persons who could be at risk of gambling related harm*
- b) to provide sufficient and relevant information to inform local authorities where current and potential gambling related issues are present so controls and measures can be put in place to minimise these issues/risks*
- c) to inform the local authority of information relevant to York in order to provide a footing for the decision making process in gambling contexts*

## 2. York Open Data

York Open Data is a platform created by the City of York Council which holds over 1000 different datasets, all of which are related to the City itself. All of the information is available for the public to access and manipulate. The ranges of datasets on the platform are vast, some of which have helped with the creation of this profile; particularly the York Profile and individual Ward profiles.

## 3. York Information

York is part of the Yorkshire and Humber region and a City within North Yorkshire. York and its unitary local authority (City of York Council) provide local council services to around 204,551 residents over an area covering and estimated 105 square miles. The City is made up by 21 Wards, all of which have their own Councillor(s).

The student population in York is a huge contributor to York's overall population with 26,694 full time students between the two Universities in York, The University of York and York St. Johns University (2021 Census). York is a popular tourist destination with vast amounts of visitors both from the UK and from overseas. The City is easily accessible, with York seen as a major railway centre frequently providing services to and from all corners of the UK. Visitors from overseas are able to access the city with ease due to the rail service from Manchester Airport and Leeds Bradford Airport just a 30 mile road journey.

### 3.1 Hostels/Supported Housing & Drug/Alcohol Facilities

Within the 21 York Wards there are 5 hostels, all catering for different groups of people. Fishergate has 2 hostels within its Ward, similarly with Guildhall Ward who also has 2, with Holgate Ward being responsible for 1.

In addition to this, York has a Drug and Alcohol Service which provides help for individuals, families and local communities with issues involving substance misuse. This particular service can be found on Blossom Street, within the Micklegate Ward.

### 3.2 Education

Understanding and being aware of the whereabouts of educational facilities should be instrumental in regards to making gambling related decisions, particularly in terms of gambling premises, as children are seen as a vulnerable group of people in gambling terms. The table below shows the schools which are in the catchment area of each Ward and alongside is the licensed gambling premises in that Ward (excluding alcohol licensed premises with gaming machine & club gaming and pub gaming licenses).

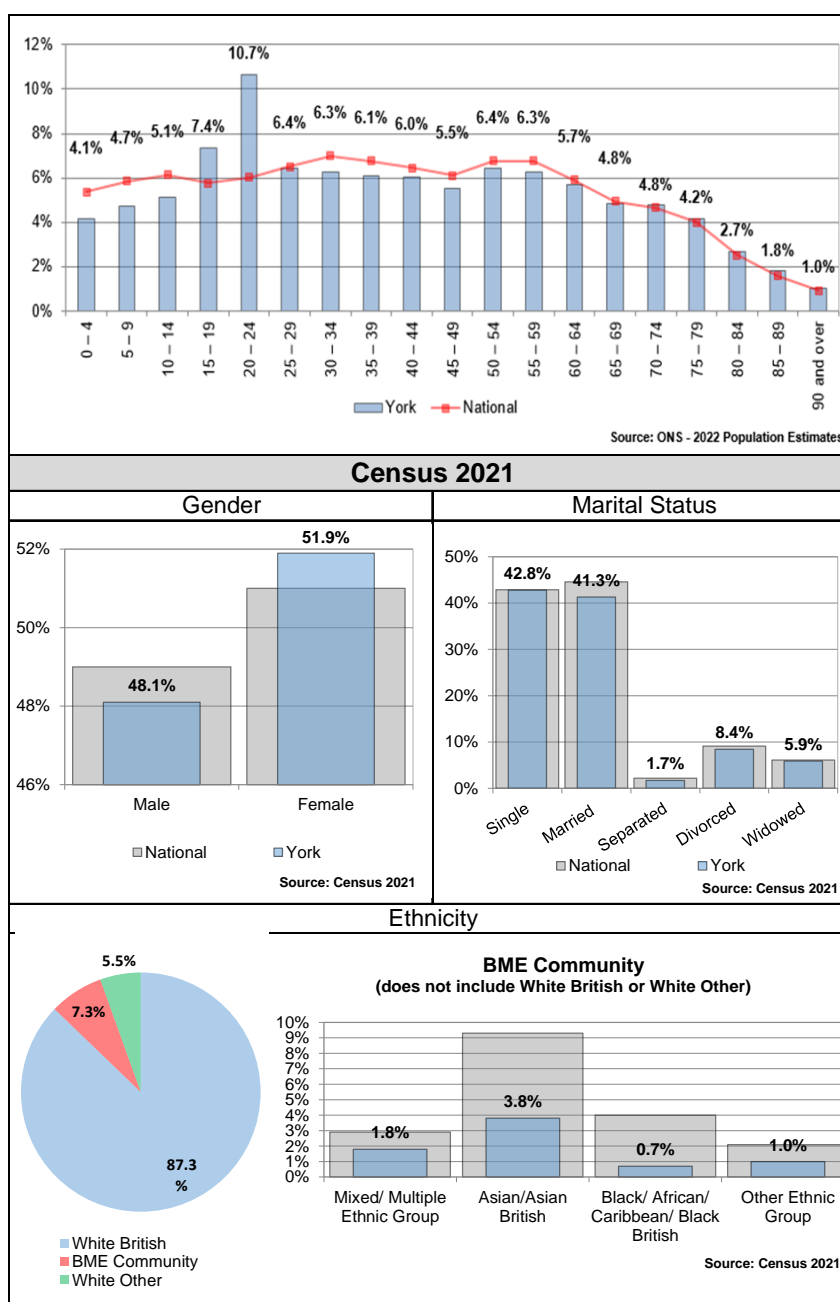
Ward	Schools in Catchment Area		Licensed Premises		
	Primary	Secondary	Betting Shops	Adult Gaming	Bingo
Acomb	3	2	1	0	0
Bishopthorpe	3	2	0	0	0
Clifton	2	1	2	0	1
Copmanthorpe	1	1	0	0	0
Dringhouses & Woodthorpe	4	2	0	0	0
Fishergate	2	2	0	0	0
Fulford & Heslington	3	1	0	0	0
Guildhall	6	4	5	1	0
Haxby & Wigginton	3	1	1	0	0
Heworth	5	2	1	0	0
Heworth Without	1	1	0	0	0
Holgate	7	2	0	0	0
Hull Road	5	2	1	0	0
Huntington & New Earswick	5	2	1	0	0
Micklegate	4	2	1 betting track	0	0
Osballdwick and Derwent	4	3	0	0	0
Rawcliffe and Clifton Without	5	2	0	0	0
Rural West York	7	3	0	0	0
Strensall	3	1	0	0	0
Westfield	4	1	3	0	0
Wheldrake	4	1	0	0	0

## 4. Demographics

### 4.1 Demographic profile

The York Open Data platform creates demographic York profiles on a quarterly basis – it has the ability to do this by using both Census information (most recently 2021) and Office for National Statistics (ONS) estimates. The York profile on the platform provides information relating to population, households, economy and health just to name a few. York has 204,551 residents, 51.4% female and 48.6% male – percentages which are consistent with the whole of North Yorkshire. York residents include 7.3% from a black and minority ethnic community group, 83.6% are in good health, with 17.1% stating that they have some limitation in day to day activities.

### York Profile Population Breakdown





More information on York Ward Profiles can be found on the York Open Data web page here: <https://data.yorkopendata.org/dataset/york-ward-profiles-2021-22-q1>

## 5. Crime and Disorder

City of York Council works alongside North Yorkshire Police in an attempt to combat and reduce crime in the local area. In the year ending March 2024 the crime rate in York was greater than the average crime rate of North Yorkshire Police Force on the whole. It is still however lower than the average crime rate for England & Wales.

Below is a breakdown of the reported crime in York – year ending March 2024.

Offence	Numbers of offences – 12 months ending		
	31 Mar 23	31 Mar 24	% change (+/-)
All other theft offences	1130	1084	-4.07%
Bicycle theft	825	903	9.45%
Criminal damage and arson	1502	1492	-0.67%
Domestic burglary	375	407	8.53%
Drug offences	353	403	14.16%
Homicide	2	0	-100.00%
Miscellaneous crime against society	200	212	6.00%
Non-domestic burglary	219	273	24.66%
Possession of weapons offences	104	119	14.42%
Public order offences	1416	1055	-25.49%
Robbery	76	80	5.26%
Sexual offences	614	524	-14.66%
Shoplifting	1510	2222	47.15%
Theft from the person	140	121	-13.57%
Vehicle offences	523	603	15.30%
Violence with injury	1879	1648	-12.29%
Violence without injury	3738	3411	-8.75%
<b>Total</b>	<b>14606</b>	<b>14557</b>	<b>-0.34%</b>

Source: iQuanta

Further information in relation to crime is available online from North Yorkshire Police for York Outer and York Inner, which provides interactive maps showing crimes and statistics within the City of York Council authority area.

### 5.1 Crime and gambling

In Great Britain, in 2020 42% of people agreed with the statement that gambling was associated with criminal activity, which is comparable with the figure reported in 2019 (43%), just over a 1% decline on the previous year (Gambling Commission 2020).

In the year ending December 2020 (ONS 2020), in England and Wales the types of crime that people predominantly associate with gambling are theft to continue gambling

(24.5%), fraud (6.0%), drug dealing/trafficking/prostitution (3.4%) and money laundering (1.9%).

In comparison to this, 29% of people in Great Britain agree that gambling is fair and can be trusted, just over a 4% decline on the 2017 figures (Gambling Commission 2020).

The above statements and figures suggest that people's perceptions of gambling are deteriorating, with an increase of people with negative perceptions and a decline of positive perceptions – indicating that gambling related crime is arguably a growing problem in Britain. The rates of crime have very marginally decreased in York from the previous 12 months due to the coronavirus pandemic. Despite this, York's crime contribution to North Yorkshire's overall crime number has decreased from 32.6% year ending March 2020 to 29.6% year ending March 2021.

## 6. Gambling

### 6.1 Gambling premises

Similar to the majority of towns and cities in the UK, there are numerous premises where gambling is present in York, such as high street bookmakers (betting shops), bingo premises, arcade premises and pubs/clubs who hold permits for gaming or machines. In addition to this, York is home to York Racecourse which is the 3<sup>rd</sup> biggest horse racing track in Britain in terms of prize money and hosts up to 350,000 visitors per year. A breakdown of the gambling premises currently known to York can be found below – including all different types of premises that are present.

City of York Council Gambling Premises & Count		
Premise Type		Count from 31/3/2024
Bingo venues		1
Betting shops		15
Adult gaming centres		1
Family entertainment centres		
	Licensed	N/A
	Permitted	N/A
Betting track		1
Casinos		0
<b>Total</b>		<b>18</b>

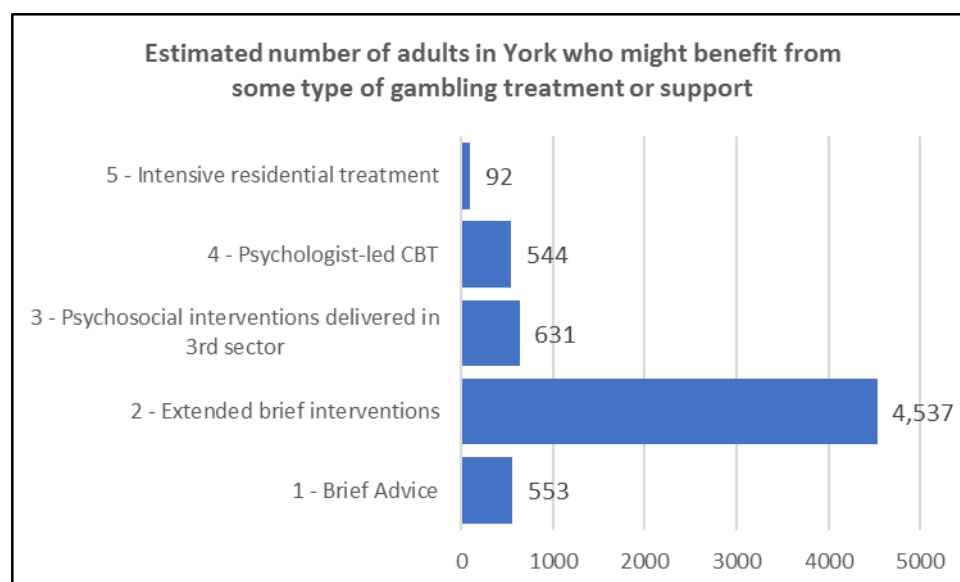
Source: Gambling Commission

As the table above shows, there has been around a 10% reduction in betting shops in York since the last report in 2021, though there still remains plenty of opportunities to gamble within York. With there being many opportunities available, there are risks that become apparent. There are many risks associated with gambling, whether it be personal risk such as debt or crime or risk on a larger scale, to the extent where families and relationships are affected, jobs are lost and potentially homes, all as a result of uncontrolled gambling.

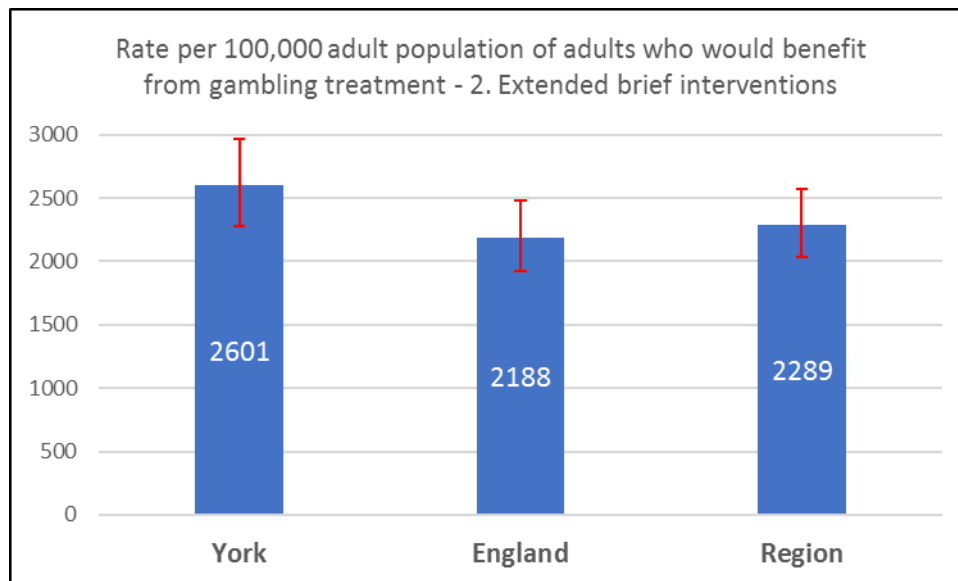
In relation to this local area profile and the Gambling Act 2005, identifying areas/persons at risk of being harmed or exploited by gambling is a priority. Problem gamblers are not the only ones who can experience gambling related harm – this could relate to family members, friends, employers, the community as well as the individual.

Identifying a problem gambler is difficult as there are no specific criteria to identify a person. The gambling commission does not define a vulnerable person in the context of a problem gambler.

In York the estimates of the numbers of adults who might benefit from each the following types of gambling treatment are: Brief advice (553 people, 95% Confidence Interval range is 394 to 763 people); Extended brief interventions (4,537, 95% CI range: 3,964 to 5,175); Psychosocial interventions delivered in the third sector (631, 95% CI range: 449 to 894) ; Psychologist-led cognitive behavioural therapy (CBT) (544, 95% CI range 400 to 743) and Intensive residential treatment (92, 95% CI range 45 to 192)



The table above shows the highest proportion to be those that would benefit from Extended brief interventions. The table below compares the York figure for this type in comparison to the region and England. Out of the 5 treatment types this is the only one where York is above the region and England, all other treatment areas are below them.



## 6.2 Gambling statistics

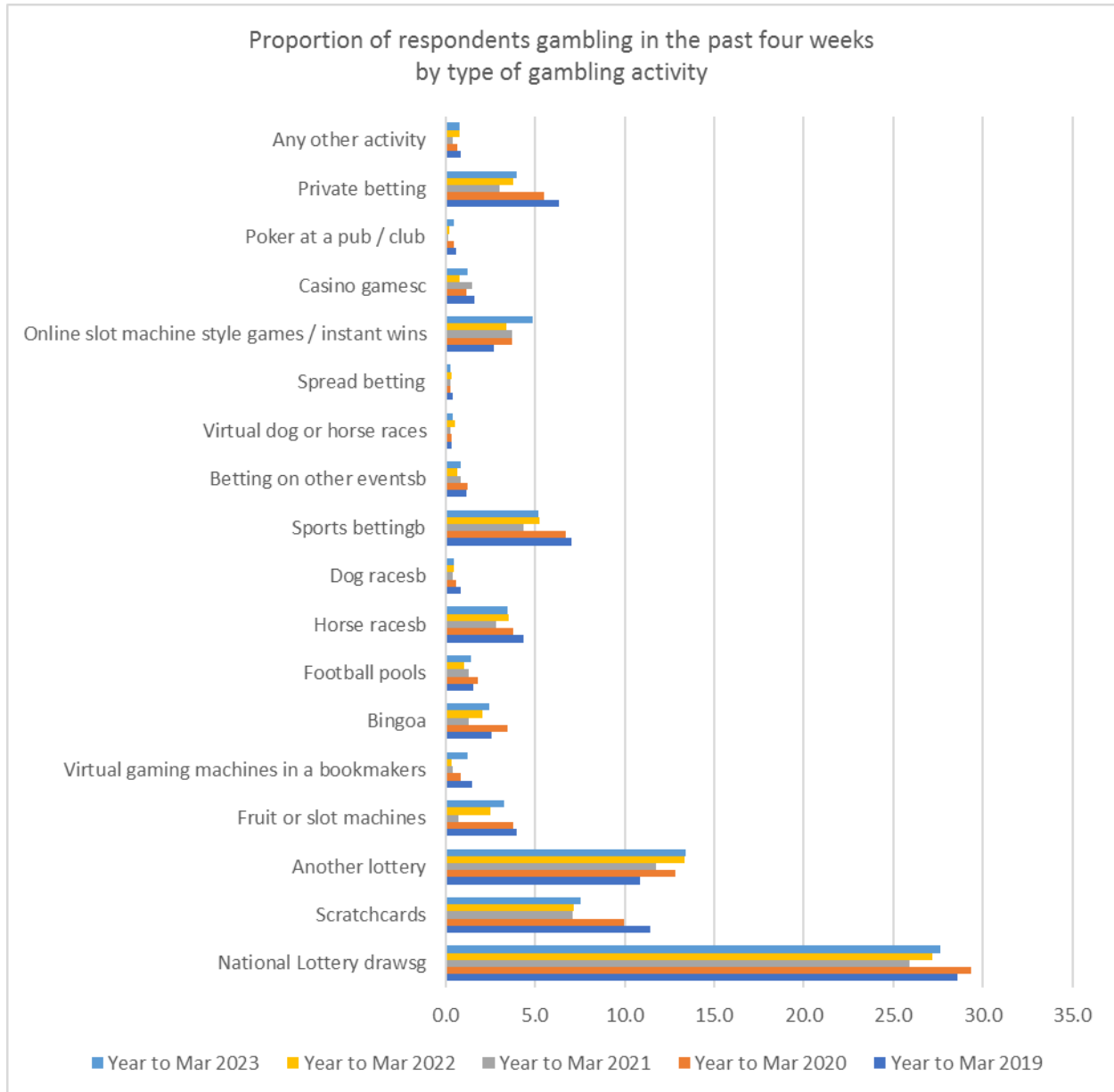
From the latest Statistics produced by the Gambling Commission on gambling participation (year to March 2023), there were several key findings:

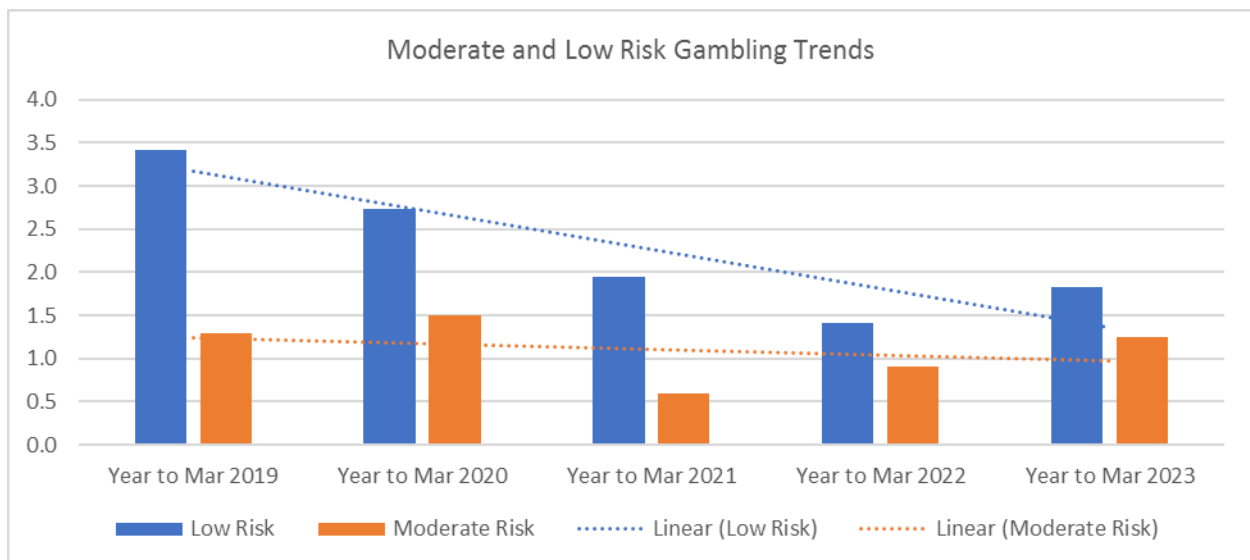
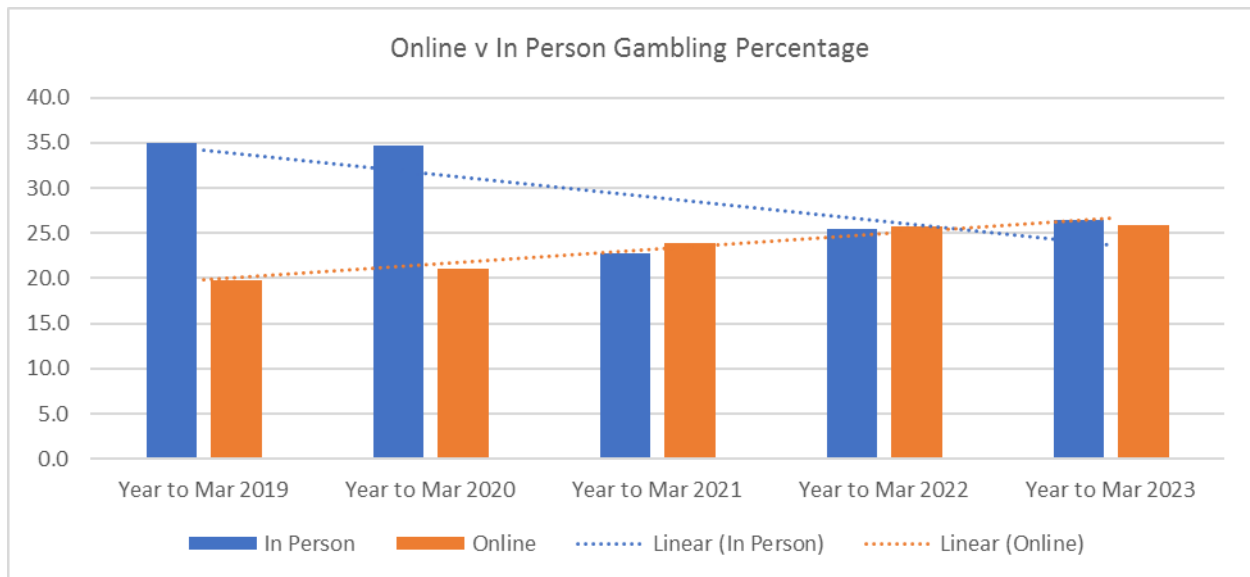
- Overall participation in any gambling activity (in the last four weeks) was 43.5% the same as the 2022 figure for the same period. There was a drop in 2021 to 40.0% with the previous 2 years figures being around 46%.
- Online gambling participation rate is 26% (a 6% increase compared to 2019), this trend probably started due to Covid restrictions and has continued.
- In person participation is 26.5% (1% increase on 2022). The figures are starting to increase slightly, but still remain lower than the 2019 figure of 35%.
- Much of the online increase can be explained by increasing proportions of respondents playing National Lottery draws online.
- The overall problem gambling rate is steady 0.3%.
- The moderate risk rate has increased to 1.2% (an increase of 0.3% on 2022). There was a significant drop in 2021 to 0.6% from 1.5% in 2020.

The most recent Gambling participation behaviour, awareness and attitudes report was published in 2020. Key statistics and findings below:

- The National Lottery draws remain the most popular gambling activity, followed by other lotteries and scratchcards.
- 0.8% of all respondents identified as moderate risk problem gamblers, and 2.7% identified as at-risk gamblers.
- The use of mobile phones for online gamblers has remained steady at 50%.
- On average, online gamblers held 3 accounts each (same as 2018).
- 5% of gamblers have ever self-excluded (1% decrease from 2018).
- 52% of online gamblers (with a social media account) were prompted to spend money on a gambling activity due to adverts they had seen on a social media platform, 3% of gamblers follow gambling companies on social media.

- 29% of people think gambling is fair and can be trusted (steady since 2018).
- 43% of people think that gambling is associated with crime.
- There has been an increase in participation in online slot machine-style games and instant wins (3.1%; a 1.9 percentage point increase from 2018).





## 7. Index of Multiple Deprivation

### 7.1 Index of Multiple Deprivation

City of York has low levels of deprivation in comparison to other districts in the Index of Multiple Deprivation (IMD). The IMD provides a measure for deprivation in small areas (Lower Super Output Areas (LSOAs)). To measure an areas' deprivation level, seven factors with their individual weights (%) are considered in order to create the IMD:

- Income Deprivation (22.5%)
- Employment Deprivation (22.5%)
- Education, Skills and Training Deprivation (13.5%)
- Health Deprivation and Disability (13.5%)
- Crime (9.3%)
- Barriers to Housing and Services (9.3%)
- Living Environment Deprivation (9.3%)

Information relating to each individual factor is gathered and ranked before they are all combined to create an overall IMD score. Once each individual area has been scored, they are ranked – York is ranked 267 out of 317 lower tier local authority districts on average IMD score (1 is most deprived) so York is the 51<sup>st</sup> least deprived district in England. York has risen 17 places in the rankings since 2015 when it was the 68<sup>th</sup> least deprived district.

York is the least deprived upper tier local authority out of 15 in the Yorkshire and Humber region based on 2019 average IMD score. This is the same regional ranking as in 2015.

In 2019 York is the second least deprived lower tier local authority out of 21 in the Yorkshire and Humber region based on 2019 average IMD score. This is the same regional ranking as in 2015. (Harrogate is the least deprived district in the Yorkshire and Humber Region).

In 2019 York has 1 LSOA falling in the most deprived 10% (decile) nationally and 41 LSOAs falling in the least deprived decile nationally. About a third of LSOAs in York fall in the least deprived decile nationally. York has 6 LSOAs falling in the most deprived 20% (quintile) nationally and 62 LSOAs in the least deprived quintile nationally. About half of LSOAs in York fall in the least deprived quintile nationally.

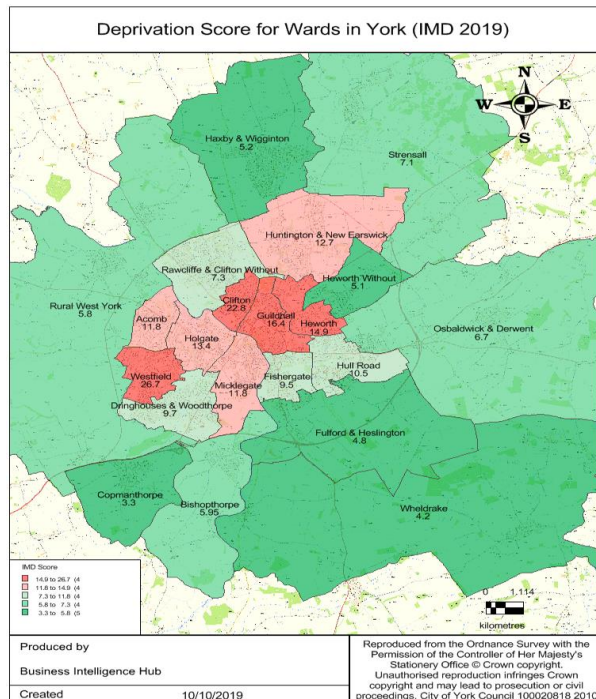


## 7.2 York areas of deprivation

The map and table below show all of the York Wards and their most recent IMD score, as well as previous year's scores.

### Indices of Multiple Deprivation 2015: York Wards

Ward	2015 IMD score	2019 IMD score
Acomb	12.19	11.76
Bishopthorpe	5.4	5.87
Clifton	24.7	22.79
Copmanthorpe	2.43	3.29
Dringhouses & Woodthorpe	9.64	9.65
Fishergate	9.14	9.5
Fulford and Heslington	5.29	4.77
Guildhall	18.74	16.38
Haxby and Wigginton	4.76	5.25
Heworth	15.81	14.92
Heworth Without	5.53	5.09
Holgate	14.08	13.36
Hull Road	13.02	10.51
Huntington and New Earswick	12.39	12.67
Micklegate	15.64	11.8
Osballdwicken & Derwent	6.87	6.67
Rawcliffe and Clifton Without	7.48	7.3
Rural West York	6.67	5.83
Strensall	7.85	7.14
Westfield	25.8	26.66
Wheldrake	4.6	4.16



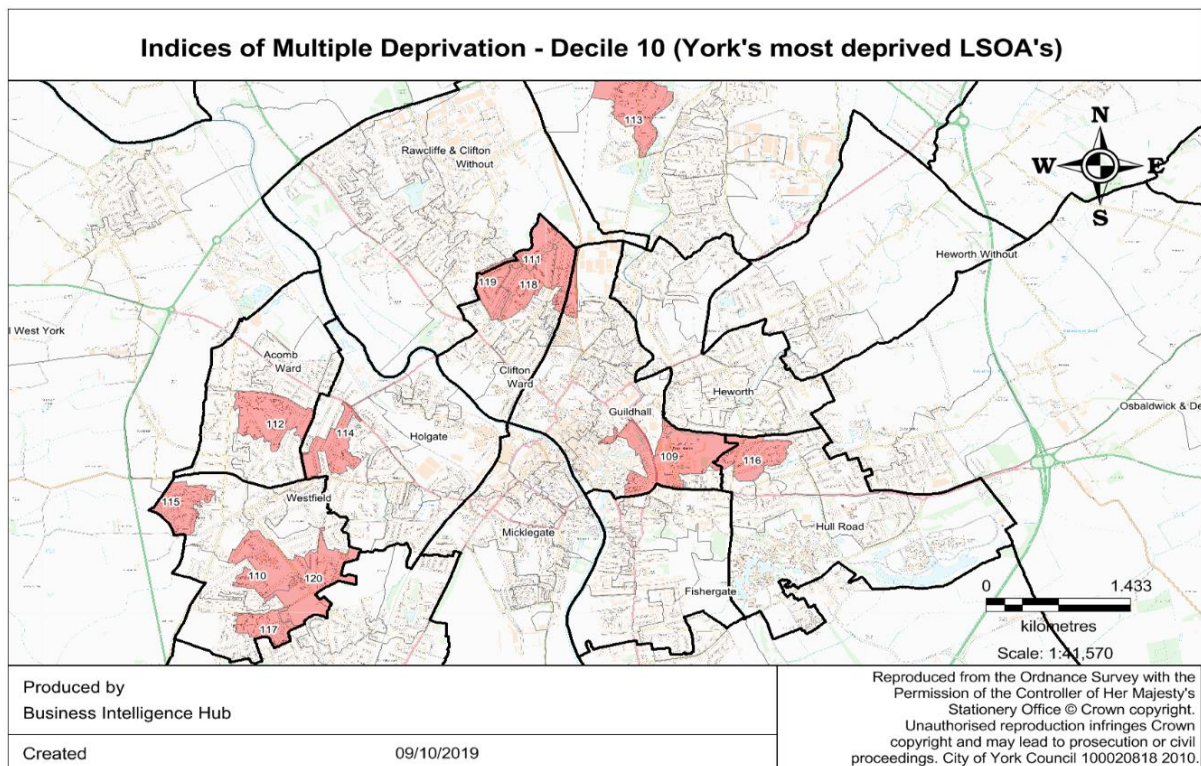
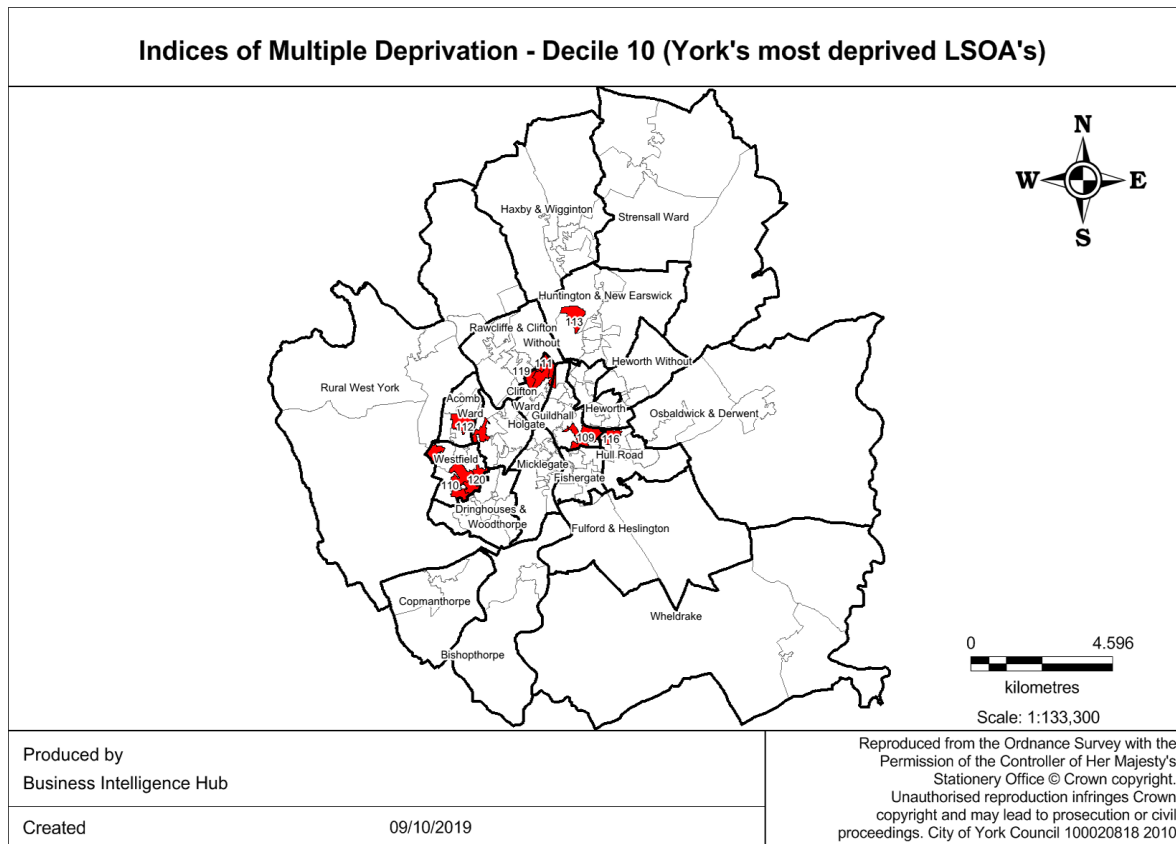
From the above information, it shows Westfield, Clifton and Guildhall to be the most deprived Wards in York. Westfield contains 1 LSOA that features in the most deprived 10% nationally. York has a further 5 LSOAs which are present in the most deprived 20% nationally – 2 LSOAs in Clifton, 2 LSOAs in Westfield and 1 LSOA in Hull Road.

As of the 2019 IMD, these are the 10 LSOAs in York with the greatest deprivation levels:

#### LSOA

1. York 018B Westfield (E01013443)
2. York 009D Clifton (E01013349)
3. York 009C Clifton (E01013347)
4. York 018F Westfield (E01013448)
5. York 015C Hull Road (E01013399)
6. York 018C Westfield (E01013444)
7. York 016B Holgate (E01013394)
8. York 004D Huntington & New Earswick (E01013410)
9. York 012A Acomb (E01013335)
10. York 009E Clifton (E01013350)



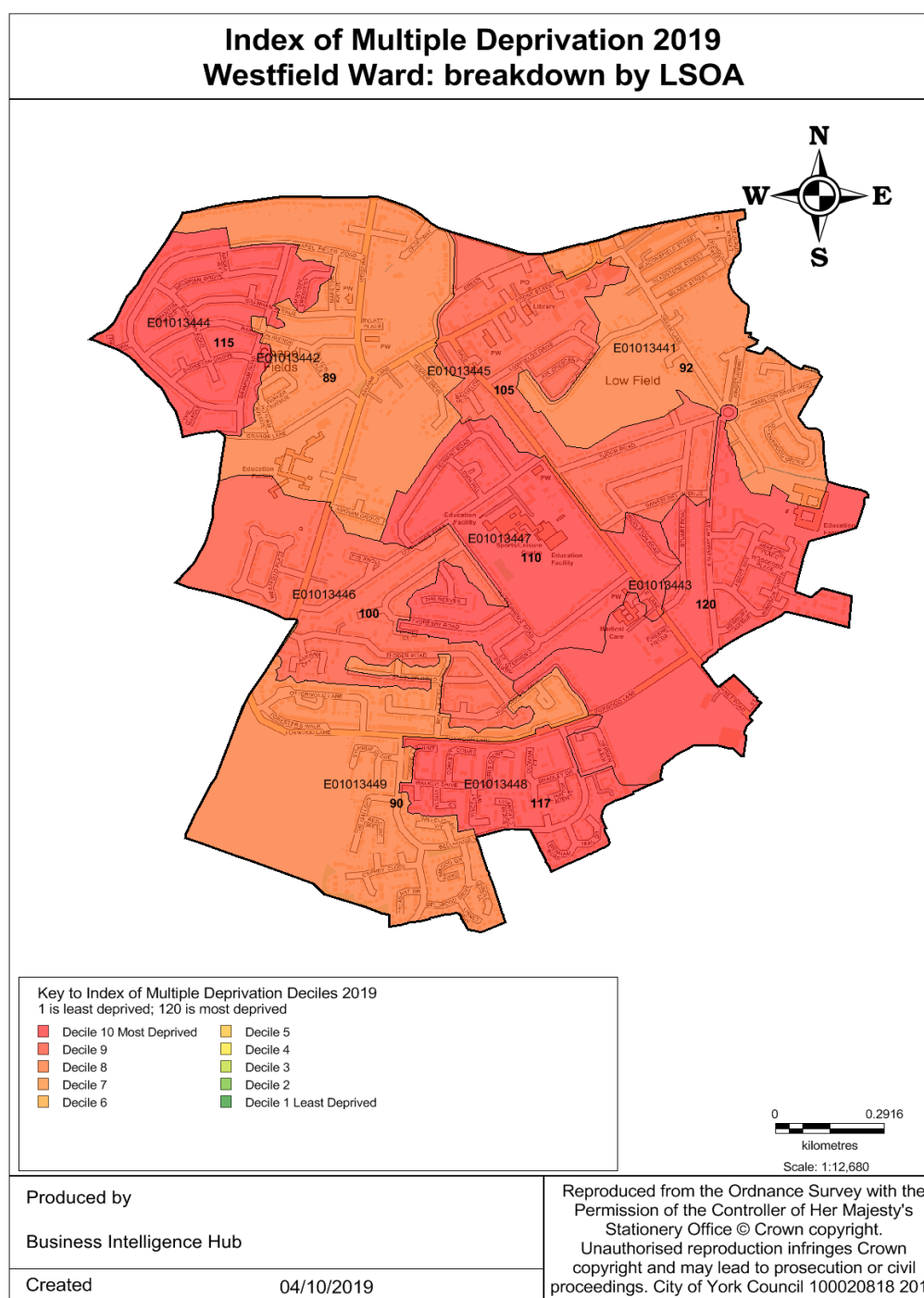


**Westfield** has 14,086 residents with 3.5% from a black and minority ethnic community group. 80.1% are in good health, with 19.2% stating that they have some limitation in day to day activities.

Westfield Ward holds 3 LSOAs out of the 10 most deprived LSOAs in York:

1. York 018B Westfield (E01013443)
2. York 018F Westfield (E01013448)
3. York 018C Westfield (E01013444)

This includes 1 LSOA ranked in the most deprived 10% nationally - York 018B Westfield (E01013443) & 2 LSOAs ranked in the most deprived 20% nationally - York 018F Westfield (E01013448) & York 018C Westfield (E01013444).

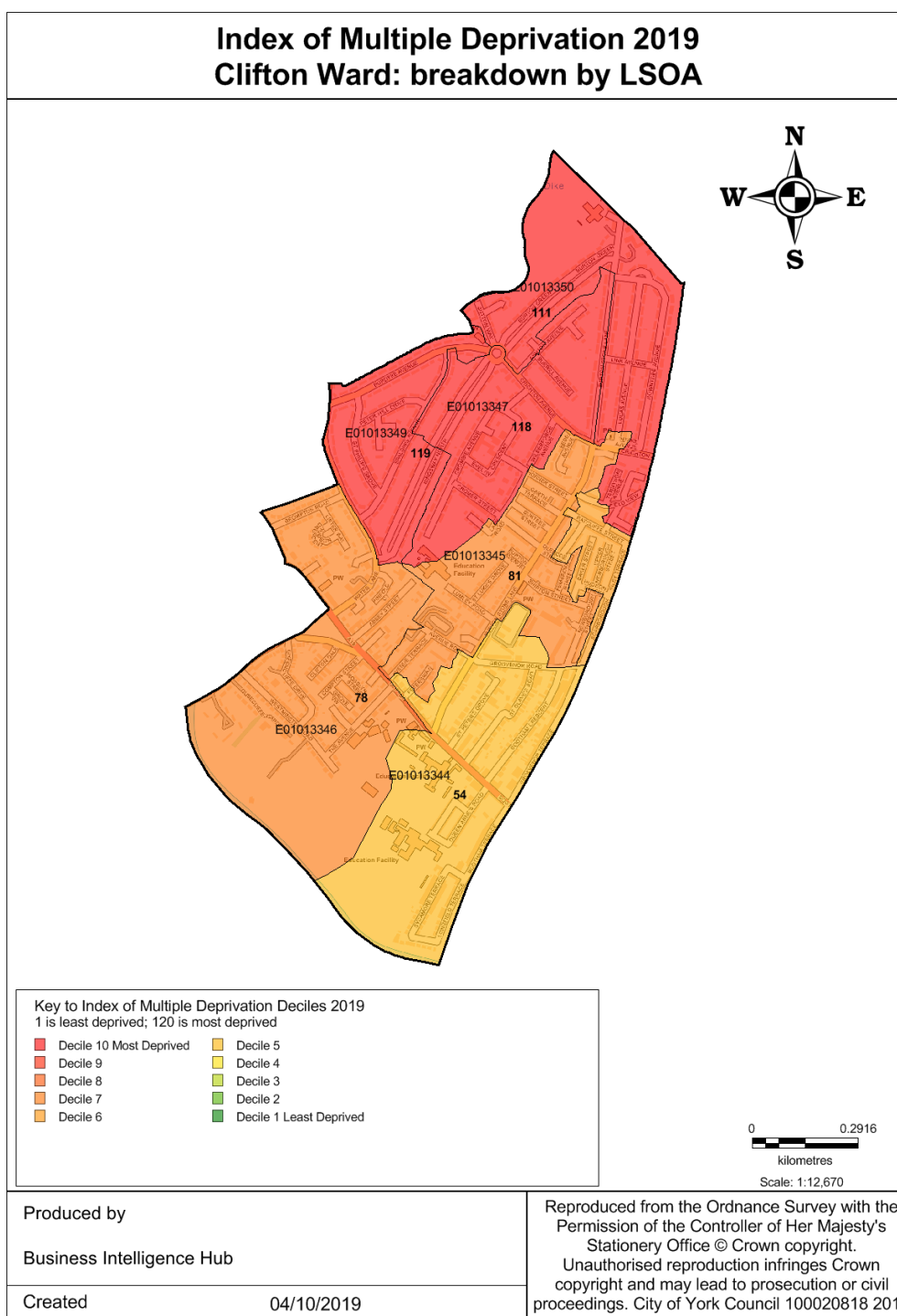


**Clifton** has 9,456 residents with 9.1% from a black and minority ethnic community group. 82.7% are in good health, with 18.5% stating that they have some limitation in day to day activities.

Clifton Ward holds 3 LSOAs out of the 10 most deprived LSOAs in York:

1. York 009D Clifton (E01013349)
2. York 009C Clifton (E01013347)
3. York 009E Clifton (E01013350)

Two these LSOAs are ranked in the most deprived 20% nationally - York 009D Clifton (E01013349) & York 009C Clifton (E01013347).

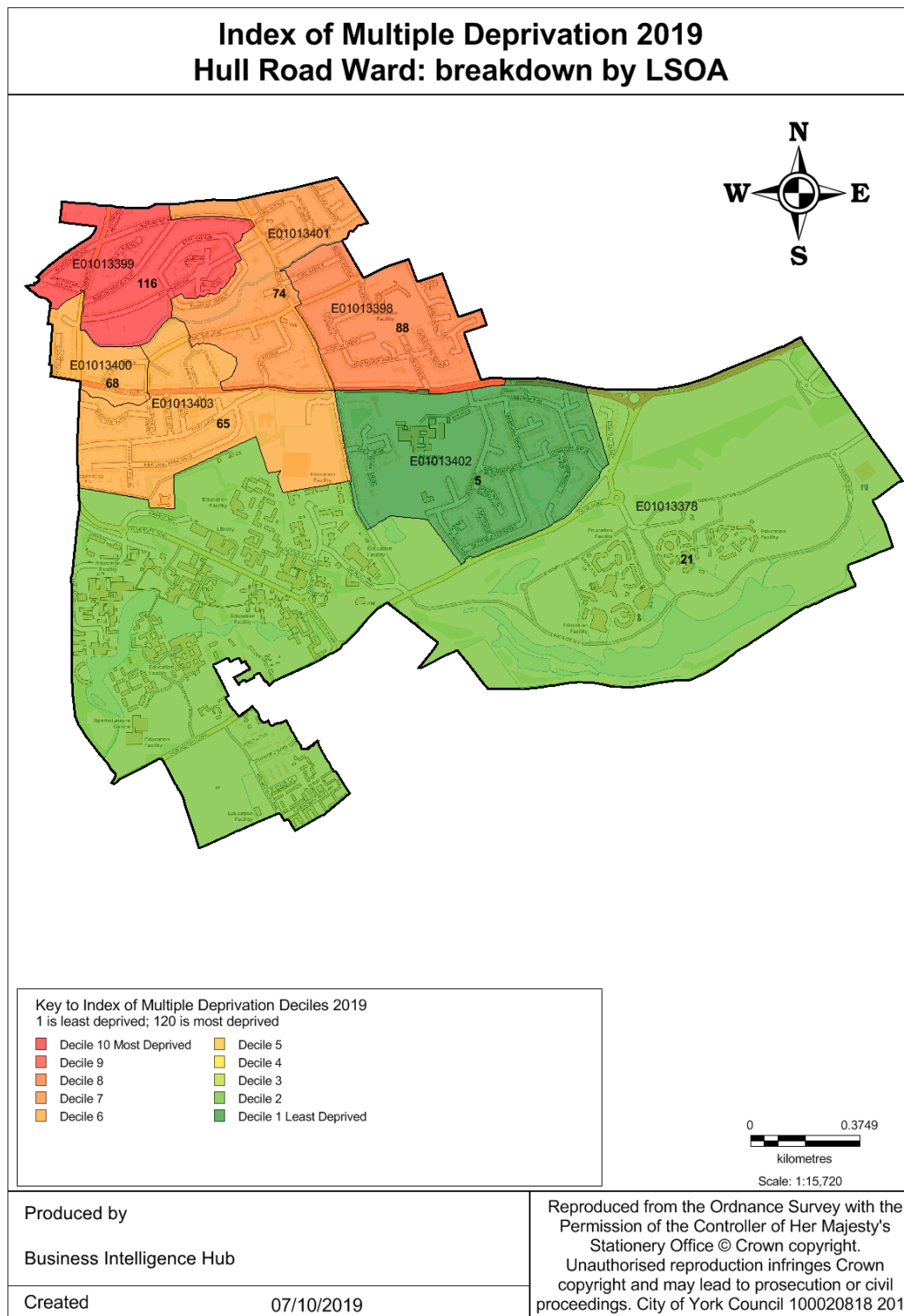


**Hull Road** has 15,358 residents with 15.8% from a black and minority ethnic community group. 86.8% are in good health, with 17.3% stating that they have some limitation in day to day activities.

Hull Road Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

1. York 015C Hull Road (E01013399)

This LSOA is ranked in the most deprived 20% nationally – York 015C Hull Road (E01013399).

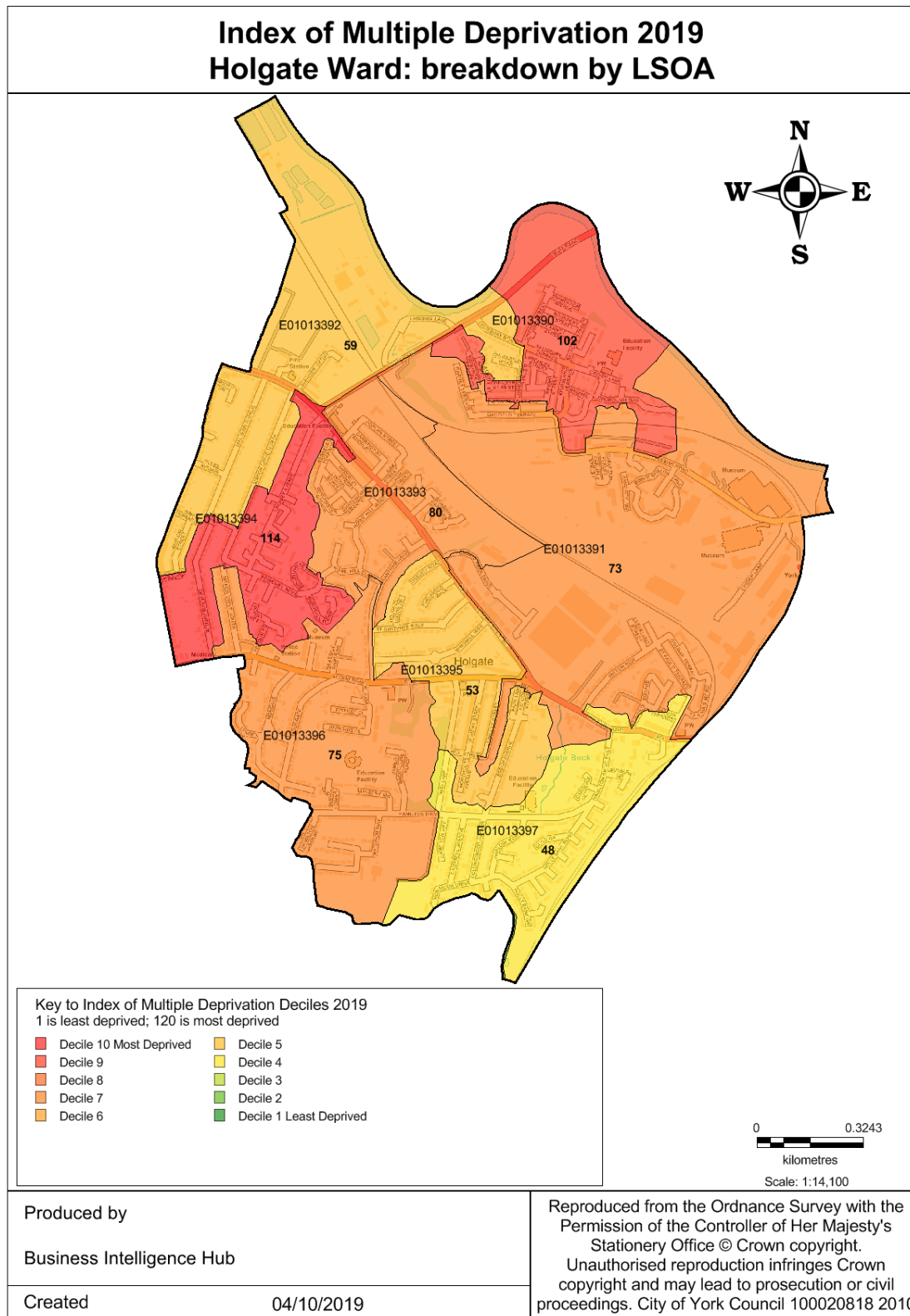




**Holgate** has 11,954 residents with 5.3% from a black and minority ethnic community group. 83.7% are in good health, with 16.4% stating that they have some limitation in day to day activities.

Holgate Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

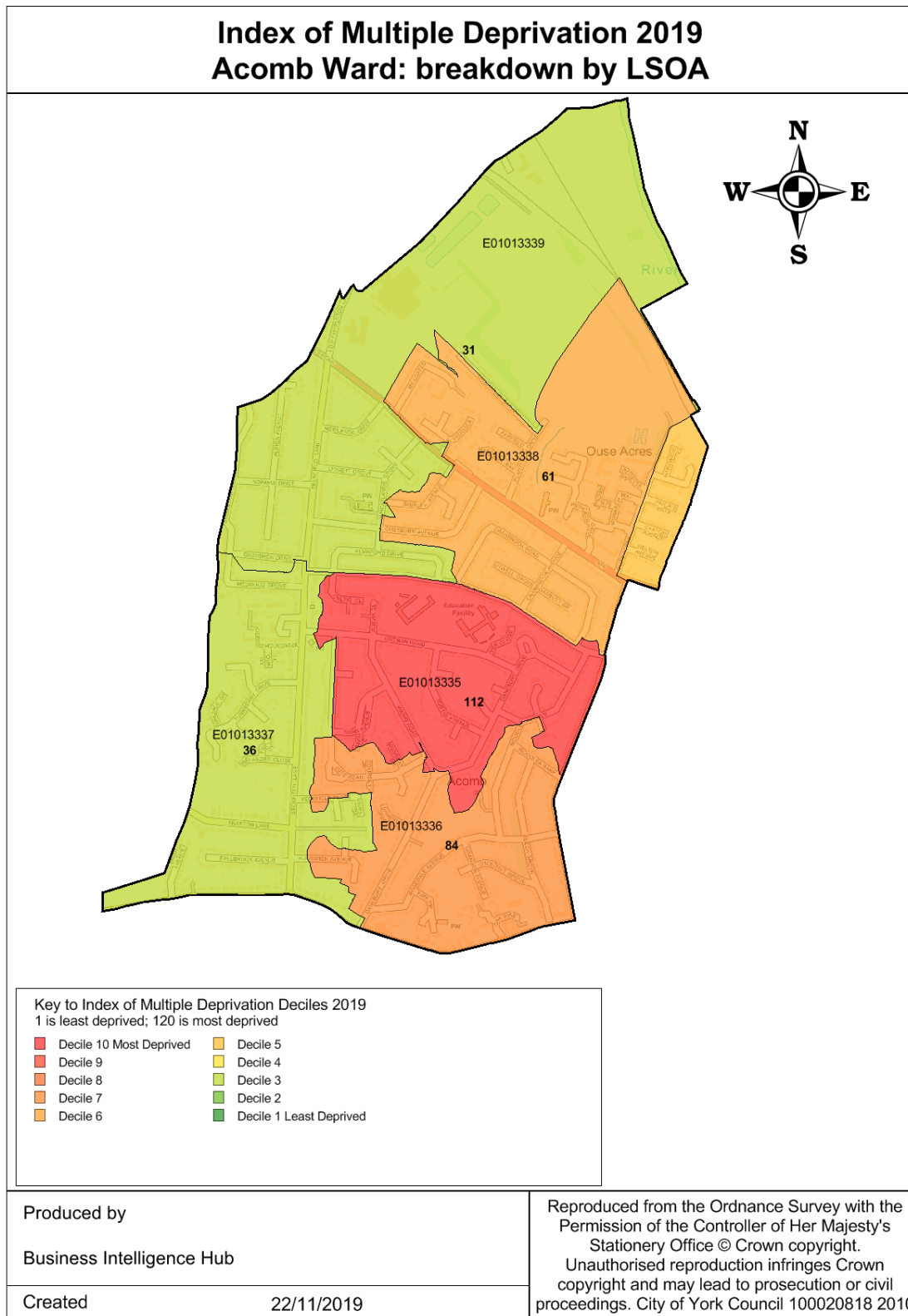
1. York 016B Holgate (E01013394)



**Acomb** has 9,248 residents with 3.6% from a black and minority ethnic community group. 82.8% are in good health, with 16.5% stating that they have some limitation in day to day activities.

Acomb Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

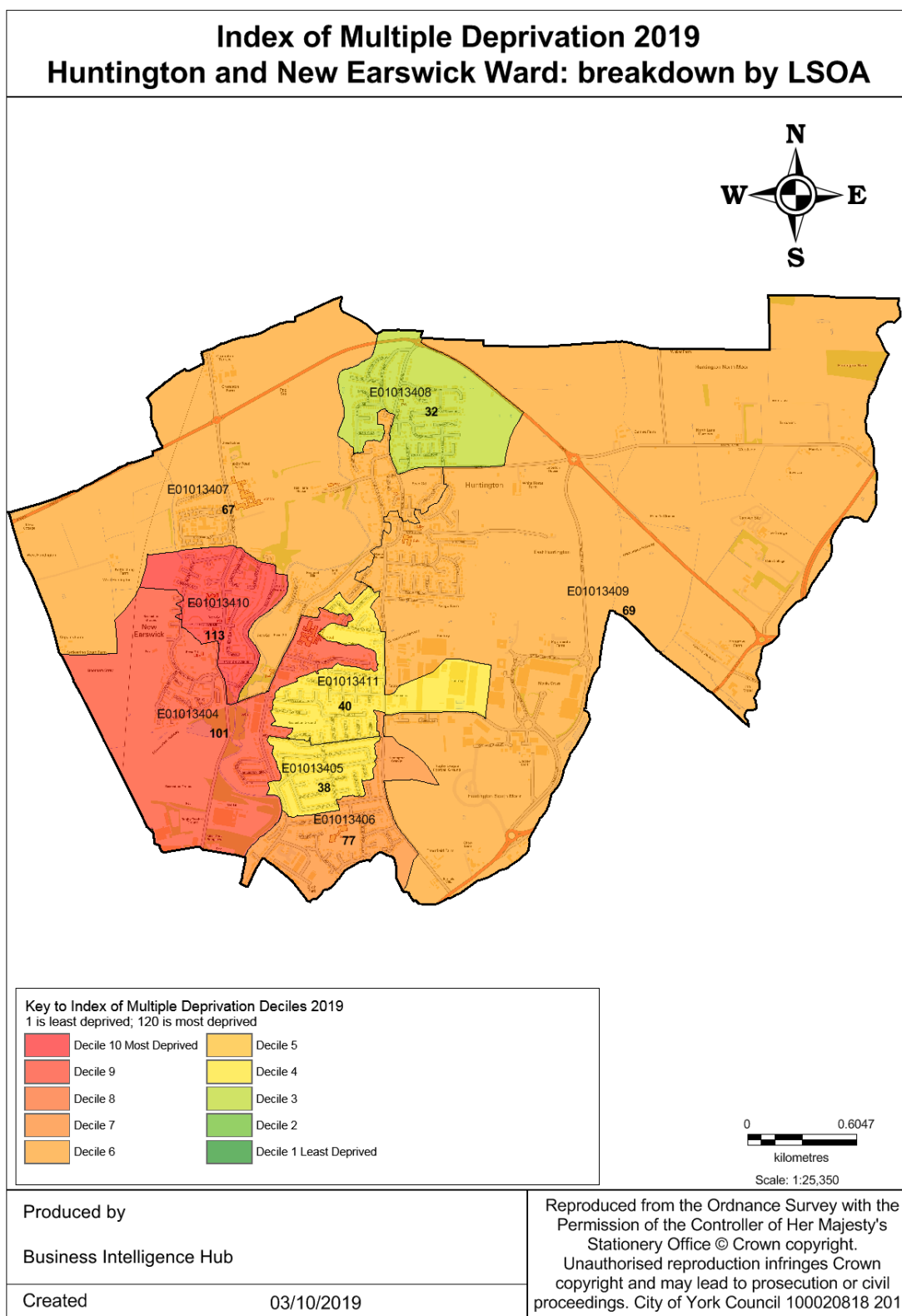
1. York 012A Acomb (E01013335)



**Huntington and New Earswick** has 12,354 residents with 3.8% from a black and minority ethnic community group. 79.4% are in good health, with 19.3% stating that they have some limitation in day to day activities.

Huntington & New Earswick holds 1 LSOA out of the 10 most deprived LSOAs in York:

1. York 004D Huntington & New Earswick (E01013410)



## 8. Sources of Data

1. York Open Data – York Profile <https://data.yorkopendata.org/dataset/york-profile>
2. York Open Data – Ward Profiles  
[https://data.yorkopendata.org/dataset?sort=metadata\\_modified+desc&tags=ward+profiles](https://data.yorkopendata.org/dataset?sort=metadata_modified+desc&tags=ward+profiles)
3. Statistics on gambling participation and problem gambling – Annual Report June 2021 (Gambling Commission)
4. Gambling participation: activities and mode of access - May 2023
5. Gambling participation in 2019: behaviour awareness and attitudes – Annual Report Feb. 2020 (Gambling Commission)
6. Office for National Statistics (ONS) <https://www.ons.gov.uk/>
7. Civica – City of York Council



## Annex 2

# Business Intelligence Hub

## Gambling Act 2005 Local Area Profile York

Author: Business Intelligence Hub  
Date: 04/09/2024

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## 1. Introduction

Local authorities are responsible for processing applications related to gambling premises. The Gambling Act 2005 encourages the consideration of licences, should they meet the three main licensing objectives; which are:

- a) prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- b) ensure that gambling is conducted in a fair and open way
- c) protect children and other vulnerable persons from being harmed or exploited by gambling

Local authorities have no legal requirement to create local area profiles; however, they can be seen as a useful tool when it comes to carrying out assessments on a local area. Local area profiles display relevant information regarding certain topic areas/policies, in this case the Gambling Act 2005. In order for the profile to be most effective, the content must be relevant - key characteristics relating to the specific area/policy can increase awareness of issues within the local area that can be connected to that specific policy.

Using a gambling related local area profile helps present useful information to the local authority that highlights potential and current issues within the local area. The highlighted issues should be considered before any gambling related decisions are made, such as authorising premise licences. Adhering to the licensing objectives is something that the local area profile contributes towards. This local area profile will look at York's resident information such as areas of deprivation, crime and disorder and how they can relate to gambling, as well as how these factors can help identify and inform current and potential gambling related risks within the local area.

*The general aims of the following Gambling Act 2005 local area profile are:*

- a) to identify the areas within the City of York mostly likely to be at risk of gambling related harm, which may help to identify possible persons who could be at risk of gambling related harm*
- b) to provide sufficient and relevant information to inform local authorities where current and potential gambling related issues are present so controls and measures can be put in place to minimise these issues/risks*
- c) to inform the local authority of information relevant to York in order to provide a footing for the decision making process in gambling contexts*

## **2. York Open Data**

York Open Data is a platform created by the City of York Council which holds over 1000 different datasets, all of which are related to the City itself. All of the information is available for the public to access and manipulate. The ranges of datasets on the platform are vast, some of which have helped with the creation of this profile; particularly the York Profile and individual Ward profiles.

## **3. York Information**

York is part of the Yorkshire and Humber region and a City within North Yorkshire. York and its unitary local authority (City of York Council) provide local council services to around 204,551 residents over an area covering and estimated 105 square miles. The City is made up by 21 Wards, all of which have their own Councillor(s).

The student population in York is a huge contributor to York's overall population with 26,694 full time students between the two Universities in York, The University of York and York St. Johns University (2021 Census). York is a popular tourist destination with vast amounts of visitors both from the UK and from overseas. The City is easily accessible, with York seen as a major railway centre frequently providing services to and from all corners of the UK. Visitors from overseas are able to access the city with ease due to the rail service from Manchester Airport and Leeds Bradford Airport just a 30 mile road journey.

### ***3.1 Hostels/Supported Housing & Drug/Alcohol Facilities***

Within the 21 York Wards there are 5 hostels, all catering for different groups of people. Fishergate has 2 hostels within its Ward, similarly with Guildhall Ward who also has 2, with Holgate Ward being responsible for 1.

In addition to this, York has a Drug and Alcohol Service which provides help for individuals, families and local communities with issues involving substance misuse. This particular service can be found on Blossom Street, within the Micklegate Ward.

### ***3.2 Education***

Understanding and being aware of the whereabouts of educational facilities should be instrumental in regards to making gambling related decisions, particularly in terms of gambling premises, as children are seen as a vulnerable group of people in gambling terms. The table below shows the schools which are in each Ward and alongside is the licensed gambling premises in that Ward (excluding alcohol licensed premises with gaming machine & club gaming and pub gaming licenses).

Ward	Schools in each Ward		Licensed Premises		
	Primary	Secondary	Betting Shops	Adult Gaming	Bingo
Acomb	2	1	1	0	0
Bishopthorpe	2	0	0	0	0
Clifton	2	0	2	0	1
Copmanthorpe	1	0	0	0	0
Dringhouses & Woodthorpe	2	0	0	0	0
Fishergate	3	0	0	0	0
Fulford & Heslington	2	1	0	0	0
Guildhall	3	0	5	1	0
Haxby & Wigginton	3	0	1	0	0
Heworth	3	0	1	0	0
Heworth Without	1	0	0	0	0
Holgate	4	0	0	0	0
Hull Road	2	1	1	0	0
Huntington & New Earswick	3	2	1	0	0
Micklegate	2	3	1 betting track	0	0
Osballdwick and Derwent	2	0	0	0	0
Rawcliffe and Clifton Without	2	1	0	0	0
Rural West York	4	1	0	0	0
Strensall	2	0	0	0	0
Westfield	2	1	3	0	0
Wheldrake	3	0	0	0	0

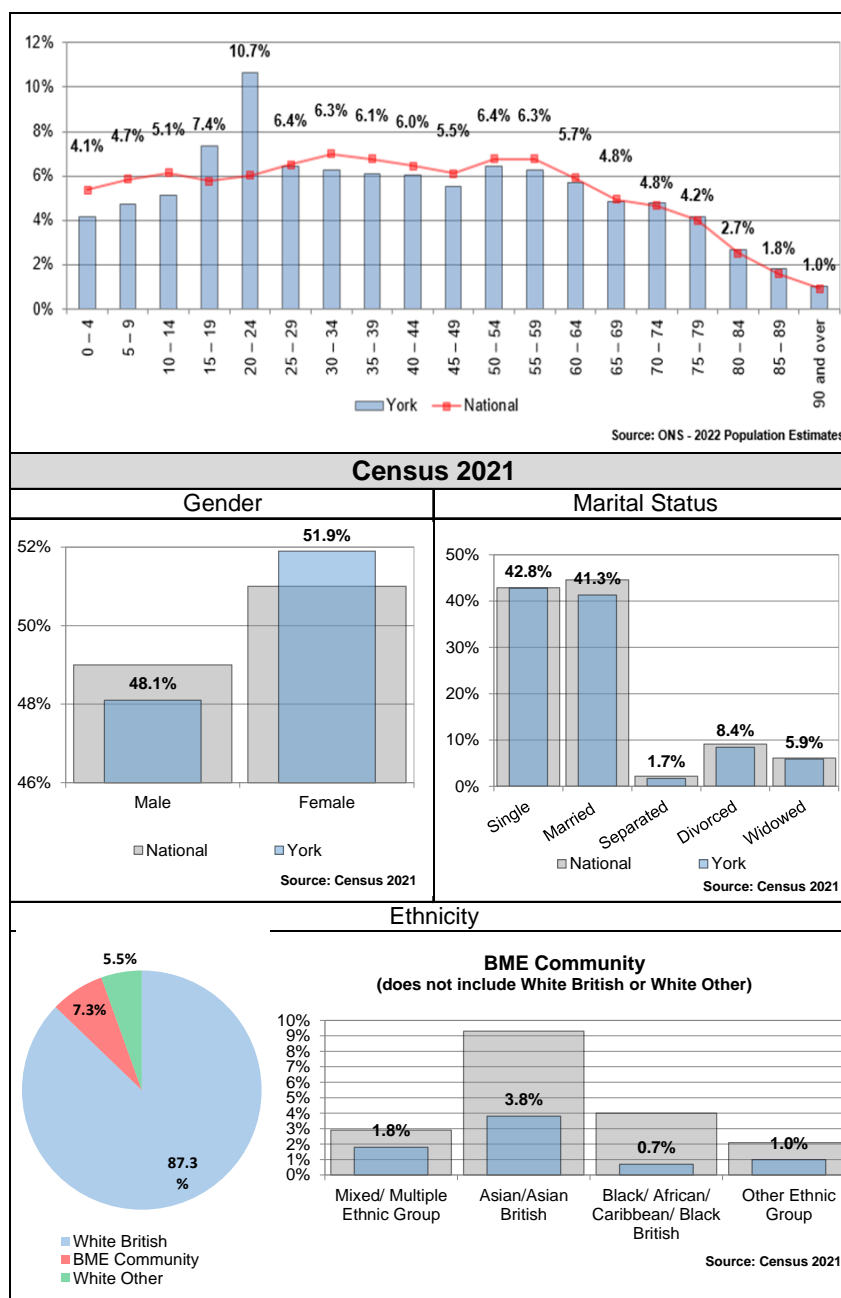
Fishergate, Heworth and Westfields Wards have special schools, Clifton, Guildhall and Micklegate Wards have private schools all offering primary and secondary education, and Dringhouse and Woodthorpe and Rural York West Wards have colleges that under 18 year olds attend.

## 4. Demographics

### 4.1 Demographic profile

The York Open Data platform creates demographic York profiles on a quarterly basis – it has the ability to do this by using both Census information (most recently 2021) and Office for National Statistics (ONS) estimates. The York profile on the platform provides information relating to population, households, economy and health just to name a few. York has 204,551 residents, 51.4% female and 48.6% male – percentages which are consistent with the whole of North Yorkshire. York residents include 7.3% from a black and minority ethnic community group, 83.6% are in good health, with 17.1% stating that they have some limitation in day to day activities.

### York Profile Population Breakdown



More information on York Ward Profiles can be found on the York Open Data web page here: <https://data.yorkopendata.org/dataset/york-ward-profiles-2021-22-q1>

## 5. Crime and Disorder

City of York Council works alongside North Yorkshire Police in an attempt to combat and reduce crime in the local area. In the year ending March 2024 the crime rate in York was greater than the average crime rate of North Yorkshire Police Force on the whole. It is still however lower than the average crime rate for England & Wales.

Below is a breakdown of the reported crime in York – year ending March 2024.

Offence	Numbers of offences – 12 months ending		
	31 Mar 23	31 Mar 24	% change (+/-)
All other theft offences	1130	1084	-4.07%
Bicycle theft	825	903	9.45%
Criminal damage and arson	1502	1492	-0.67%
Domestic burglary	375	407	8.53%
Drug offences	353	403	14.16%
Homicide	2	0	-100.00%
Miscellaneous crime against society	200	212	6.00%
Non-domestic burglary	219	273	24.66%
Possession of weapons offences	104	119	14.42%
Public order offences	1416	1055	-25.49%
Robbery	76	80	5.26%
Sexual offences	614	524	-14.66%
Shoplifting	1510	2222	47.15%
Theft from the person	140	121	-13.57%
Vehicle offences	523	603	15.30%
Violence with injury	1879	1648	-12.29%
Violence without injury	3738	3411	-8.75%
<b>Total</b>	<b>14606</b>	<b>14557</b>	<b>-0.34%</b>

Source: iQuanta

Further information in relation to crime is available online from North Yorkshire Police for York Outer and York Inner, which provides interactive maps showing crimes and statistics within the City of York Council authority area.

### 5.1 Crime and gambling

In Great Britain, in 2020 42% of people agreed with the statement that gambling was associated with criminal activity, which is comparable with the figure reported in 2019 (43%), just over a 1% decline on the previous year (Gambling Commission 2020).

In the year ending December 2020 (ONS 2020), in England and Wales the types of crime that people predominantly associate with gambling are theft to continue gambling

(24.5%), fraud (6.0%), drug dealing/trafficking/prostitution (3.4%) and money laundering (1.9%).

In comparison to this, 29% of people in Great Britain agree that gambling is fair and can be trusted, just over a 4% decline on the 2017 figures (Gambling Commission 2020).

The above statements and figures suggest that people's perceptions of gambling are deteriorating, with an increase of people with negative perceptions and a decline of positive perceptions – indicating that gambling related crime is arguably a growing problem in Britain. The rates of crime have very marginally decreased in York from the previous 12 months due to the coronavirus pandemic. Despite this, York's crime contribution to North Yorkshire's overall crime number has decreased from 32.6% year ending March 2020 to 29.6% year ending March 2021.

## 6. Gambling

### 6.1 Gambling premises

Similar to the majority of towns and cities in the UK, there are numerous premises where gambling is present in York, such as high street bookmakers (betting shops), bingo premises, arcade premises and pubs/clubs who hold permits for gaming or machines. In addition to this, York is home to York Racecourse which is the 3<sup>rd</sup> biggest horse racing track in Britain in terms of prize money and hosts up to 350,000 visitors per year. A breakdown of the gambling premises currently known to York can be found below – including all different types of premises that are present.

City of York Council Gambling Premises & Count		
Premise Type		Count from 31/3/2024
Bingo venues		1
Betting shops		15
Adult gaming centres		1
Family entertainment centres		
	Licensed	N/A
	Permitted	N/A
Betting track		1
Casinos		0
<b>Total</b>		<b>18</b>

Source: Gambling Commission

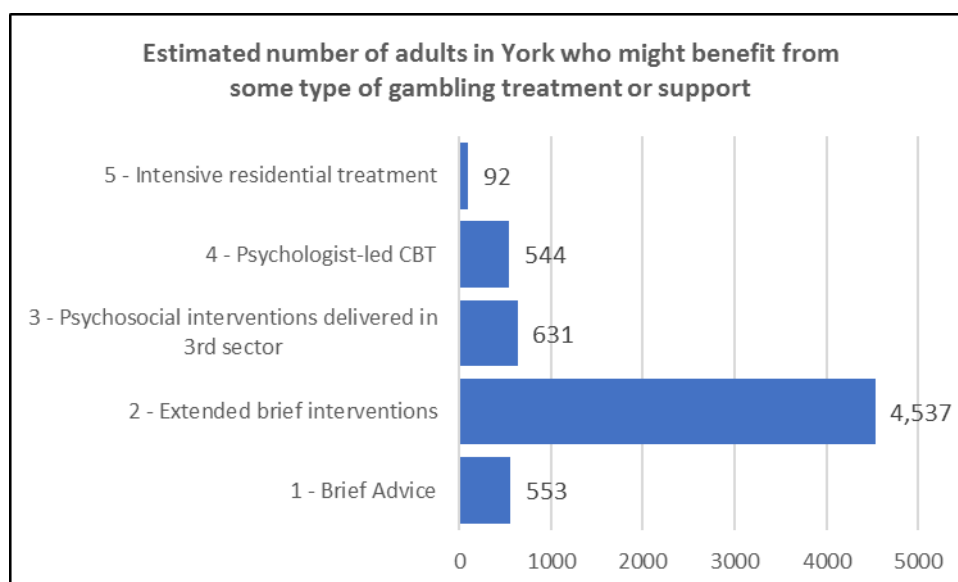


As the table above shows, there has been around a 10% reduction in betting shops in York since the last report in 2021, though there still remains plenty of opportunities to gamble within York. With there being many opportunities available, there are risks that become apparent. There are many risks associated with gambling, whether it be personal risk such as debt or crime or risk on a larger scale, to the extent where families and relationships are affected, jobs are lost and potentially homes, all as a result of uncontrolled gambling.

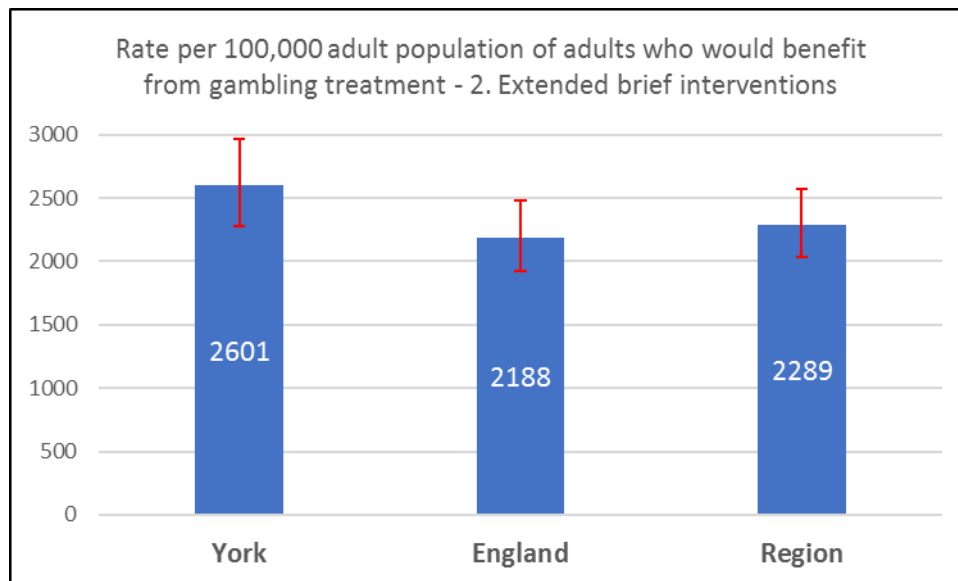
In relation to this local area profile and the Gambling Act 2005, identifying areas/persons at risk of being harmed or exploited by gambling is a priority. Problem gamblers are not the only ones who can experience gambling related harm – this could relate to family members, friends, employers, the community as well as the individual.

Identifying a problem gambler is difficult as there are no specific criteria to identify a person. The gambling commission does not define a vulnerable person in the context of a problem gambler.

In York the estimates of the numbers of adults who might benefit from each the following types of gambling treatment are: Brief advice (553 people, 95% Confidence Interval range is 394 to 763 people); Extended brief interventions (4,537, 95% CI range: 3,964 to 5,175); Psychosocial interventions delivered in the third sector (631, 95% CI range: 449 to 894) ; Psychologist-led cognitive behavioural therapy (CBT) (544, 95% CI range 400 to 743) and Intensive residential treatment (92, 95% CI range 45 to 192)



The table above shows the highest proportion to be those that would benefit from Extended brief interventions. The table below compares the York figure for this type in comparison to the region and England. Out of the 5 treatment types this is the only one where York is above the region and England, all other treatment areas are below them.



## 6.2 Gambling statistics

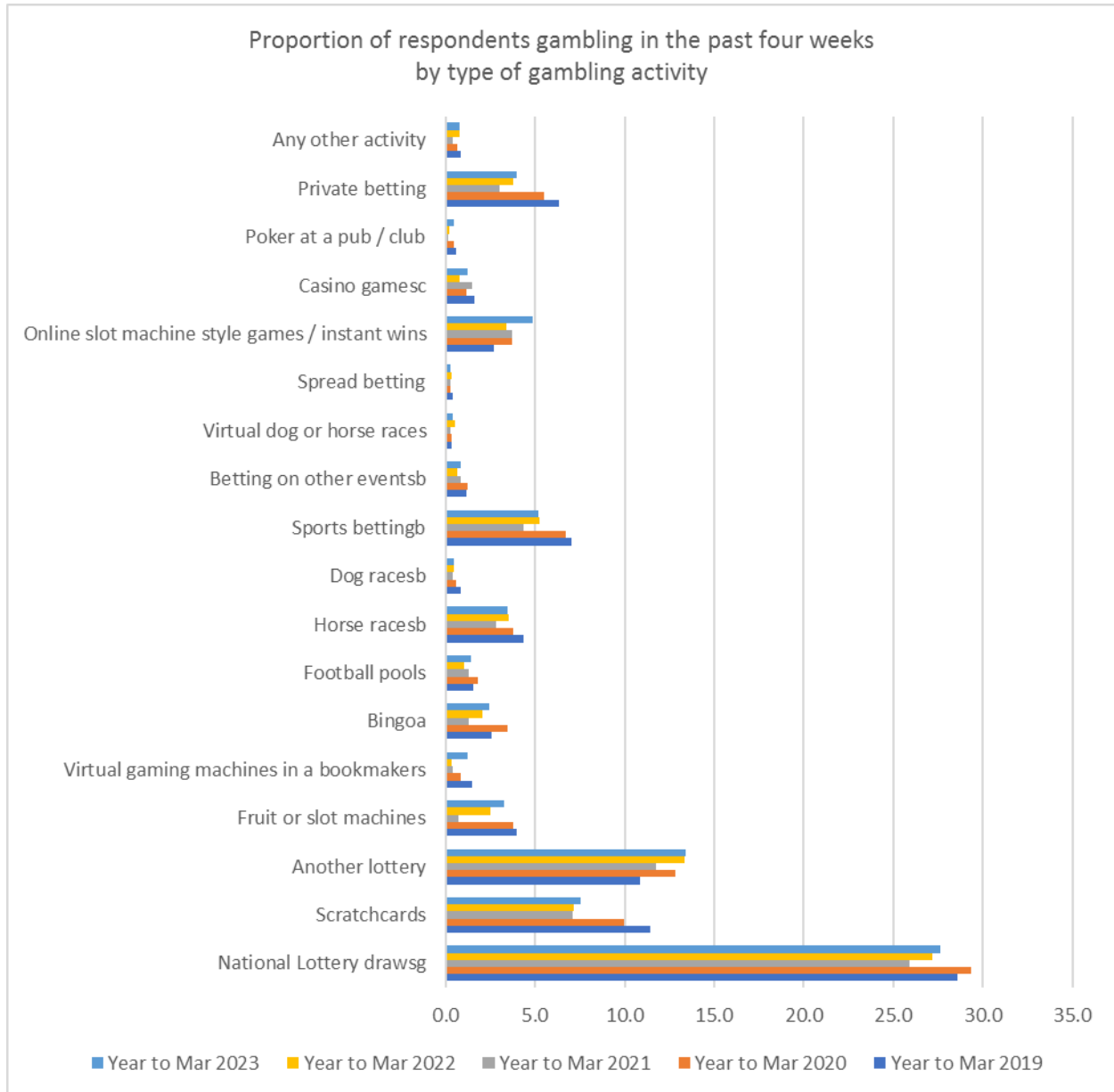
From the latest Statistics produced by the Gambling Commission on gambling participation (year to March 2023), there were several key findings:

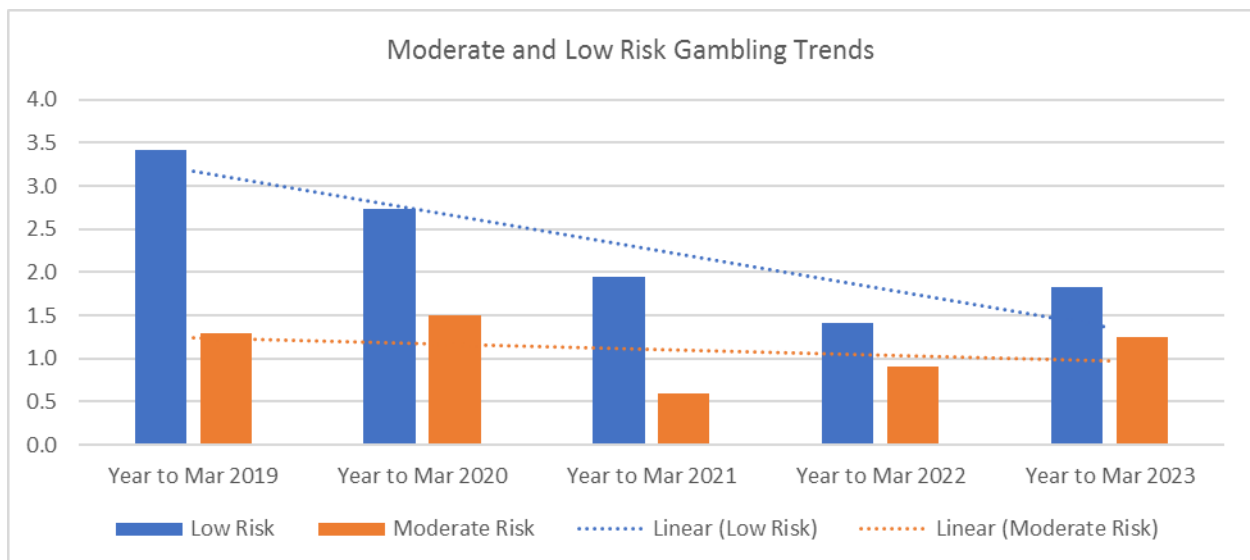
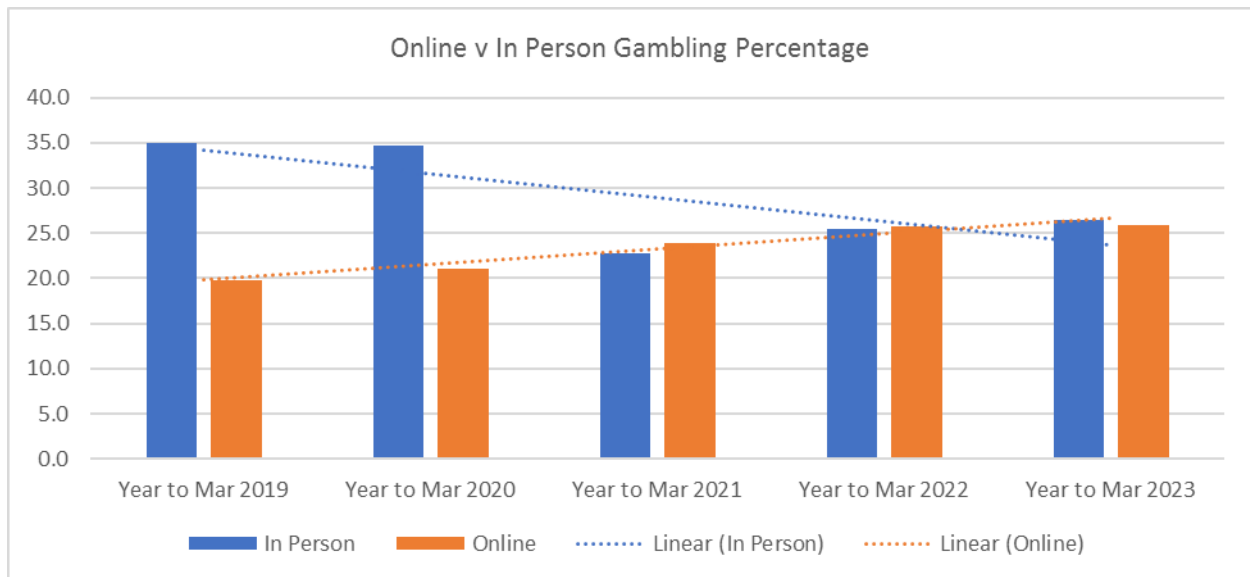
- Overall participation in any gambling activity (in the last four weeks) was 43.5% the same as the 2022 figure for the same period. There was a drop in 2021 to 40.0% with the previous 2 years figures being around 46%.
- Online gambling participation rate is 26% (a 6% increase compared to 2019), this trend probably started due to Covid restrictions and has continued.
- In person participation is 26.5% (1% increase on 2022). The figures are starting to increase slightly, but still remain lower than the 2019 figure of 35%.
- Much of the online increase can be explained by increasing proportions of respondents playing National Lottery draws online.
- The overall problem gambling rate is steady 0.3%.
- The moderate risk rate has increased to 1.2% (an increase of 0.3% on 2022). There was a significant drop in 2021 to 0.6% from 1.5% in 2020.

The most recent Gambling participation behaviour, awareness and attitudes report was published in 2020. Key statistics and findings below:

- The National Lottery draws remain the most popular gambling activity, followed by other lotteries and scratchcards.
- 0.8% of all respondents identified as moderate risk problem gamblers, and 2.7% identified as at-risk gamblers.
- The use of mobile phones for online gamblers has remained steady at 50%.
- On average, online gamblers held 3 accounts each (same as 2018).
- 5% of gamblers have ever self-excluded (1% decrease from 2018).
- 52% of online gamblers (with a social media account) were prompted to spend money on a gambling activity due to adverts they had seen on a social media platform, 3% of gamblers follow gambling companies on social media.

- 29% of people think gambling is fair and can be trusted (steady since 2018).
- 43% of people think that gambling is associated with crime.
- There has been an increase in participation in online slot machine-style games and instant wins (3.1%; a 1.9 percentage point increase from 2018).





## 7. Index of Multiple Deprivation

### 7.1 Index of Multiple Deprivation

City of York has low levels of deprivation in comparison to other districts in the Index of Multiple Deprivation (IMD). The IMD provides a measure for deprivation in small areas (Lower Super Output Areas (LSOAs)). To measure an areas' deprivation level, seven factors with their individual weights (%) are considered in order to create the IMD:

- Income Deprivation (22.5%)
- Employment Deprivation (22.5%)
- Education, Skills and Training Deprivation (13.5%)
- Health Deprivation and Disability (13.5%)
- Crime (9.3%)
- Barriers to Housing and Services (9.3%)
- Living Environment Deprivation (9.3%)

Information relating to each individual factor is gathered and ranked before they are all combined to create an overall IMD score. Once each individual area has been scored, they are ranked – York is ranked 267 out of 317 lower tier local authority districts on average IMD score (1 is most deprived) so York is the 51<sup>st</sup> least deprived district in England. York has risen 17 places in the rankings since 2015 when it was the 68<sup>th</sup> least deprived district.

York is the least deprived upper tier local authority out of 15 in the Yorkshire and Humber region based on 2019 average IMD score. This is the same regional ranking as in 2015.

In 2019 York is the second least deprived lower tier local authority out of 21 in the Yorkshire and Humber region based on 2019 average IMD score. This is the same regional ranking as in 2015. (Harrogate is the least deprived district in the Yorkshire and Humber Region).

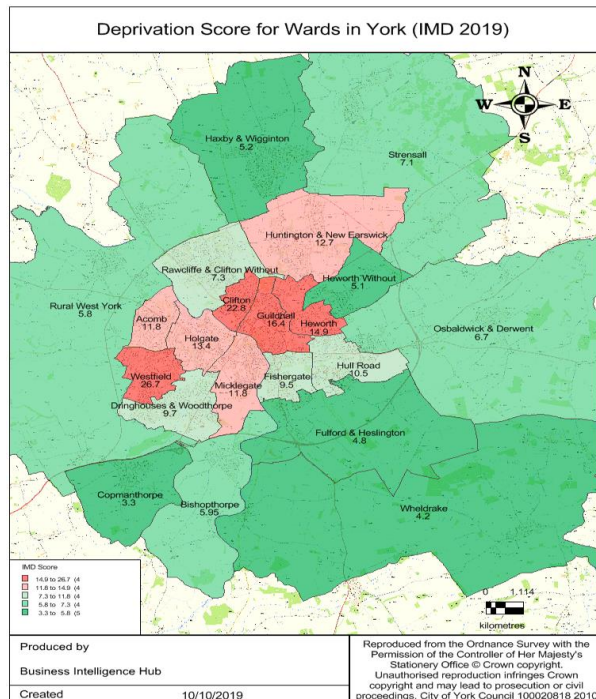
In 2019 York has 1 LSOA falling in the most deprived 10% (decile) nationally and 41 LSOAs falling in the least deprived decile nationally. About a third of LSOAs in York fall in the least deprived decile nationally. York has 6 LSOAs falling in the most deprived 20% (quintile) nationally and 62 LSOAs in the least deprived quintile nationally. About half of LSOAs in York fall in the least deprived quintile nationally.

## 7.2 York areas of deprivation

The map and table below show all of the York Wards and their most recent IMD score, as well as previous year's scores.

### Indices of Multiple Deprivation 2015: York Wards

Ward	2015 IMD score	2019 IMD score
Acomb	12.19	11.76
Bishopthorpe	5.4	5.87
Clifton	24.7	22.79
Copmanthorpe	2.43	3.29
Dringhouses & Woodthorpe	9.64	9.65
Fishergate	9.14	9.5
Fulford and Heslington	5.29	4.77
Guildhall	18.74	16.38
Haxby and Wigginton	4.76	5.25
Heworth	15.81	14.92
Heworth Without	5.53	5.09
Holgate	14.08	13.36
Hull Road	13.02	10.51
Huntington and New Earswick	12.39	12.67
Micklegate	15.64	11.8
Osballdwicken & Derwent	6.87	6.67
Rawcliffe and Clifton Without	7.48	7.3
Rural West York	6.67	5.83
Strensall	7.85	7.14
Westfield	25.8	26.66
Wheldrake	4.6	4.16



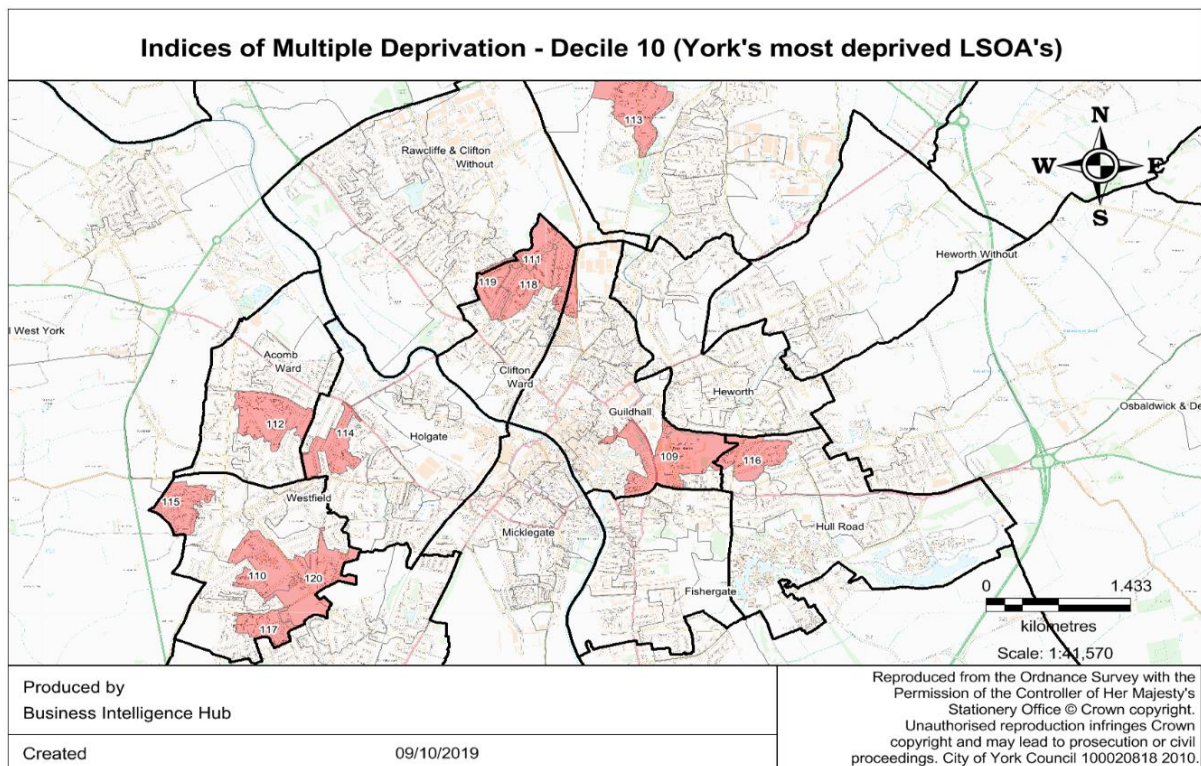
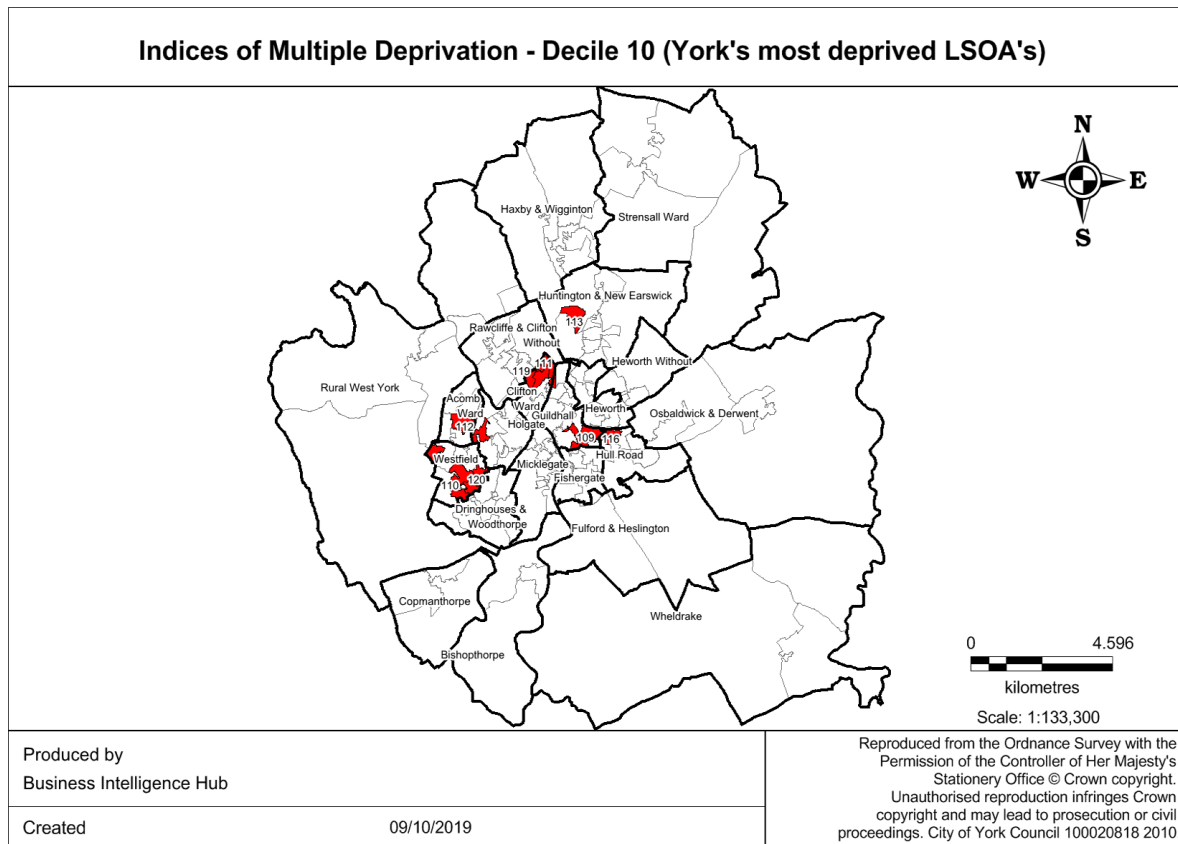
From the above information, it shows Westfield, Clifton and Guildhall to be the most deprived Wards in York. Westfield contains 1 LSOA that features in the most deprived 10% nationally. York has a further 5 LSOAs which are present in the most deprived 20% nationally – 2 LSOAs in Clifton, 2 LSOAs in Westfield and 1 LSOA in Hull Road.

As of the 2019 IMD, these are the 10 LSOAs in York with the greatest deprivation levels:

#### LSOA

1. York 018B Westfield (E01013443)
2. York 009D Clifton (E01013349)
3. York 009C Clifton (E01013347)
4. York 018F Westfield (E01013448)
5. York 015C Hull Road (E01013399)
6. York 018C Westfield (E01013444)
7. York 016B Holgate (E01013394)
8. York 004D Huntington & New Earswick (E01013410)
9. York 012A Acomb (E01013335)
10. York 009E Clifton (E01013350)



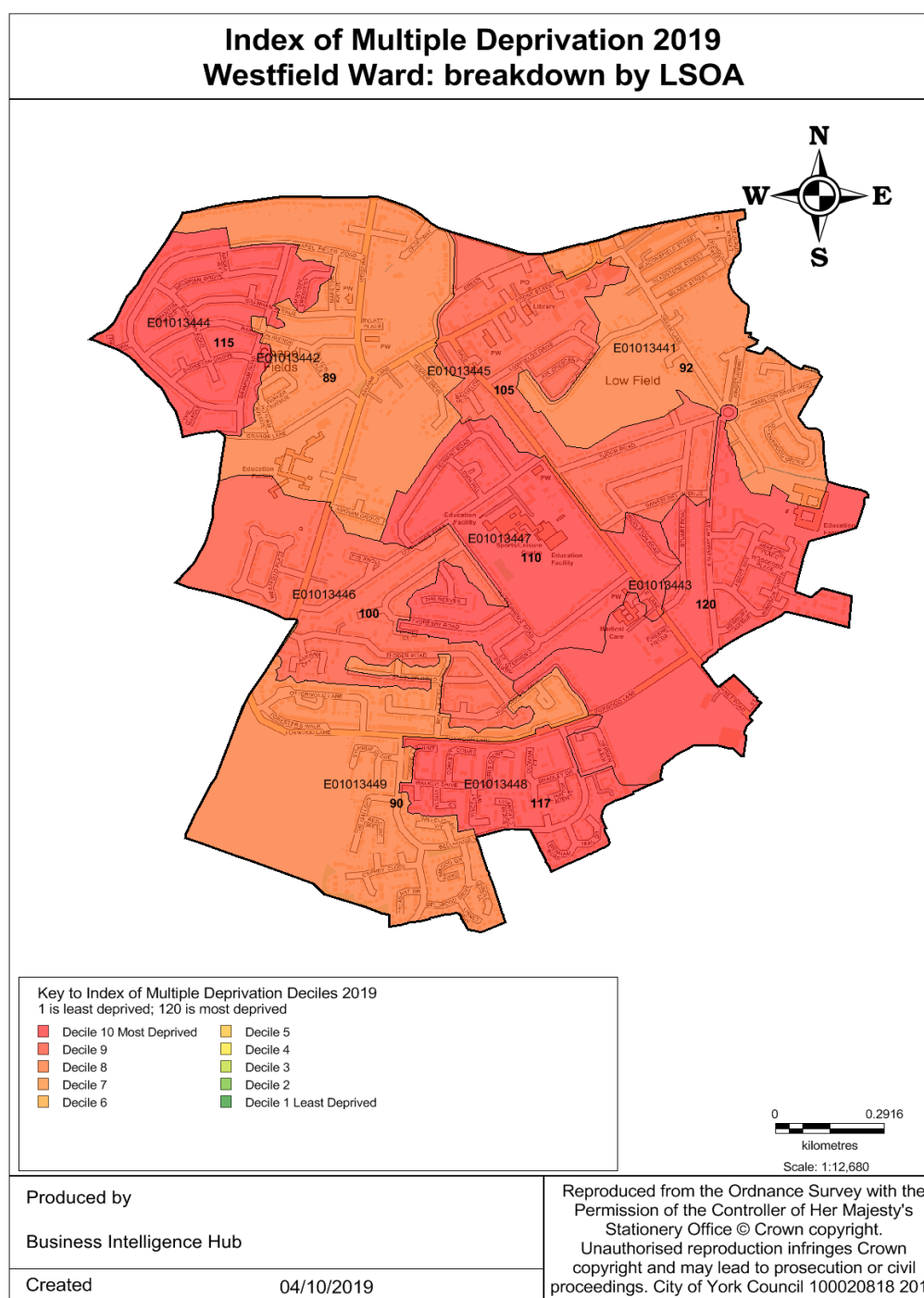


**Westfield** has 14,086 residents with 3.5% from a black and minority ethnic community group. 80.1% are in good health, with 19.2% stating that they have some limitation in day to day activities.

Westfield Ward holds 3 LSOAs out of the 10 most deprived LSOAs in York:

1. York 018B Westfield (E01013443)
2. York 018F Westfield (E01013448)
3. York 018C Westfield (E01013444)

This includes 1 LSOA ranked in the most deprived 10% nationally - York 018B Westfield (E01013443) & 2 LSOAs ranked in the most deprived 20% nationally - York 018F Westfield (E01013448) & York 018C Westfield (E01013444).



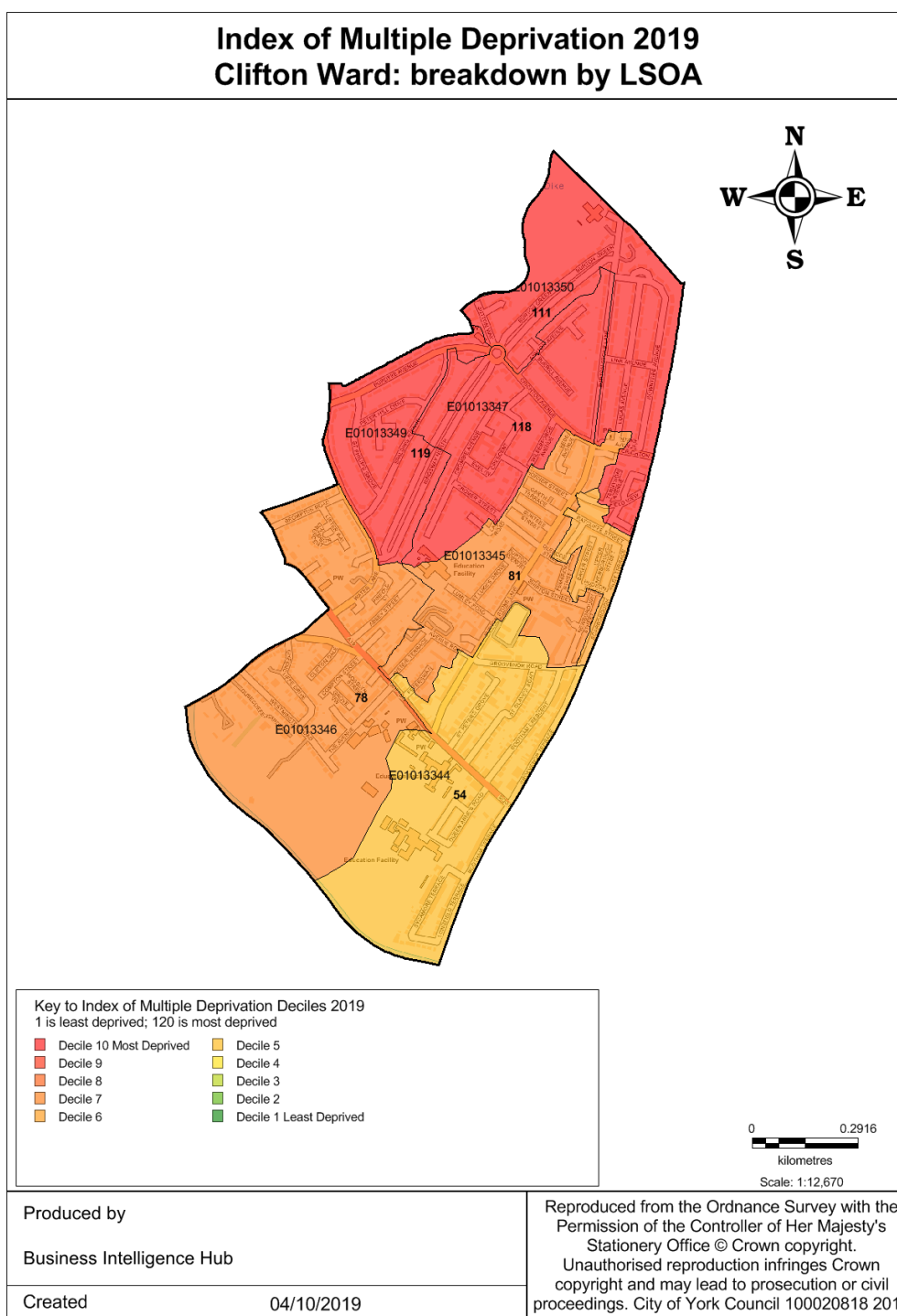


**Clifton** has 9,456 residents with 9.1% from a black and minority ethnic community group. 82.7% are in good health, with 18.5% stating that they have some limitation in day to day activities.

Clifton Ward holds 3 LSOAs out of the 10 most deprived LSOAs in York:

1. York 009D Clifton (E01013349)
2. York 009C Clifton (E01013347)
3. York 009E Clifton (E01013350)

Two these LSOAs are ranked in the most deprived 20% nationally - York 009D Clifton (E01013349) & York 009C Clifton (E01013347).

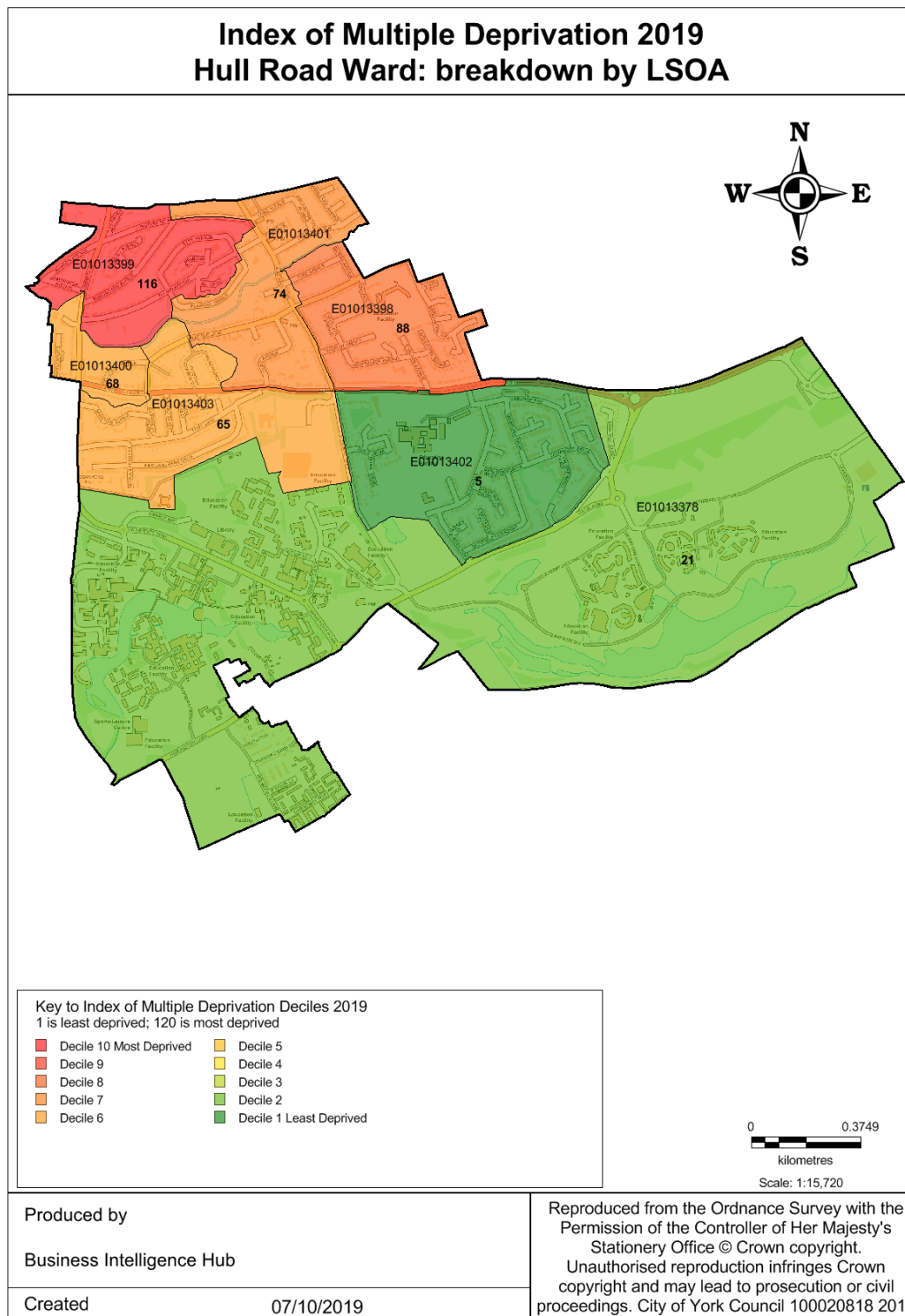


**Hull Road** has 15,358 residents with 15.8% from a black and minority ethnic community group. 86.8% are in good health, with 17.3% stating that they have some limitation in day to day activities.

Hull Road Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

1. York 015C Hull Road (E01013399)

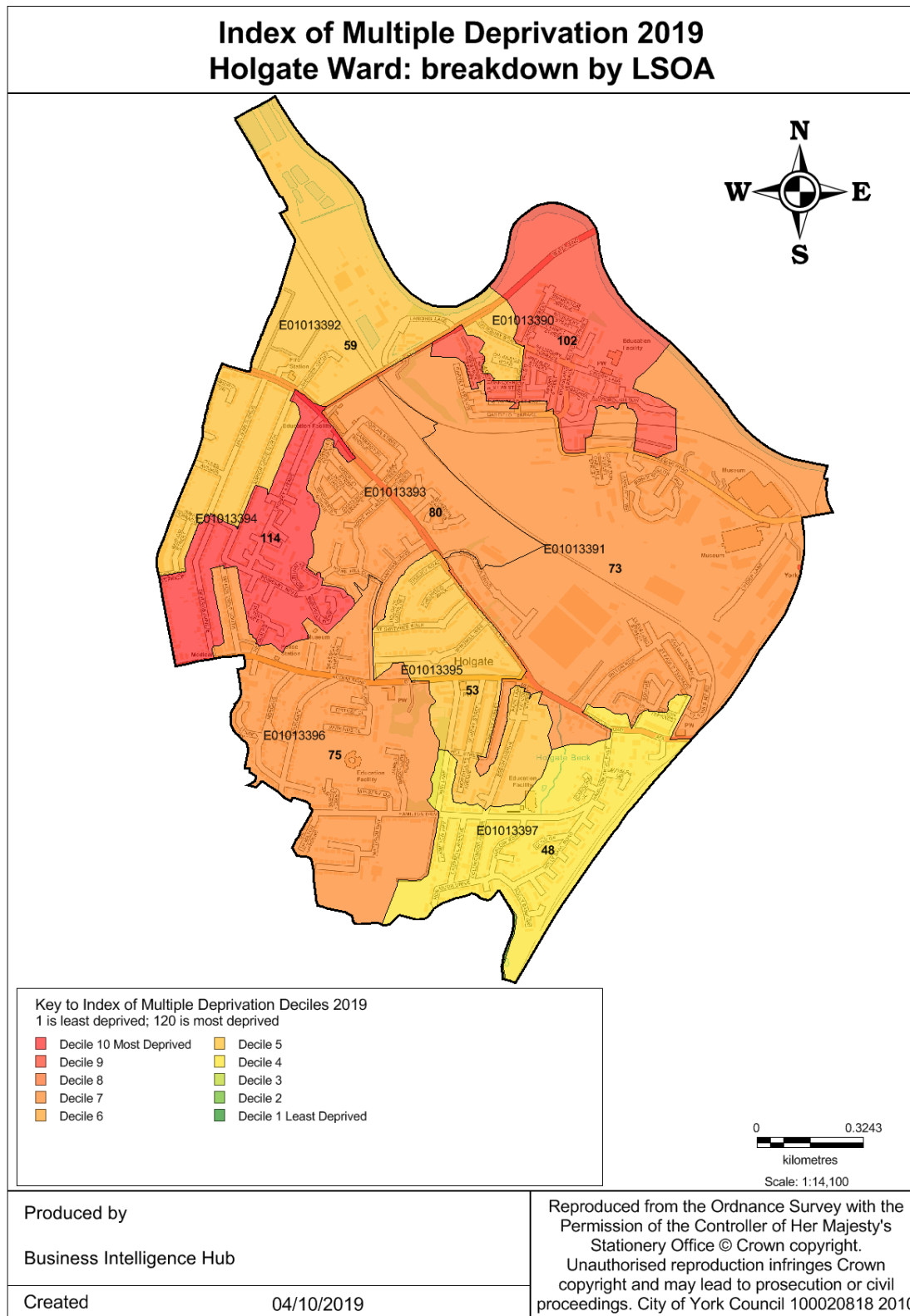
This LSOA is ranked in the most deprived 20% nationally – York 015C Hull Road (E01013399).



**Holgate** has 11,954 residents with 5.3% from a black and minority ethnic community group. 83.7% are in good health, with 16.4% stating that they have some limitation in day to day activities.

Holgate Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

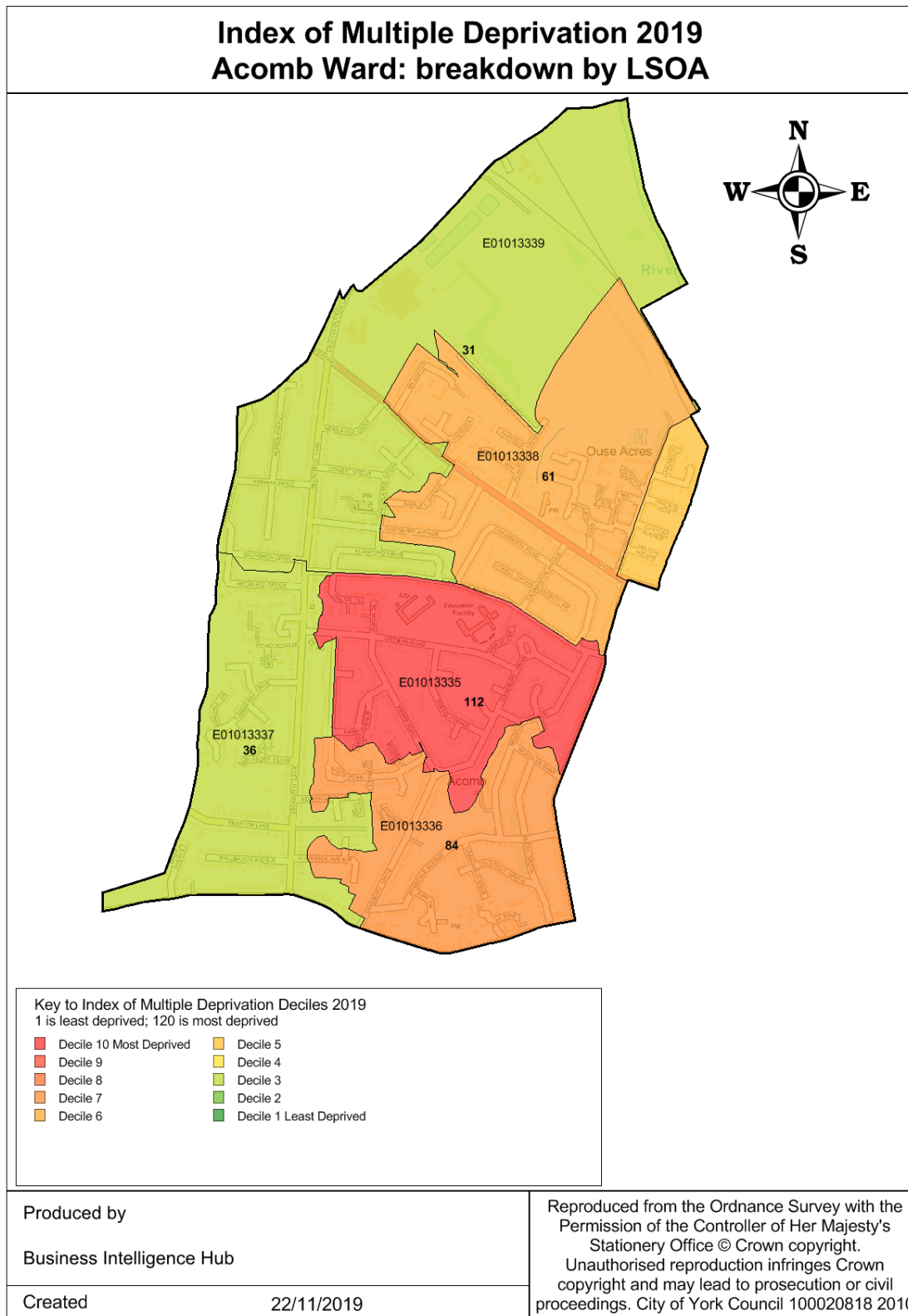
1. York 016B Holgate (E01013394)



**Acomb** has 9,248 residents with 3.6% from a black and minority ethnic community group. 82.8% are in good health, with 16.5% stating that they have some limitation in day to day activities.

Acomb Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

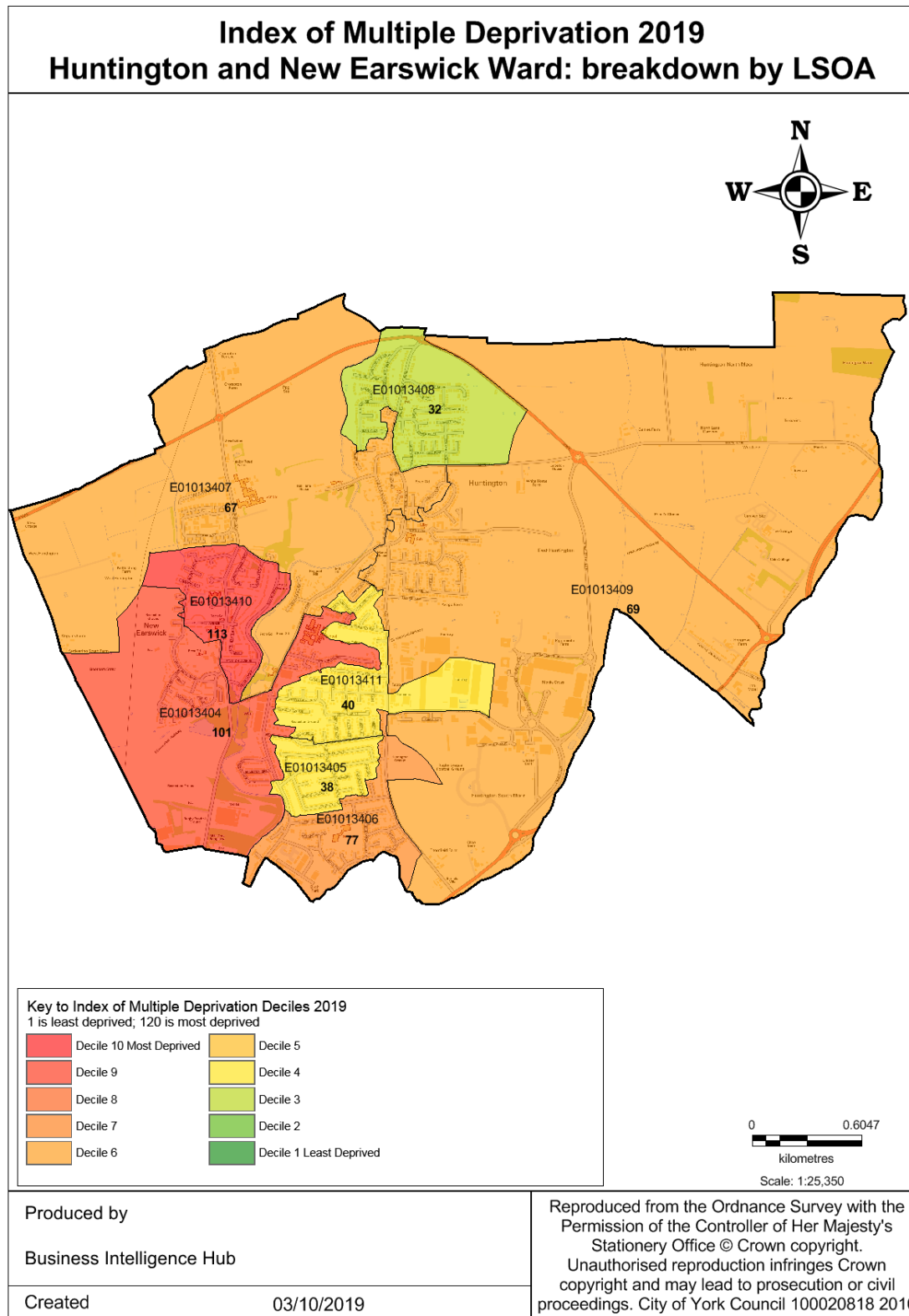
1. York 012A Acomb (E01013335)



**Huntington and New Earswick** has 12,354 residents with 3.8% from a black and minority ethnic community group. 79.4% are in good health, with 19.3% stating that they have some limitation in day to day activities.

Huntington & New Earswick holds 1 LSOA out of the 10 most deprived LSOAs in York:

1. York 004D Huntington & New Earswick (E01013410)



## 8. Sources of Data

1. York Open Data – York Profile <https://data.yorkopendata.org/dataset/york-profile>
2. York Open Data – Ward Profiles  
[https://data.yorkopendata.org/dataset?sort=metadata\\_modified+desc&tags=ward+profiles](https://data.yorkopendata.org/dataset?sort=metadata_modified+desc&tags=ward+profiles)
3. Statistics on gambling participation and problem gambling – Annual Report June 2021 (Gambling Commission)
4. Gambling participation: activities and mode of access - May 2023
5. Gambling participation in 2019: behaviour awareness and attitudes – Annual Report Feb. 2020 (Gambling Commission)
6. Office for National Statistics (ONS) <https://www.ons.gov.uk/>
7. Civica – City of York Council

**Licensing & Regulatory Committee**

6 February 2025

Report from the Director – Environment, Transport &amp; Planning

**Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Policing and Crime Act 2009****Renewal of a Sex Establishment Licence for First Floor of Ziggy's  
(Known as Club 55), 53-55 Micklegate, York, YO1 6LJ  
Licence Number CYC019257****Summary**

1. This report seeks Members determination of an application to renew a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Ziggy's (Club 55), 53-55 Micklegate, York, YO1 6LJ.
2. Name of applicant: Ziggy's Limited
3. Summary of Application: A copy of the application is attached at Annex 1 of this report and is summarised as follows. This is an application for the renewal of a Sex Establishment Licence with hours of opening Friday and Saturday 23:00 hours to 03:00 hours and 21:00 hours to 05:00 hours on York Racecourse Race Days only.
4. A sex establishment licence is valid for 12 months; the licence holder must submit an application to renew the licence to the Licensing Authority before the existing licence expires if they wish to continue running a sexual entertainment venue. A copy of the licence to be renewed is attached at Annex 2.
5. The premises currently has a premises licence issued under the Licensing Act 2003. A copy of the premises licence is attached at Annex 3 and is summarised as follows:



<b>Licensable Activity</b>	<b>Permitted Days &amp; Hours</b>
Films	Monday to Sunday 10:00 – 05:00
Live Music	Monday to Sunday 10:00 – 05:00
Recorded Music	Monday to Sunday 10:00 – 05:00
Performance of Dance	Monday to Sunday 10:00 – 05:00
Activities like Performance of dance	Monday to Sunday 10:00 – 05:00
Late Night Refreshment	Monday to Sunday 23:00 – 05:00
Supply of Alcohol (on and off sales)	Monday to Sunday 10:00 – 04:30
Opening Hours	Monday to Sunday 10:00 – 05:00
Non-Standard Timings	<p>From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p> <p>On York Racecourse race days 10:00 - 06:00</p> <p>An additional hour on the morning clocks go forward.</p>

## Recommendations

- Members are asked to determine the application for the renewal of the licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by the Policing and Crime Act 2009.

Reason: To consider renewal of the sexual entertainment licence as required by the legislation.

## Background

- On 6 April 2010, section 27 of the Policing and Crime Act 2009 was introduced. This legislation reclassified lap dancing clubs and other similar venues as 'sexual entertainment venues'; for which a sex establishment licence is required under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This allows Local Authorities who have adopted the provisions of the legislation to regulate lap dancing clubs and similar venues under the same regime as sex shops.
- Sexual entertainment venues are defined in the legislation as 'any premises at which relevant entertainment is provided for a live audience



for the financial gain of the organiser or the entertainer'. The meaning of relevant entertainment is 'any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)'.

9. This Authority adopted the provisions of the legislation on 7 October 2010 when the resolution was approved by full council.
10. City of York Council's Licensing of Sex Establishments Licensing Policy was reviewed, and a revised policy was adopted on 27 April 2017 with immediate effect. A copy of this policy can be found at <https://www.york.gov.uk/downloads/file/213/sexual-entertainment-venues-policy-and-procedure>
11. A copy of City of York Council's Standard Conditions for Sexual Entertainment Venues is attached at Annex 4.
12. Council and North Yorkshire Police Licensing Officers visited the premises on the 29 November 2024 to undertake an inspection in relation to the premises and sex establishment licences, due to matters identified with regards to non-compliance with licence conditions a warning letter was issued on the 3 December 2024, and a further inspection was undertaken by Officers on 23 December 2024 and have confirmed that all conditions are being complied with.

## **Consultation**

13. Consultation was carried out by the applicant and the Licensing Authority in accordance with paragraph 10 of Schedule 3 of the 1982 Act relating to the process which the applicant must follow for the application for renewal to be considered valid, the applicant must:
  - display a notice of the application on or near the premises for a period of 21 days.
  - within seven days after the date of the application publish an advertisement in a local newspaper and send a copy of the application to the Chief Officer of Police.
14. Objections must be received within 28 days after the date of the application.
15. North Yorkshire Police objected to the renewal of the licence following the inspection detailed in paragraph 12. This objection was withdrawn

on 24 December 2024 following the revisit. No other objections were received.

16. A map showing the location of 53-55 Micklegate is attached at Annex 5.

### **Relevant Legislation – Grounds for Refusal**

17. When considering the application, the Authority does not have an unfettered discretion as to whether to refuse an application or grant a renewal or transfer. The grounds on which an application could be refused are set out in paragraph 12 to Schedule 3 of the 1982 Act.

### **Mandatory grounds for the refusal of an application**

18. The mandatory grounds for the refusal of an application for a sex establishment licence are that the applicant:
- a) is under the age of 18;
  - b) is for the time being disqualified from holding a sex establishment licence;
  - c) is not a body corporate, and is not in resident or has been resident in an EEA state for six months immediately preceding the date of the application;
  - d) is a body corporate which is not incorporated in an EEA state;
  - e) has in the period of twelve months preceding the date of application been refused the grant or renewal of a licence for the premises, vehicle, vessel, or stall in respect of which the application is made, unless the reversal has been reversed on appeal.
18. There are no mandatory grounds for refusing this application.

### **Discretionary grounds for the refusal of an application**

20. Discretionary grounds for the refusal of an application for a sex establishment licence are that:
- a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or any other reason – the applicant has not declared any convictions on the application form and the police have not objected to this application;

- b) if the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
  - c) the number of sex establishments, or sex establishment of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality – this premises is the only licensed sexual entertainment venue within the determined suitable locality;
  - d) the grant would be inappropriate, having regard –
    - to the character of the relevant locality;
    - to the use to which any premises in the vicinity are put;
    - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
21. When considering the suitability of the applicant to hold a licence the council will consider such matters it considers to be relevant, this could include any issues identified with the operation of the premises and any complaints received.
22. Guidance on relevant locality can be found at Annex 6, paragraphs 3.32 to 3.38.
23. Within the licensing policy the council has determined a suitable locality for sexual entertainment venues, an area within the city centre. A limit on the number of sexual entertainment venues permitted within this locality has also been determined; the appropriate number of sexual entertainment venues in the city centre area is a maximum of one, providing those premises are not too near and/or do not impact properties with sensitive uses or in sensitive locations. At the present time this is the only sexual entertainment venue within York.

## Options

24. By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee have the following options available to them in making their decision:
25. Option 1: Grant a renewal of the licence as requested.
26. Option 2: Renew the licence with modified/additional conditions imposed by the Licensing Committee.

27. Option 3: Refuse the application for renewal on one or more of the discretionary grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

## Analysis

28. The following could be the result of any decision made by this Committee:
29. Option1: This decision could be judicially reviewed by objectors. Objectors cannot appeal this decision at Magistrates Court.
30. Option 2: This decision could be appealed at Magistrates Court by the licence applicant.
31. Option 3: With the exception of a decision to refuse an application on a ground specified in paragraph 12(3) (c) or (d) of Schedule 3 to the 1982 Act, the licence applicant may appeal against the decision made to the Magistrates' Court.

## Council Plan

32. The Council are supporting new and existing licence trade, as well as local residents and businesses. The functions support the Council Plan commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

## Implications

33. The implications arising directly from this report are:
- **Financial** - N/A
  - **Human Resources (HR)** – N/A
  - **Equalities** – An Equality Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment venue licence renewal for Club 55 will not have an adverse impact or unlawfully discriminate against any protected characteristics.
  - **Legal** – The Council has the ability to control the licensing of sexual entertainment venues having adopted Schedule 3 to Local

Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

Paragraph 8 of Schedule 3 to the 1982 Act provides that where it determines to grant a sex establishment licence, the Council is empowered to impose such conditions or restrictions as it deems appropriate.

Paragraph 12 of Schedule 3 to the 1982 Act sets out a number of mandatory grounds for refusal of a sex establishment licence and also discretionary grounds for refusal of a sex establishment licence.

In considering this application the Committee should have regard to:

- Schedule 3 to the 1982 Act, as amended by Policing and Crime Act 2009.
- The Council's Policy for the Determination of Applications for Sexual Entertainment Venues.
- The Home Office – Sexual Entertainment Licence – Guidance for England and Wales which states that “Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12” [of Schedule 3 to the 1982 Act].

The Human Rights Act 1998 and the general principles of natural justice apply to this matter. The Committee must act proportionately, consider the rights of all parties affected by the application and ensure that the hearing of the application is fair.

Members of the Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application on its own merit.

- **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

34. All Members are aware that any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of reputation and potential financial penalty.
35. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with the proper grounds for considering the application as set out within this report, there are no known risks involved with this recommendation.

### Contact Details

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>			
Lesley Cooke Licensing Manager Ext 1515	James Gilchrist Director Environment, Transport & Planning			
	<b>Report Approved</b>	√	<b>Date</b>	13.01.2025

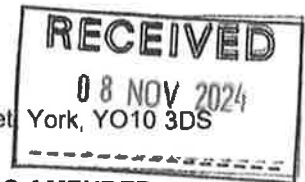
<b>Wards Affected:</b> Micklegate
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### Annexes

- Annex 1** - Copy of application for renewal of SEV
- Annex 2** - Copy of current Sex Establishment Licence to be renewed
- Annex 3** - Copy of Premises Licence issued under the Licensing Act 2003
- Annex 4** - Copy of CYC Standard Condition for Sexual Entertainment Venue
- Annex 5** - Map showing location of Premises
- Annex 6** - Legislation Extracts



CITY OF YORK COUNCIL  
Licensing Services, Hazel Court EcoDepot, James Street



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED**  
**SCHEDULE 3 – CONTROL OF SEX ESTABLISHMENTS**  
**Application for the Grant / Renewal / Transfer of a Sex Establishment Licence**

**TYPE OF VENUE**

☒ **Sexual Entertainment Venue**

☐ **Sex Shop**

☐ **Sex Cinema**

**TYPE OF APPLICATION**

☐ **Grant**

☒ **Renewal**

☐ **Transfer**

**APPLICANT DETAILS**

1. Is the applicant:

☐ An individual

(please answer questions 2, 5 to 9)

☒ A company or other corporate body

(please answer questions 3, 5 to 9)

☐ A partnership or other unincorporated body

(please answer questions 4, 5 to 9)

2. Full name of applicant (individual): **ANDREW GREGORY ELLIOTT**

Former or previous names:

Home address: **ELVA COTTAGE**

**HIGH MOOR LANE**

Post town: **YORK**

Post code: **YO30 1A2**

Telephone numbers:

Date of birth:

Email address:

3. Name of applicant (company name): **ZIGGY'S NIGHTCLUB LTD**

Address of registered or principal office:

**SEE ABOVE**

Post town:

Post code:

Registration number: **12423908**

Email address:

4. Name and address of applicant:

Names and addresses of applicant's partners (please use additional sheet):

5. Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:

MARIANNA EULAZJEK UNSCOTT

6. a. Has the applicant ever been known by any other name? YES / ☒ NO
- b. Has the applicant ever been convicted of a criminal offence? YES / ☒ NO
- c. Has the applicant ever been refused a sex establishment licence? YES / ☒ NO
- d. Has the applicant ever had a sex establishment licence revoked? YES / ☒ NO
- e. Has the applicant ever been served with a winding up petition? YES / ☒ NO

If the answer to any of these questions is yes, please provide details:

7. Applicants' trading address or head office (other than the premises)

SEE 1.

8. Will the business for which this licence is sought be carried on for the benefit of a person other than the applicant? YES / ☒ NO

If the answer is yes, state the name, address, place of registration, registered number and the identity of all directors, company secretary and those with a greater than 10% shareholding (use separate sheet if necessary).

9. Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each.

NO



## PREMISES DETAILS

10. Please state the name the business will be known as:

CLUB SS

11. Is the premises a ☒ Building ☐ Vehicle ☐ Vessel ☐ Stall

12. Where is it proposed to use the vehicle, vessel or stall? /

13. Does the company propose to only operate on the internet?  
(f yes answer Q14 to 19 only)

NO

14. Premises address

SS SS NICHEGATE

Post town YORK

Post code

YO1 6LJ

Telephone number at premises

15. Which part of the premises is to be used as a sex establishment?

1<sup>st</sup> FLOOR.

16. Is the applicant ☒ owner ☐ lessee ☐ sub-lessee ☐ other

17. If the applicant rents the property state:

a. Name and address of landlord:

b. Name and address of the superior landlord:

N/A

c. Total annual rental:

d. Length of unexpired term:

e. Notice required to terminate tenancy:

18. Please provide details of the building management company (if appropriate):

N/A

19. State the current use of the premises:

AS IS.

20. Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises? **N/A** YES / NO

21. Can members of the public access the premises:  
a. Directly from the street? YES / NO  
b. From other premises? YES / NO  
c. Not at all? (internet sales only) YES / NO

22. Are the premises currently being used as a sex establishment?  
Please provide details of the business currently operating the business:

**YES** **FRIDAY & SATURDAY** **11 PM - 3 AM**  
**EXCEPT RACES**

#### OPERATING SCHEDULE

23. Opening hours: (If internet sales only please tick here ☐ and continue to Q 26)

Monday	Tuesday	Wednesday	Thursday	Friday
				<b>11-3</b>
Saturday	Sunday			
<b>11-3</b>		<b>SAME AS IS.</b>		

Any non-standard timings:

**RACES 9PM - 5AM.**

24. Has the applicant entered into any written or oral agreement in connection with the business, for example a management agreement, partnership agreement or profit share arrangement? Please provide details.

a. Please provide details of any lender, mortgage or others providing finance:

b. Please provide details of any merchandising agreements:

**N/A.**

#### PREMISES MANAGEMENT

25. Please state the name of the person who will be in day to day control of the premises (the manager).

**MARIANNA ELIZABETH UNSCOTT**

a. Will the manager be based at the premises  
b. Will the management of the premises be the manager's sole occupation

**YES / NO**  
**YES / NO**

26. Who will be in control of the premises in the manager's absence (relief manager)?

**PAYSHA REANEY**

a. Will the relief manager be based at the premises in the absence of the manager?

**YES / NO**

If you have ticked no to any of the above please provide details.

## EXTERNAL APPEARANCE AND ADVERTISING – DO NOT COMPLETE FOR RENEWAL APPLICATION

27. Please describe the proposed exterior signage and advertising. Please include nature, content and size of each sign and any images to be used:

SAME AS IS.

Please note that a drawing of the front elevation is required to be submitted with this application.

28. Please describe how the interior of the premises is obscured to passersby:

SAME AS IS.

29. Please describe any proposed window displays:

N/A.

30. Please describe how the business is to be advertised, ie business cards, billboard advertising, personal solicitation, advertising on motor vehicles, radio or television advertising:

INSTAGRAM  
WEBSITE

## APPLICATIONS FOR SEXUAL ENTERTAINMENT VENUES ONLY

31. Is the proposal for full nudity?

YES / NO

32. Describe the nature of the entertainment eg lap-dancing, pole dancing, stage strip tease:

LAP DANCING  
POLE.

33. State measures to ensure employees age and right to work in the UK:

19 CHECK.

34. Describe training and welfare policies:

SAME AS IS.

Please enclose a copy of the welfare policy for performers (or equivalent document).

35. Please set out any further information you wish the authority to take into account.

36. Is there any information on this form you do not wish to be seen by members of the public?  
If so state which information and the reasons why you do not wish it to be seen.

NO

#### CHECKLIST & ENCLOSURES

##### Enclosures

I have made or enclosed payment of the fee  
I have enclosed three sets of plans of the premises  
I have enclosed a drawing of the street elevation of the premises  
In the case of an application to transfer the licence, include the completed Consent to Transfer form

☒  
☐  
☐  
☐

#### DECLARATION

I declare that I have served notice of this application on North Yorkshire Police.

I declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and will remain thereon for a period of 21 days. A copy of the notice and the standard declaration is enclosed.

I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the local press.

A copy of the relevant press edition will be forwarded to the City of York Council Licensing Section.

I understand that if I do not comply with the above requirements my application will be rejected.

Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to an unlimited fine.

#### SIGNATURES

Signature of applicant or applicant's solicitor or other duly authorised agent, If signing on behalf of the applicant please state in what capacity.

Signature .....

Signature .....

Name (print) .....

Name (print) .....

Date .....

Date .....

Capacity .....

Capacity .....

Contact name (where not previously given) and address for correspondence associated with this application:

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by email, your email address (optional)



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**  
**SCHEDULE 3 AS AMENDED BY POLICING AND CRIME ACT 2009**

**SEX ESTABLISHMENT LICENCE**

The City of York Council hereby grant renewal of a Sex Establishment Licence to:

Ziggy's Ltd  
Ella Cottage  
Shipton  
York  
YO30 1AZ

to use the premises known as:

**55 Club  
(1<sup>st</sup> Floor)  
53-55 Micklegate  
York  
YO1 6LJ**

for the purposes of a sex establishment comprising a sexual entertainment venue as defined in Schedule 3 to the above Act.

This Licence is granted subject to the conditions set out in the schedule below.

A fee of £1292.00 has been paid for this licence.

This licence shall continue in force from 1 December 2023 until 30 November 2024 unless previously revoked.

Renewal granted on  
16 January 2024

A handwritten signature in black ink, appearing to be 'Hus'.

Signed .....  
For and on behalf of the  
Corporate Director of Place

**SCHEDULE**

1. A copy of this Licence and any Regulations prescribing standard conditions made by the authority must be kept exhibited in a position visible to customers.
2. Any external indication of the nature of the business is prohibited.
3. The creation of any new windows or other openings in the external structure of the building is prohibited.
4. This licence only covers the first floor of 53-55 Micklegate, York, YO1 6LJ.
5. That the standard hours of opening be limited to Monday to Sunday 21:00 hours to 03:00 hours. Non-standard hours of opening to be extended on York Racecourse Race Days only 18:00 hours to 04:30 hours.
6. Where a Licensee is a body corporate or an un-incorporated body any change of Director, Company Secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change. Such written details as the Council may require in respect of any new Director, Secretary or Manager are to be furnished within 14 days of a request in writing from the Council.
7. The Licensee or a responsible person nominated in writing for the purpose of managing the sex establishment in their absence and of whom details (including 2 photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the premises during the whole time they are open to the public. This condition shall be read in conjunction with condition 8 below.
8. The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the sex establishments in his unavoidable absence, and the names and addresses of those employed in the sex establishment. The register is to be completed each day within 30 minutes of the sex establishments opening for business and is to be available for inspection by the Police and by authorised officers of the Council.
9. The name of the person responsible for the management of a sex establishment be they the Licensee or a Manager approved by the Council shall be prominently displayed within the sex establishment throughout the period during which they are responsible for its conduct.
10. The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.
11. The Licensee shall maintain good order in the premises.
12. A notice stating that persons under the age of 18 may not enter the premises shall be prominently displayed at the entrance.
13. The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
14. No part of the premises shall be used by prostitutes (any gender or sex) for the purposes of solicitation or of otherwise exercising their calling.

15. Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.
16. A copy of the licence and of these conditions shall be exhibited in a prominent place within the premises where the public may see and read them. These displays shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these conditions shall be retained in a clean and legible condition.
17. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
18. No change between the uses of a sex shop, sex cinema or sexual entertainment venue shall be effected without the consent of the Council.
19. The Licence Holder shall comply with requirements relating to external appearance of the licensed premises as the Council may consider reasonably necessary. The Licensee shall give prior notice to the Council of any proposed change to the external appearance of the premises and shall support the prior notice by the submission of detailed drawings to show the proposed changes.
20. Without prejudice to the generality of condition 19 above, no display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises unless the prior approval of the Council has been received in writing.
21. The entrance doors to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.
22. Windows and openings to the premises other than the entrances shall be obscured in a manner and with such material as may be approved by the Council. Plans and drawings showing the proposed scheme shall be submitted to the Council for prior approval. This condition shall not be construed as lessening the obligation of the Licensee under condition 21 hereof.
23. Lighting in all parts of the premises as approved by the Council shall be in operation continuously during the whole of time that the sex establishment is open to the public.
24. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:
  - a) All doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit".
  - b) Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked "Private".
  - c) Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.

25. No fastening of any description shall be fitted upon any booth or cubicle within the sex establishment nor shall more than 1 person (including employee be present in any such booth or cubicle at any time).
26. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
27. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.
28. The premise will be conducted in a decent, sober and orderly manner at all times. Steps will be taken to ensure that none of the following takes place:
  - a) indecent behaviour including sexual intercourse
  - b) the offer of any sexual or other indecent service for reward
  - c) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.
  - d) any acts of violence against persons or property and/or the attempt or threat of such act likely to cause a breach of the peace.
29. All performers shall be over 18 years of age.
30. Notices to be displayed within the premises and at the entrance informing customers of the "House Rules" that affect them and a warning that "adult entertainment" is provided within the premises.
31. Written information shall be given to the dancers/entertainers advising them of the house rules for performers and customers and possible consequences of failure to comply.
32. Adult entertainment shall not take place in a location that could be viewed from outside the premises.
33. Advertising of adult entertainment either on the premises or otherwise shall not include any photographs or images which indicate that entertainment involving nudity or sexual performance takes place on the premises.
34. CCTV for both monitoring and recording shall be installed, maintained and operated in accordance with Data Protection guidelines and will cover all areas where dancing takes place, including each dance booth. All cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a period of 28 days with times and dates indicated. These recordings shall be kept secure and shall be made available to an authorised officer of the Local Authority or a Police Officer on request. The new CCTV system must be in place by 1<sup>st</sup> June 2015.
35. Performers shall be provided with separate dressing/changing rooms which shall be located so as to be separate and set apart from the public facilities. No person other than performers and authorised staff will be allowed in or near the dressing/changing room. Safe and controlled access to the dressing/changing room will be maintained at all times.
36. There shall be at least one female member of staff authorised to be responsible for the safety and welfare of the performers.



37. At least two SIA (Security Industry Authority) registered door supervisors shall be present when the sexual entertainment premises are open to the public with one SIA door supervisor being positioned on the first floor landing throughout the performance (therefore being present in the area in which the performance takes place) and one at the main entrance to the premises on the ground floor.
38. Dance entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose. Audience participation shall not be permitted.
39. Dance entertainment shall only be performed in the areas of the club as marked on the plans deposited with the Licensing Authority and with the Authority's approval. These areas can only be changed with the approval of the Licensing Authority.
40. If performers are invited to have a drink with a customer, the performer will remain fully clothed during this period. Performers will not be paid commission on the sale of beverages.
41. On leaving the premises performers will be escorted to their transport by a door supervisor.
42. Adult entertainment shall not take place before 21:00, except for York Race Days as specified elsewhere in the licence.
43. The premises licence holder shall ensure that the house rules for both customers and performers are strictly adhered to.
44. Dancers will be provided with separate secure dressing rooms, facilities to secure valuables and proper sanitation facilities. No person other than performers and authorised staff will be allowed in or near the dressing rooms, therefore safe and controlled access will be maintained at all times.

**ANNEX 1**

**House Rules (Customers)**

1. Dancers may only dance to seated customers.
2. Customers must remain clothed at all times.
3. Dancers must not be touched by the customer while they are dancing except for the placing of gratuities into the hand or garter of the dancer at the beginning or conclusion of the performance.
4. No person shall take any video recordings or photographs by any means of the authorised adult entertainment.
5. No persons other than performers and authorised staff shall be permitted in the dressing/changing rooms.
6. Dancers shall re-dress at the conclusion of the performance.
7. Customers who fail to comply with these rules shall be removed from the premise by the management or security staff
8. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.
9. The duty manager and security staff will ensure that all customers and performers adhere to the house rules.

## **ANNEX 2**

### **House Rules (Performers)**

1. All performers shall be over 18 years of age. Prior to engagement all performers will provide documentation that they are aged 18 years or over. Checks will be made to make sure the necessary legal work permits to work in the United Kingdom are in place. Should performers be employed from an agency the same checks will be carried out. Management shall keep written record of these checks which shall be available to authorised officers of the council and the Police.
2. No performer shall be allowed to work, if under the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.
3. No performance shall involve the use of sex articles, as defined in the Local Government (Miscellaneous Provisions) Act 1982.
4. Performers shall not use any props or clothing in the act which portrays them as a minor.
5. Garters worn for the collection of gratuities shall be situated no higher than mid-thigh.
6. Dancers shall re-dress at the conclusion of the performance and are to remain clothed (minimum bikini top and bottoms) at all times except when giving a performance.
7. Performances of adult nature must be restricted to the designated areas.
8. All staff and performers are forbidden to give personal details including real name and address or other contact details of any other performer or staff member to a customer. Performers are strongly advised not to pass their own personal details to customers.
9. The duty manager and security staff will ensure that all customers and performers comply with the house rules.

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**ANNEX 3****LICENSING ACT 2003****PREMISES LICENCE****Schedule 12****Part A****Part 1 Premises details**

Premises licence number CYC - 009397
---

Postal address of premises:

**Ziggy's Nightclub Limited**  
**53-55 Micklegate**

Post town: **York**Post code: **YO1 6LJ**

Telephone number: 01904 620602

**Expiry date:** This licence has no expiry date.**Licensable activities authorised by the licence:**

Films  
 Live Music  
 Recorded Music  
 Performances of Dance  
 Activities like music/dance  
 Late Night Refreshment  
 Supply of Alcohol

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

Indoors

Monday  
 10:00-05:00

Tuesday  
 10:00-05:00

Wednesday  
 10:00-05:00

Thursday  
 10:00-05:00

Friday  
 10:00-05:00

Saturday  
 10:00-05:00

Sunday  
 10:00-05:00

LIVE MUSIC

Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

RECORDED MUSIC

Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

PERFORMANCES OF DANCE

Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

ACTIVITIES LIKE MUSIC/DANCE

Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

LATE NIGHT REFRESHMENT

Indoors

Monday 23:00 - 05:00	Tuesday 23:00-05:00	Wednesday 23:00-05:00	Thursday 23:00-05:00
Friday 23:00-05:00	Saturday 23:00-05:00	Sunday 23:00-05:00	

SUPPLY OF ALCOHOL

Monday 10:00-04:30	Tuesday 10:00-04:30	Wednesday 10:00-04:30	Thursday 10:00-04:30
Friday 10:00-04:30	Saturday 10:00-04:30	Sunday 10:00-04:30	

Non Standard Timings for Films, Live Music, Recorded Music, Performance of Dance and Activities like Music/Dance:

On York Racecourse race days 10:00 - 06:00

An additional hour on the morning clocks go forward.  
Non Standard Timings for Supply of Alcohol:

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

On York Racecourse race days 10:00 - 05:30  
An additional hour on the morning clocks go forward.

**The Opening Hours of the Premises**

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

Non Standard Timings:

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

On York Racecourse race days 10:00 - 06:00

An additional hour on the morning clocks go forward.

**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: Ziggy's Nightclub Limited

Address: 53-55 Micklegate  
York  
YO1 6LJ

Telephone number: [REDACTED]

Email address: [REDACTED]

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

03540561

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

Name: Mr Andrew Gregory Elliott

Address:

[REDACTED]

Telephone number:

[REDACTED]

**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 010177

## **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;

(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.
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).

## **Embedded Restrictions**

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

1) The restrictions to permitted hours do not prohibit:

- a) the sale or supply of alcohol to, or consumption of alcohol by, any person residing at the licensed premises
- b) 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
- c) 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.

#### **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.

#### **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.

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

### **Licensing Objectives**

#### **Prevention of Crime & Disorder**

- 1. SIA licensed door staff will be employed at the premises.
- 2. CCTV cameras cover both the interior and the exits to the club.
- 3. The premises will participate in any radio link scheme linking a majority of local licensed premises to the police.

4. The maximum occupancy of the premises will be 500 persons.
5. All off sales of alcohol shall be made in sealed containers.

#### Public Safety

6. Complies with current local authority and fire service safety regulations with regard to emergency lighting, fire alarms and electrical installation checks etc.

#### Public Nuisance

7. Notices will be displayed at the Micklegate exit asking customers to leave the premises quietly.
8. During the operation of amplified equipment and regulated entertainment all doors, including fire doors, shall be kept shut when not in use. With the exception to the front door which may remain open during opening hours, providing that the noise emanating does not cause a nuisance to any noise sensitive premises.
9. Notices will be displayed in the car park asking customers to have regard for neighbours by leaving the area quietly.

#### Protection of Children from Harm

10. No under 18s are allowed on the premises unless at an arranged under 18 event run in conjunction with the local authority and police.
11. Proof of age scheme is in operation.

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

#### **Review Conditions**

1. All music in the basement area shall be via the dBX DriveRack PA noise limiter or similar noise limiter to be agreed with City of York Council's Environmental Protection Unit prior to use.
2. Prominent, clear and legible signs shall be displayed in the DJ area to inform DJs that all music is to be played through the noise limiter provided.
3. An alarm system shall be installed and be operational during hours of opening to the public which alerts staff when the rear fire door has been opened.
4. Prominent, clear and legible notices shall be displayed on all fire exits stating that fire exits are for emergency use only.
5. Documented patrols shall be carried out by members of staff at no less than hourly intervals during the hours of opening to the public. These checks shall be undertaken outside the building to the front and rear to check for noise from inside the premises and noise from customers outside the venue to ensure compliance with Condition 8.
6. Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years.

7. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.
8. No music or amplified sound shall be audible at the boundary of the car park to the rear of the premises.
9. During hours the premises is open to the public, fire doors shall be fitted with non-locking restrictions which prevent their opening except in an emergency.

### **Hearing Conditions**

1. There will be no entry / re-entry to the premises (save for persons who have gone to the designated smoking area) after 04:00hrs.
2. A CCTV system will be installed and maintained at the premises. Images will be retained for a minimum period of 28 days and be made available to officers of the responsible authorities on request.
3. The outside smoking area will be monitored by a designated member of staff whose duty it is to ensure that no disturbance is caused by those using the smoking area.
4. The premises will operate a written queuing and dispersal policy to ensure customers leave quietly. That policy will be operated and a copy made available to officers of the responsible authorities on request.
5. Bottle bins will be emptied between 09:00hrs and 23:00hrs.
6. All windows and doors opening onto the rear car park area of the premises shall be kept closed during regulated entertainment. Except for any door used for access which forms a lobby consisting of a minimum of 2 doors, one at each end of the lobby. These lobby doors shall be kept closed except for ingress and egress and fitted with a self closing device.
7. In relation to Review Condition 5. The documentation of patrols shall be made in the course of the patrol or on completion of each patrol. The patrol documents shall be kept for a minimum of 3 months and made available to the Licensing Authority or any responsible authority on reasonable request.

### **Annex 4 – Approved Plan**

Plan Number                      Y-BSP-3422-13-100

For and on behalf of  
The Director of Economy & Place

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Date: 23/07/2015  
17/01/2020 (Transfer & DPS Variation)

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)

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## **ANNEX 4**

### **Standard Conditions**

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act 2003 premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
3. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
5. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

### **Exhibition of the licence**

6. The licence or a certified copy must be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence must be kept on the premises and be available for inspection by an authorised officer of the Council.

### **Hours of opening**

7. Except with the written consent of the council, the premises will only open to the public during the following hours:
  - Monday 21:00 – 03:30
  - Tuesday 21:00 – 03:30
  - Wednesday 21:00 – 03:30

- Thursday 21:00 – 03:30
- Friday 21:00 – 04:30
- Saturday 21:00 – 04:30
- Sunday 21:00 – 03:30

### **Conduct of the premises**

8. Relevant entertainment will only be performed by the dancer. There must be no audience participation.

9. Dancers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached.

10. There must be no physical contact (touching) by a customer of a dancer while a performance is taking place, except for the placing of gratuities into the hand of the dancer at the beginning or conclusion of the performance. A dancer may have physical contact with the customers while the performance is taking place, this is restricted to touching the customers knees (including sitting on their knee), lower legs, upper chest, arms, face and head. There will be no physical contact of the pubic area or genitals.

11. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.

12. Sex toys must not be used and penetration of the genital area by any means must not take place.

13. Dancers shall re-dress at the conclusion of the performance.

14. Customers will not be permitted to throw money at the dancers.

15. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.

16. No person shall take any photographs, videos or other similar recordings (including mobile phones and video streaming) of the authorised relevant entertainment.

### **External appearance**

17. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:



**STRICTLY NO ADMITTANCE TO PERSONS UNDER THE AGE OF  
18 YEARS OF AGE**

This premises operates a challenge 25 policy.  
Persons who appear to be under the age of 25 will be required to show  
proof of age.

18. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council in writing before work is undertaken.

19. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.

20. Windows and opening to the premises, other than entrances, shall be obscured in a manner and with such material approved by the council. Door entrances shall also be obscured by blinds or material approved by the council to prevent any member of the public from seeing through to the premises whilst relevant entertainment is taking place.

21. External signage will only be illuminated between 9.00pm and 5.00am, and movable signs placed outside the premises will be removed between 4.30am and 9.00pm.

**Advertising**

22. Any unsolicited written, visual, or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.

23. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout, or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.

24. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Therefore, the distribution of flyers is only permitted between the hours of 9.00pm and 3.30am. The licensee will remove any leaflets/flyers from the highway within a 100-metre radius of the premises by 5.00am. Flyers must not be distributed by and to persons under the age of 18 years.

### **Layout of the premises**

25. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.

26. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.

27. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt, the licensee should seek advice from the council.

28. Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the council of the satisfactory completion of the work.

29. All parts of the premises shall be well maintained and kept in a clean condition to the satisfaction of the council.

### **Management of the premises**

30. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.

31. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst

relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the council or the police.

32. The licensee will ensure that any person nominated by them under the above:

a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and

b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.

33. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.

34. The licensee will retain control over all parts of the premises and will not let, licence, or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee's control of the premises.

35. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.

36. No person under the age of 18 will be admitted to the premises.

37. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.

38. The licence holder will not employ any person under the age of 18 in any capacity.

39. The licensee will comply with all statutory provisions and any regulations made hereunder.

40. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of practice for the dancers. This code must be given to all dancers and displayed in staff areas. This code must be made available upon request to both the police and authorised officers.

41. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of conduct for customers, this must be printed in a manner which is clear and easy to read during normal operation of the premises. This code must be prominently displayed at each entrance to the premises, at the entrance to any private dance areas and in suitable locations within the licensed premises, such locations to be agreed with the council, such as at bars.

42. Price lists for both drinks and sexual entertainment will be clearly displayed at each entrance to the premises, at each bar and at each table.

43. Suitable and sufficient training will be provided to all staff including the nominated responsible person. The training will be recorded, and the training records must be made available upon request to both the police and authorised officers.

44. The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which they are responsible for its conduct.

### **Safety and security**

45. A colour digital CCTV system will be always maintained and operational at the premises when licensable activities are being carried out and at any other times when member of the public are present on the premises.

46. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors, stairways, each dance booth, and VIP areas (excluding within toilets and changing rooms). The CCTV system will cover the main entrances and external areas of the premises occupied by the public, for example queuing areas, beer gardens, smoking areas and car parks.

47. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with North Yorkshire Police and the Council.

48. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.

49. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.

50. 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 DVD player.

51. The nominated person ("the manager") must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.

52. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.

53. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.

54. A minimum of two Security Industry Authority licensed door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.

55. A refusals/incident/accident register will be maintained and shall record all refusals relating to alcohol, access to the premises and all incidents or accidents.

56. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.

57. The licensee will maintain good order in the premises at all times and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

## **Staff welfare**

58. Dancers will be aged 18 years or over.

59. Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:

- a) has not been convicted of theft, drug offences or prostitution
- b) has the right to work in the UK.

The licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.

60. All premises that provide relevant entertainment will provide dancers with copies of the following documents:

- a) A copy of the conditions attached to the Sex Establishment Licence;
- b) Details of any other conditions applied by management of the premises;
- c) A copy of the code of practice for dancers;
- d) A copy of the code of conduct for customers;
- e) Price lists for drinks and sexual entertainment.

61. Dancers will be provided with separate secure dressing rooms, facilities to secure valuables and proper sanitation facilities. No person other than performers and authorised staff will be allowed in or near the dressing rooms, therefore safe and controlled access will be maintained at all times. The documents detailed in condition 60 will be displayed in the dressing rooms.

62. There will be at least one female member of staff authorised to be responsible for the safety and welfare of the dancers. This staff member must be on the premises at all times when licensable activities are taking place.

63. All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, any curtains used must be approved by the council in writing.

64. All booths and VIP areas used for private dances must be directly supervised by either a SIA licensed door supervisor, or a member of staff who has direct contact with an SIA licensed door supervisor

working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.

65. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.

66. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.

67. The practice of fining is prohibited.

68. Customers and staff must not be allowed to interact while using the smoking area, and where possible a separate smoking area should be provided for staff. Dancers must be covered up at all times with knee length robes or coats whilst using the smoking areas.

69. Throughout the lap or table dance, customers will remain seated and fully clothed, with their hands clearly visible, either resting on the arms of the chair/sofa or on the seat cushion, or customers must be asked to sit on their hands.

70. If a dancer is invited to have a drink with a customer, the dancer will remain fully clothed during this period. Dancers will not be paid commission on the sale of beverages.

71. On leaving the premises dancers will be escorted to their transport by a SIA licensed door supervisor.

### **Vessels, vehicles, and stalls**

72. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.

73. The requirements of condition 72 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.

74. Vehicles must not be used for personal solicitation, touting or advertising. Variation of conditions

### **Variation of conditions**

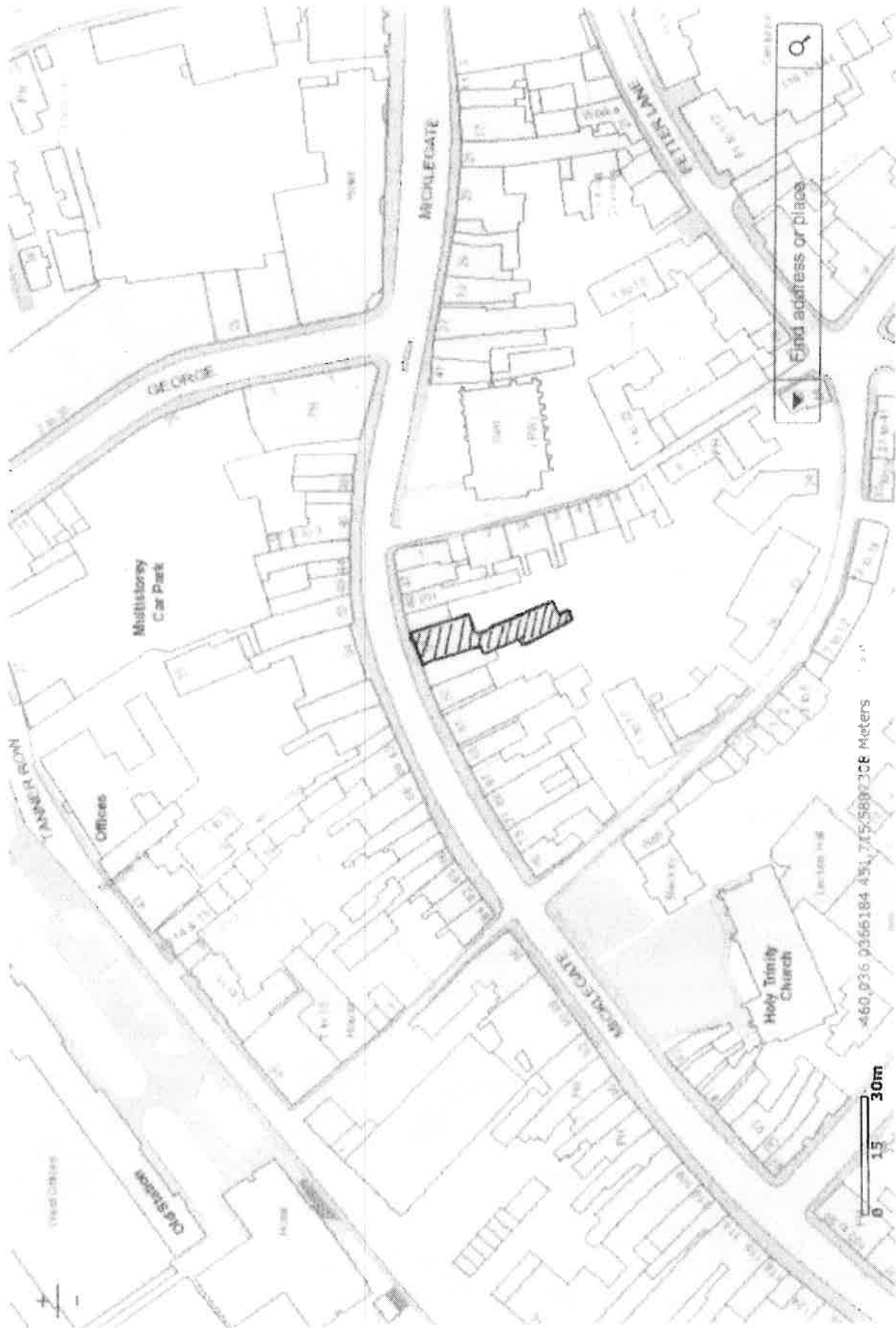
75. The council may, at the time of grant or renewal of the licence, waive, modify, or vary these conditions or impose additional conditions as appropriate.

76. The licensee may apply to the council to vary any of the terms of the licence.

77. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.



# ANNEX 5



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**ANNEX 6****Legislation and Policy Considerations**

1. The following provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) apply to this application:
  - Paragraph 10 (Grant, renewal, and transfer of licences for sex establishments) relates to the process which the applicant must have followed for the application to be considered valid.
  - Paragraph 12 (Refusal of licences) relates to the grounds under which an application shall not be granted and describes the powers by which the licensing authority has a discretion to refuse the licence.
  - Paragraph 13 (Power to prescribe standard conditions).
2. The following provisions of the Home Office Guidance apply to this application:
  - Paragraphs 3.23 – 3.24 (Objections) explain who can object and how this is done and that the applicant must be made aware of the general grounds for the objection before the application is determined.
  - Paragraphs 3.25 – 3.26 (Hearings) explain that the applicant must be given the opportunity to appear and be heard in front of the sub-committee considering the application. Schedule 3 does not make any explicit provision for objectors to be heard, this is left to the discretion of the appropriate authority.
  - Paragraphs 3.27 – 3.31 (Grounds for refusal).
  - Paragraphs 3.32 – 3.38 (Relevant locality) define the meaning of “relevant locality” and the powers of the appropriate authority to decide the maximum number of premises allowed in a particular locality.
  - Paragraphs 3.39 – 3.42 (Licence conditions) explain that once the decision is made to grant, the appropriate authority can attach conditions specific to the individual premises and/or standard conditions for the particular type of establishment. These conditions should not duplicate conditions placed on a premises licence issued under the Licensing Act 2003 and should be appropriate to the activities authorised by the licence.
  - Paragraphs 4.19 – 4.21 (European Convention on Human Rights) explain whilst applications from existing operators can be refused on one or more grounds set out in paragraph 12 of schedule 3 of the 1982 Act, account must be taken of rights existing operators may have under Article 1 of Protocol 1 to the European Convention

which protects the peaceful enjoyment of their possessions (including licences) and article 10 (freedom of expression).

4. City of York Council's Policy for the Licensing of Sex Establishments Licensing Policy and the Standard Conditions for Sexual Entertainment Venues applies to this application.
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.
7. The Committee is reminded that it must comply with the Council's Public Sector Equality Duty (as required to do so under s.149 of the Equality Act 2010), and have due regard to the potential impact on gender equality.

## **NOTE FOR MEMBERS**

Extracts from Home Office Guidance for England and Wales relating to Sexual Entertainment Venues.

3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application, but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant, however, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

### **Hearings**

3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.

3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

### **Refusal of a Licence**

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- a) to a person under the age of 18;

- b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel, or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.28 A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if they made the application themselves;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard -
  - i. to the character of the relevant locality;
  - ii. to the use to which any premises in the vicinity are put; or
  - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

3.31 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it if one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

## Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless, a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding two sex establishments 200 miles away from one another were in the same locality. Case law indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the ‘character’ of the relevant locality

and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

## **Licence Conditions**

3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.

3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13, they will apply to every licence granted, renewed, or transferred by the authority unless they have been expressly excluded or varied.

3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licence or clubs premises certificates and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.





## Agenda Item

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### Licensing & Regulatory Committee

6 February 2025

Report from the Director – Environment, Transport and Planning

### Street Trading Policy

#### Summary

1. As requested at the Licensing and Regulatory Committee on 4 November 2024, this report updates Members on the current position regarding a Street Trading Policy.
2. The report also asks Members to determine arrangements for city centre street trading consent holder trading pitches for the 2025 Christmas Market event.

#### Recommendations

3. That Members approve Option 2:
  - a) Note that a working group has been formed to consider the proposed policy; and
  - b) Determine that street trading consents will be renewed from the 1 April 2025 for a 12-month period (or such lesser period agreed when the consent was granted) –
    - i. that consented street traders will/could be relocated during the 2025 Christmas Market event (to assist MIY in planning the layout of the event, to make the event more accessible);
    - ii. that MIY guarantees a pitch within the Christmas Market event footprint at no additional cost to consent holder;
    - iii. if the consent holder would like an alternative pitch within the 2025 Christmas Market event, they must make this request to MIY, any additional charge payable will be agreed between MIY and the street trader consent holder; and
    - iv. for safety and good order consented street traders will following reasonable instructions from MIY Officers.

**Reason:** So that street trading consented to trade within the city centre know that their consents will be renewed from 1 April 2025 for a

12-month period (or such lesser period agreed when the consent was granted), and that street traders and MIY are aware of trading arrangements during the 2025 Christmas Market event.

## **Background**

4. City of York Council (the Council) adopted the provision of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) in 1997. As such, every street within the authority area is designated as a 'consent street' for the purposes of street trading. This means that street trading can only take place within the authority area where the Council consents to it – this includes public or private land if they public have access without payment.
5. Make It York (MIY) was established in 2014 and have responsibility for city centre management, as well as organising events to attract visitors. MIY's main event is the annual Christmas Market which has become ever more popular over the years. In 2024, footfall figure reports for Parliament Street state it attracted between 200,000 and 250,000 visitors a week, the total footfall for the event was up by 7% compared to 2023. The success of the Christmas Market has led to reports of overcrowding in recent years. MIY have redesigned the Market to mitigate this, but the success of the Christmas Market means this remains a challenge. As the event organisers, MIY are responsible for the safety and overall operation of the event. The Christmas Market has always been planned around the consented street trader existing trading pitches, but MIY exert no control over these traders. MIY also currently organises the annual York Ice Trial (ice sculptures in various locations around York which was held on the 1 and 2 February 2025), and last year they organised the first Halloween Festival. N.B Other events, such as the Food and Drink Festival, are not organised by MIY, they are given permission by MIY to use space(s) within the city centre, in which case particular event organiser(s) is responsible for their event. It is noted that the Council has also committed to work with MIY to make the Christmas Market more accessible and find a way to permit blue badge access into parts of the city centre while the event takes place. As well as alleviating the crowd issues/customer experience, this is also likely to require changes to the Christmas Market event layout.
6. With regard to STC fees, the trading pitches within the city walls are individually assessed by officers on a 'market value rate' taking into account the location and the items sold. The most expensive pitches are currently £8k per year (£667 per month). Many consent holders

pay in monthly instalments. By way of comparison, the fee for a market stall on the Shambles Market is £25-40 per day/circa £10k per year (although it is recognised that street traders provide their own stall and power which are provided on the market). Some on-line research has identified that Oxford City Council charge £8175 for an annual STC, whilst Canterbury City Council's fees is £31.65 a day or £11.5k over a year. Consent fees are reduced for traders trading on private land as they also pay rent to the landowner.

7. Under the Act, consents may only be issued for up to a year. Every year, around February/March, existing consent holders are invited to renew their consents, there is no tendering process or similar. Within the conditions, there are no commitments to a minimum number of trading days as is the case in some other councils, and no alignment of conditions or other requirements in line with Council Plan objectives. Conditions are attached to a consent, if conditions are not complied with a consent can be revoked. There is a 'waiting list' of people who have shown an interest in trading in the city centre. There are currently 37 people on the waiting list. These would be offered if an existing consent holder declined to renew or surrendered their consent. Outside of the city walls there are several ice cream and sandwich rounds, most of the fixed trading sites are on private land.
8. A report was brought before this Committee on 4 November 2024 updating Members on the current position regarding the draft Street Trading Policy.
9. During questions at this meeting a Member asked if a working group could be formed to consider the draft policy further. The Chair has been consulted regarding this matter and a working group, made up of seven Members of this Committee and an Executive Member, has been formed. The first meeting of the working group took place on the 4 February 2025.
10. Members of the working group will determine the appropriate people/agencies/partners to liaise with whilst reviewing the draft policy, for example:
  - Highways
  - Regeneration
  - Make It York
  - Street trading consent holders

11. Once the draft policy is reviewed a public consultation will take place.

#### Christmas Market 2025

12. MIY have been asked by the Council to reassess the layout of the Christmas Market event, especially in relation to making the event more accessible, and finding a way to permit blue badge access. MIY are currently drafting proposed layout options which will be considered by the Council.
13. It could take the working group several months to review the draft policy before a consultation can take place, therefore, to aid MIY in drafting proposed layout options and to give street trading consents holders some certainty, consideration should be given to the trading pitches of city centre street traders during this year's Christmas Market event.

### **Consultation**

14. A formal consultation has not taken place with regards to this report. All consented street traders were consulted in relation to the draft Street Trading Policy. City centre street traders have been notified of the content of this report.

### **Options**

15. Option 1 –
  - a. Note that a working group has been formed to consider the policy; and
  - b. Determine that street trading consents will be renewed\* from the 1 April 2025 for a 12-month period (or such lesser period agreed when the consent was granted); and
    - i. that MIY takes into consideration the current trading pitches of consented street traders and draft a layout plan for the 2025 Christmas Market event that does not relocate these traders; and
    - ii. for safety and good order consented street traders will following reasonable instructions from MIY Officers.
16. Option 2 –
  - a. Note that a working group has been formed to consider the policy; and
  - b. Determine that street trading consents will be renewed\* from the 1 April 2025 for a 12-month period (or such lesser period agreed when the consent was granted);

- i. that consented street traders will/could be relocated during the 2025 Christmas Market event (to assist MIY in planning the layout of the event, to make the event more accessible);
- ii. that MIY guarantees a pitch within the Christmas Market event footprint at no additional cost to consent holder;
- iii. if the consent holder would like an alternative pitch within the 2025 Christmas Market event, they must make this request to MIY, any additional charge payable will be agreed between MIY and the consented street trader; and
- iv. for safety and good order consented street traders will following reasonable instructions from MIY Officers.

17. Option 3 –

- a. Note that a working group has been formed to consider the policy; and
- b. Determine that street trading consents, for traders consented to trade within the city walls, will be renewed\* from the 1 April 2025 for a six-month period – consents outside of the city walls will be issued for a 12-month period (or such lesser period agreed when the consent was granted). Allowing the working group time to review the draft Street Trading Policy.

\*Unless there are grounds for the renewal application to be refused, for example street trading consent fees for 2024/25 period not paid in full, the public highway no longer being available or suitable to accommodate street trading activities.

## **Analysis**

18. Option 1 will give consent holders the certainty that their consents are being renewed for a period of 12 months (unless there are grounds to refuse to renew), as consent holders have previously told the Council that they must order stock to cover the Christmas period late summer. It also gives consent holders the reassurance that they will not be relocated from their trading pitch.
19. This option does restrict MIY with regards to planning the layout of the Christmas Market event for 2025 and could limit the number of layout options that can be considered by the Council.
20. Option 2 will give consent holders the certainty that their consents are being renewed for a period of 12 months (unless there are grounds to refuse to renew), as consent holders have previously told the Council that they must order stock to cover the Christmas period late summer.

It also gives consent holders the reassurance that they will have a trading pitch within the Christmas Market event.

21. This option gives MIY greater freedom (a blank canvass) upon which to design a more accessible layout for the 2025 Christmas Market event, with greater freedom they will be able to provide the Council more layout options to consider.

22. This option is in accordance with an existing street trading condition which states:

*‘On occasion it is necessary for a vehicles or unit on a static site to move location. When this occurs the consent holder shall comply with any directions made by the duly authorised officer of the City of York Council.’*

23. Option 3 will give city centre consent holders the certainty that their consents are being renewed for a period of six months, however it will not give them the reassurance that their consents will be renewed for a longer period and will hinder the ordering of stock to cover the Christmas period. There are also no guarantees that the working group will have finished reviewing the draft Street Trading Policy within this six-month period.

24. This option does not assist MIY in relation to planning the layout of the 2025 Christmas Market event, as they will not know the position of the Council with regards to the agreed trading pitches for consented city centre street traders.

### **Council Priorities**

25. The STC policy aims to strengthen the provision of ‘a fair, thriving and green economy for all’.

### **Implications**

26. The implications arising from this report are:

- **Financial:** There are no financial implications associated with this report.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** An equalities impact assessment will accompany the draft Street Trading Consent.

- **Legal:** A Street Trading Policy will ensure that the Council has a transparent framework in place to authorise and regulate street trading.
- **Crime and Disorder:** There are no crime and disorder implications.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

### Risk Management

27. There are no risk management considerations all options are in accordance with existing street trading consent requirements/conditions.

### Contact Details

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**Chief Officer Responsible for the report:**

**James Gilchrist**

Director (Environment, Transport and Planning)

**Report  
Approved**

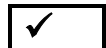


**Date** 20/01/2025

**Specialist Officer Implications: None**

**Wards Affected:**

**All**



### Background Papers:

Licensing and Regulatory [Committee report](#) 4 November 2024

### Annexes

None

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## Work Plan

## Licensing and Regulatory Committee

Date	Report
6 February 2025	Local Area Profile Sex Establishment Licence (SEL) Renewal Street Trading Consent policy
5 March 2025	Licensing Act policy Update Unmet demand survey
10 April 2025	TBC
10 June 2025	TBC
7 October 2025	TBC
18 November 2025	TBC
3 February 2026	TBC

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