



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

To: Councillors Orrell (Chair), Melly (Vice-Chair), Barker, D'Agorne, Galvin, Hook, Hunter, Looker, Mason, D Myers, Norman, Pearson, Warters, Wells and Wann

Date: Wednesday, 2 March 2022

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

(Pages 3 - 8)

To approve and sign the minutes of the meeting held on 9 November 2021.

3. 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 have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Monday 28 February 2022.

To register to speak please visit 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.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast, including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Licensing Act 2003 - Statement of Licensing Policy & Cumulative Impact Assessment (Pages 9 - 112)

In accordance with the requirements of Section 5 of the Licensing Act 2003 (the 2003 Act) this report seeks members support of the formal review of the council's Statement of Licensing Policy. It advises of the consultation undertaken and of the amendments made.

In accordance with the requirements of Section 5A of the 2003 Act this report also seeks members support for the implementation of a Cumulative Impact Assessment in relation to part of the city centre. It advises of the consultation undertaken.

The report seeks a recommendation to Council that the revised Policy and Cumulative Impact Assessment be adopted.

**5. Renewal of a Sex Establishment Licence (Pages 113 - 166)
for First Floor of Ziggy's (Known as Club
55), 53-55 Micklegate, York, YO1 6LJ
[Licence Number CYC019257]**

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.

**6. Gambling Act 2005 - Statement of (Pages 167 - 194)
Licensing Policy**

At the meeting of 'Council' on 16 December 2021, Councillors resolved to 'approve the recommendation of the Licensing and Regulatory Committee [namely to approve the Statement of Licensing Policy and Local Area Profile]. At Council a Councillor raised matters that following the Statement of Licensing Policy be reviewed at the next meeting [of the Licensing and Regulatory Committee] in order to examine those matters.

This report outlines those matters and invites Members to consider whether further revisions should be made to the Statement of Licensing Policy in light of them.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
- E-mail – a.bielby@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

Good ventilation is a key control point, therefore all windows have been opened to allow adequate ventilation, they must be left as set prior to the start of the meeting.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend.

Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/testing/rapid-lateral-flow-tests/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/order-coronavirus-covid-19-rapid-lateral-flow-tests).

Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

Guidelines for attending Meetings at West Offices

- Please do not arrive more than 10 minutes before the meeting is due to start.
- You are not required to wear a face covering whilst in West Offices. CYC supports the decision of those who wish to do so.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass and lanyard is clearly visible at all time and worn around the neck.
- Regular handwashing for 20 seconds is recommended.
- Please use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- Make your way home immediately
- Avoid the use of public transport where possible
- Follow government guidance in relation to self-isolation.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

Meeting	Licensing And Regulatory Committee
Date	9 November 2021
Present	Councillors Orrell (Chair), Melly (Vice-Chair), Hook, Hunter, Looker, D Myers, Norman, Pearson, Warters, Wann And Wells
Apologies	Councillors Barker, D'Agorne, Galvin And Mason

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

75. DECLARATIONS OF INTEREST

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. None were declared.

76. MINUTES

Resolved: That the minutes of the meeting held on 10 August 2021 be approved, and signed by the Chair as a correct record, subject to changing Supt. Lindsey Robson to Supt. Lindsey Butterfield in the third paragraph of minute 70.

77. PUBLIC PARTICIPATION

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke under the general remit of the committee. She requested that there be public consultation on the Council Constitution and expressed concern regarding the remit of the committee in the Constitution. She noted that she could not find the list of licences on the council website and requested that the committee be issued with oversight of all licences. She noted that there was no forward plan on the agenda or Equalities Impact Assessment in the Statement of

Licensing Policy Report. She asked that there be public consultation on the Licensing Policy and she suggested that the Constitution should have protocols on consultation.

78. STATEMENT OF LICENSING POLICY REPORT

[See also under Part B]

In accordance with the requirements of Section 349 of the Gambling Act 2005 (the Act) Members considered a report that advised them of the review of the Council's Statement of Licensing Policy, the consultation undertaken and changes made as a result of the consultation and revised guidance. The report sought a recommendation to Full Council that the Policy be approved. The report also sought permission to publish a Local Area Profile.

The Licensing Manager outlined the report to Members noting the consultation undertaken and updates to the policy following this. In response to questions from Members she clarified that:

- Regarding fixed odds betting machines, the government had changed the maximum stake from £100 to £1. It was believed that this was why The number of licensed premises has reduced by a third in the last three years, with nine bookmakers and one bingo hall have surrendering their premises licences.
- She would ask the council data analyst team could provide more statistics on crime and gambling.
- As Embassy Racing in Huntington had been omitted from the list of licensed premises in Annex 2 of the report.
- Adult gaming centres were for over 18s only. There was one on Low Ousegate and there was a specific policy for higher jackpot gaming policy.
- Licensing fees were statutory and were set by the government.
- Licensing enforcement was in line with council enforcement policies.
- Statutory and government guidance was issued by the Gambling Commission and licensing conditions were in line with conditions set by the commission.

[Cllr Pearson joined the meeting at 17:45]

- When premises put together their risk assessments they should take the Local Area Profile into consideration.

When receiving new licensing applications, the Licensing Authority also had to take this into account too.

A Member thanked officers for including information on the area deprivation index in the annexes.

- It was a condition of a premises licence that licensees needed to sign up to a Code of Conduct. The Gambling Commission was responsible for licensing gambling operators.
- Regarding information sharing from premises, this information was requested as part of premises inspections. It was confirmed that information sharing was not a legal requirement and that if a new grant application was referred to Sub-Committee for determination, information sharing would be considered.

Cllr Looker moved and Cllr Hook 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.

PART B - MATTERS REFERRED TO COUNCIL

79. STATEMENT OF LICENSING POLICY

[See also under Part A]

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Cllr Orrell, Chair

[The meeting started at 5.30 pm and finished at 5.54 pm].

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Agenda Item

Gambling, Licensing & Regulatory Committee 2 March 2022

Report from the Director – Environment, Transport and Planning

Licensing Act 2003 – Statement of Licensing Policy & Cumulative Impact Assessment

Summary

1. In accordance with the requirements of Section 5 of the Licensing Act 2003 (the 2003 Act) this report seeks members support of the formal review of the council's Statement of Licensing Policy. It advises of the consultation undertaken and of the amendments made.
2. In accordance with the requirements of Section 5A of the 2003 Act this report also seeks members support for the implementation of a Cumulative Impact Assessment in relation to part of the city centre. It advises of the consultation undertaken.
3. The report seeks a recommendation to Council that the revised Policy and Cumulative Impact Assessment be adopted.

Recommendations

4. The Committee is asked to:
 - Approve option 1 and recommend to Council that the draft Statement of Licensing Policy and Cumulative Impact Assessment are adopted.

Reason: To reflect the result of the consultation and meet legislative requirements of the Licensing Act 2003.

Background

Statement of Licensing Policy

5. Section 5 of the 2003 Act requires licensing authorities to determine and publish a Statement of Licensing Policy (Policy), at least every five years. City of York Council current Policy was approved by

Council on 21 March 2019 (the Cumulative Impact Assessment must be reviewed at least every three years, hence this report, see below).

6. The Act requires that, before determining its Policy, the licensing authority must consult:
 - a) the chief officer of police
 - b) the fire authority
 - c) persons representative of premises licence and club premises certificate holders
 - d) person representative of personal licence holders
 - e) persons representative of businesses and residents
7. A full review of the policy has taken place, in line with the review of the cumulative impact assessment.
8. The draft revised Policy can be found at Annex 1. A list of the amendments made to the revised Policy can be found at Annex 2.

Cumulative Impact Assessment

9. In accordance with previous provisions within the Section 182 Guidance to Licensing Authorities, the Council has included a Special Policy relating to cumulative impact (known as the cumulative impact zone CIZ) within its Statement of Licensing Policy since 2005, following the receipt of evidence provided by North Yorkshire Police (NYP) and the Council's Public Protection Service (noise), in relation to an area identified within York city centre. This Special Policy has been reviewed on three occasions in accordance with the requirements of the 2003 Act.
10. In April 2018 the Police and Crime Act 2017 introduced a new provision within the 2003 Act, Section 5A. This provision provides that a licensing authority may, in appropriate circumstances, publish a document, a cumulative impact assessment (CIA), stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the Assessment, is such that it is likely that it would be inconsistent with the authority's duty under the 2003 Act to grant any further relevant authorisations in respect of premises in that part or those parts.
11. The CIA must set out the evidence for the authority's opinion, must be consulted upon before it is published and it must be reviewed at least every three years.

12. As required by Section 5A of the 2003 Act the Council has reviewed the area identified within the CIA. NYP have provided statistical data for the area, which includes crime associated with the consumption of alcohol and Public Protection has provided data relating to noise associated with the operation of licensed premises. From this data the Council, in consultation with NYP, has developed its second draft Assessment in relation to an area that has been identified in York city centre.
13. This cumulative impact area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:
 - prevention of crime and disorder
 - prevention of public nuisance
14. The CIA relates to applications for the grant and/or variation of premises licences, club premises certificates or the issue of provisional statements.
15. By publishing a CIA the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the CIA when determining or revising the Statement of Licensing Policy. The CIA does not change the fundamental way that a licensing decision is made, as each application will be considered on its own merits. Where no relevant representations are received an application will be granted in terms consistent with the operating schedule.
16. Within the CIA red zones have been identified due to the high concentration of licensed premises, the impact of which have led to a high level of occurrences in relation to crime and disorder related issues. Where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone, the application should be refused.
17. Within the CIA amber zones have been identified, again due to the high concentration of licensed premises, the impact of which has led to a high level of occurrences in relation to crime and disorder related issues. Unless an application relates to a food led operation, as detailed in the Policy, where relevant representations are received,

unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone the application should be refused.

18. Cumulative impact and the CIA are covered in Section 9 of the draft Policy. The draft CIA can be found at Annex 3.
19. The full report received from NPY can be found at Annex 4.

Consultation

20. A 12 week consultation was carried out on the Policy and the CIA between 18 November 2021 and 10 February 2022. The process for the consultation involved direct mailing and use of the council's website.
21. The council consulted over 50 organisations/individuals as part of the consultation process (see Annex 5 for list of consultees) and all licensed premises within the authority area.
22. Three responses were received to the consultation. The responses are attached at Annex 6.
23. Consultation responses have been taken into consideration, and where required, the draft Policy has been amended accordingly.

Options

24. Option 1 – Recommend to Full Council that the draft Policy and Cumulative Impact Assessment are adopted.
25. Option 2 – Recommend to Full Council that the draft Policy and Cumulative Impact Assessment is amended with alternative wording agreed by members.

Analysis

26. The council's first Policy was published in January 2005. The Policy has been fully reviewed and published on a further four occasions, January 2008, January 2011, January 2014 and January 2019.
27. At the request of NYP, the council's Policy has included a special policy on saturation and cumulative impact (CIZ) since April 2005. The boundary for the first CIZ was based on patterns of crime and disorder prior to that date. The first zone included the main drinking areas on the west of the river Blossom Street, Micklegate, George

Hudson Street, Rougier Street and Bridge Street, only including Low Ousegate, Spurriergate and Clifford Street on the east of the river.

28. The CIZ has been reviewed on three occasions at the request of NYP, in July 2010 and March 2014 to increase the CIZ area due to the changes in patterns of crime and disorder, to include areas such as Coney Street, Swinegate, Fossgate and Parliament Street. In July 2016 the Special Policy was reviewed to include applications for material variations.
29. The first CIA was published in January 2019. As a CIA has to be evidence based, the area within the city centre included within the CIA was reduced slightly from that of the former CIZ area. This was due to changes in patterns of crime. The only changes in the proposed CIA relate to the red zone, the larger red zone area has reduced to create four small zones, and the introduction of the four ambers zones.
30. There are currently 1022 premises licences and 45 club premises certificates in force, of which:
 - 319 premises are within the CIA
 - 688 authorise the sale/supply of alcohol on and off the premises
 - 194 authorise the sale/supply of alcohol off the premises (off sales)

Council Priorities

31. The Licensing Act 2003 has 4 objectives:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
32. The implementation of a Licensing Policy and the promotion of the licensing objectives will support the Council's Plan for a prosperous city for all, where local businesses can thrive and a council that listens to residents.

Implications

33. The implications arising from this report are:
 - **Financial:** There are no direct financial implications associated with this report.

- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** An equalities impact assessment has been completed. There are no equalities implications associated with this report.
- **Legal:** It is a legal requirement of the Licensing Act 2003 that the Council is required to review and publish a statement of licensing policy every five years. The policy, or any part of it, can be reviewed at any time within that five year period. It is a legal requirement of the 2003 Act that the Council must review the CIA every three years. The CIA can be reviewed at any time within that three year period.
- **Crime and Disorder:** The Policy and the CIA promotes the licensing objective “the prevention of crime and disorder”.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

Risk Management

34. There are no known risks associated with this report.

Contact Details

Author:

Lesley Cooke
Licensing Manager
Phone: 551515

Chief Officer Responsible for the report:

James Gilchrist
Director (Environment, Transport and Planning)

**Report
Approved**

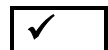


Date 21/02/2021

Specialist Officer Implications: None

Wards Affected:

All



Background Papers:

Licensing Act 2003

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

Section 182 Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Statement of Licensing Policy 2019 - 2024

<https://www.york.gov.uk/LicensingPolicy>

Annexes

Annex 1: Draft Statement of Licensing Policy 2022

Annex 2: List of Amendments to the Draft Policy

Annex 3: Draft Cumulative Impact Assessment

Annex 4: North Yorkshire Police CIA Report

Annex 5: List of Consultees

Annex 6: Consultation Responses

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City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place		
Service Area:	Public Protection (Licensing)		
Name of the proposal :	Statement of Policy and Cumulative Impact Assessment (Licensing Act 2003)		
Lead officer:	Lesley Cooke		
Date assessment completed:	14/02/22		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>In accordance with the requirements of the Licensing Act 2003, the Council has reviewed the Statement of Licensing and Cumulative Impact Assessment.</p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p>Licensing Act 2003, Section 182 Guidance.</p>
1.3	<p>Who are the stakeholders and what are their interests?</p>
	<p>Licence holders, responsible authorities, other parties including the BID, residents and visitors to the city. They share a common interest in that York is safe, vibrant and an inclusive city.</p>
1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p>Under the 2003 Act licensing authorities have a legal duty to publish a Statement of Licensing Policy, this Policy must be reviewed at least every five years.</p>

	<p>Under the 2003 Act licensing authorities can publish a Cumulative Impact Assessment (CIA), if there is the evidence base for such an assessment, if a CIA is published it must be reviewed at least every three years. City of York Council does publish a CIA which is referred to in the Policy. The current CIA and Policy were published in 2019, both documents have been reviewed.</p>
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Step 2 – Gathering the information and feedback

<p>2.1</p>	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>
<p>Source of data/supporting evidence</p>	<p>Reason for using</p>
<p>Licensing Act 2003 and Section 182 Guidance</p>	<p>Licensing authorities must take the Act and Guidance into consideration when reviewing their Policy. The Act states that any decisions taken by the licensing authority should aim to promote the licensing objectives:</p> <ul style="list-style-type: none"> • Prevention of crime and disorder • Public safety • Prevention of public nuisance • Protection of children from harm
<p>North Yorkshire Police provided the evidence for the CIA.</p>	<p>It is a legal requirement that the CIA must be evidence based. The evidence provided by the Police identified an area within the city centre, that due to the high concentration of licensed premises, there evidence of crime, disorder and ASB associated with the consumption of alcohol.</p>
<p>Information gained from attending Op Safari and Erase meetings</p>	<p>CYC officers attend and work jointly with colleagues from the police, Fire Authority, YAS, BTP, BID, Make it York, rescue boats, universities, street angels, YBAC, Pubwatch.</p>

	Through the Policy we can tackle some issues identified through these meetings and working together.
A 12 week consultation was undertaken, all holders of premises licences and club premises certificates, as well as Responsible Authorities, and interested parties (bodies representing the licensed trade, business groups, residents).	It is a legal requirement that a consultation must take place when the policy and/or CIA are reviewed. Responses to the consultation must be taken into consideration when determining the policy.
City of York Council Public Health provided updated stats relating to alcohol related harm in the city.	Within the Policy there is a section 'Local Factors', the section highlights the factors that are effecting the city in relation to alcohol, for example the numbers of alcohol related hospital admissions.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
	Gaps in data or knowledge	Action to deal with this
	Some groups choose not to engage with the consultation	We try to engage with as many parties as possible through the consultation process. We detailed at point 2.1 how we work closely with other CYC section and partner agencies to get a broad scope of matters.

Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>Through the Policy we encourage a diverse city, with offerings for all age groups. Even though under 18's are not allowed to consume alcohol, one of the licensing objectives is to 'protect children from harm', the policy encourages family friendly premises where younger child can be free to go with the family. The policy encourages a variety and mix of high quality licensed premises that will appeal to a broad spectrum of people, including a well-used city centre, day and night, that is safe and accessible to all. In the CIA, the onus is on new applicants to demonstrate how they will not add to the existing impact that licensed premises in that area are having on the community, including the supply of alcohol to under 18's.</p>	Positive	Low
Disability	<p>Through the Policy we encourage a diverse city with offerings for everyone. The policy encourages a variety and mix of high quality licensed premises that will appeal to a broad spectrum of</p>	Positive	Low

	people, including a well-used city centre, day and night, that is safe and accessible to all.		
Gender	As above	Positive	Low
Gender Reassignment	As above	Positive	Low
Marriage and civil partnership	As above	Positive	Low
Pregnancy and maternity	As above	Positive	Low
Race	As above	Positive	Low
Religion and belief	As above	Positive	Low
Sexual orientation	N/A		
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	As above	Positive	Low
Low income groups	As above	Positive	Low
Veterans, Armed Forces Community	As above	Positive	Low
Other	As above		

Impact on human rights:			
List any human rights impacted.	None		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
By publishing the Policy and the CIA the council is giving a clear guide to licence holders, new applicants, responsible authorities and other parties with regards to how licensing matters will be dealt with by the authority, with the aim to promote the four licensing objectives.	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	By reviewing the Policy and CIA, and consulting on the review, the council has met the legal requirements of the Licensing Act 2003. The EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
None			

Step 8 - Monitor, review and improve

8. 1	<p>How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p>It is a legal requirement that the Policy is reviewed at least once every five years and the CIA is reviewed at least once every three years.</p>

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Statement of Licensing Policy 2022 – 2027

Licensing Act 2003

Further copies of this policy can be obtained from:

e-mail: licensing@york.gov.uk

tel: 01904 552422

web: www.york.gov.uk/licensing

Licensing Section
City of York Council
Eco Depot
Hazel Court
York
YO10 3DS



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1. Introduction

- 1.1 This Statement of Licensing Policy was prepared under Section 5 of the Licensing Act 2003 (the Act), with regards to the Guidance issued under section 182 of the Act.
- 1.2 City of York Council (the Council) is the Licensing Authority for the purposes of the Licensing Act 2003 (the Act) for the administrative area of the City of York.
- 1.3 Revisions to the policy were approved by Council on XXXXXXXXX and published on XXXXXXXX.
- 1.4 The Act specifies that any decisions taken by the Licensing Authority in regards to determination of licences, certificates and notifications should aim to promote the licensing objectives. The Council will carry out its functions under the Act with a view to promoting the licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.5 Through the licensing process the Council seek to ensure we continue to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment. Valued by those who live in, work in and visit the city.
- 1.6 The Council believes a properly balanced application of the Licensing Act 2003 offers a range of opportunities to progress the objectives of the Council by:
 - improving the quality of life for local residents through a reduction in alcohol related crime and disorder, disturbance and anti-social behaviour;
 - giving business greater freedom and flexibility to meet their customers' expectations;
 - improving quality of life by bringing greater choice to residents, consumers, tourists and businesses about where, when and how they spend their leisure time;

- encouraging more family-friendly premises where younger children can be free to go with the family;
- further developing a rich culture of live music, dancing and theatre in our area;
- encouraging a variety and mix of high quality licensed premises that will appeal to a broad spectrum of people, including a well-used city centre, day and night, that is safe and accessible to all;
- encouraging responsible retailing and consumption of alcohol and preventing alcohol related health issues.

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2. Purpose and Scope

Purpose

2.1 In preparing this policy the Council has consulted a wide range of organisations and stakeholders, these include:

- The responsible authorities
 - North Yorkshire Police
 - North Yorkshire Fire and Rescues Service
 - City of York Council - Public Protection Environmental Health (noise)
 - City of York Council - Public Protection Environmental Health (H&S)
 - City of York Council - Public Protection Trading Standards
 - City of York Council - Development Control (planning)
 - City of York Council - Director of Public Health
 - City of York Council – Children Services
 - Home Office (Immigration Services)
- Licensed premises
- Bodies that represent the licence trade
- Bodies that represent local businesses
- Parish Councils
- Ward Councillors

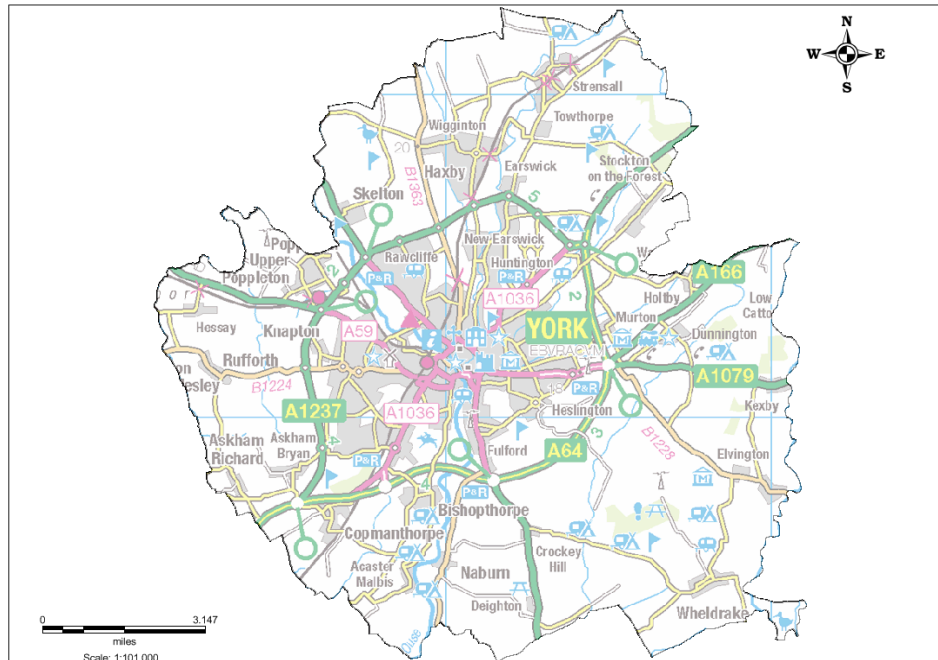
2.2 The purpose of this policy is to:

- set out the policies the Council will apply to meet the licensing objectives when making decisions on any licence application under the Act;
- provide applicants for licences and all stakeholders with details of those adoptive and discretionary matters that the Council consider necessary to meet the aims of promoting the licensing objectives in the authority area;
- inform licence applicants of the parameters under which the authority will make licence decisions and how a licensed premises is likely to be able to operate within the authority area;
- inform residents and businesses of the parameters under which the authority will make licence decisions and how their needs will be addressed;
- guide the Council in its decision making processes.

Scope

- 2.3 The Council is responsible for licensing the licensable activities as defined by the Act. These are:
- The sale of alcohol
 - The supply of alcohol by or on behalf of a club
 - The provision of regulated entertainment
 - The provision of late night refreshment
- 2.4 Throughout this policy a general reference to a premises licence, unless otherwise specified, will include a club premises certificate and/or temporary event notice.
- 2.5 Throughout this policy the wording will refer to ‘applicants’ for licences. It should be noted that the principles set out within this policy apply equally to new applicants, applicants for variations and consideration of any request to review a licence.
- 2.6 Any reference in this policy to guidance or regulations includes those where the Secretary of State has used his powers contained in the Act to make Regulations (Section 5) and issue Guidance (Section 182).

3. Profile of York



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- 3.1 City of York Council is a unitary authority covering an area of 105 square miles and comprises the urban area of York which is surrounded by many small rural and semi-rural settlements covered by parish councils. More than 211,000 live in the council area (2021 est. from Office of National Statistics) this includes a small black and minority ethnic population.
- 3.2 York is nationally and internationally a prominent City for a range of reasons. Not only is it an historic centre for England and an important location for the Church of England, it is also one of the most visited destinations in the country. York has excellent rail links across the UK with over ten million passengers every year. It is also a centre of academic excellence, with around 25,000 students making up approximately 12% of York's population in term time.
- 3.3 Tourism and leisure are important industries for York, attracting over eight million visitors a year, who spend £765 million in the city. Over £125 million a year is spent on eating out and evening entertainment. Over 24,000 jobs in the tourism sector are dependent on these visitors to our city.
- 3.4 This level of tourism can, however, present challenges to the city in balancing the requirements of residents against the economic benefits that

tourism can bring.

- 3.5 Historically York was known for having one public house for each day of the year. This is no longer the case, but there are 880 premises of various types licensed to sell alcohol in the authority area.
- 3.6 As an historical centre the city has many historical buildings and museums. The city offers a wide range of premises supplying alcohol and providing entertainment activities. There are many outstanding restaurants, licensed entertainment venues, including four cinemas and five theatres, numerous high quality traditional and historic public houses, and bars. Other premises, such as village and community halls and a bingo hall, provide alcohol and entertainment as part of their overall activities. In addition, there are a significant number of retail premises selling alcohol, including the large supermarkets, off-licences and small convenience shops.

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4. Links to other Plans, Policies, Strategies, Initiatives, Legislation & Guidance

- 4.1 Integration with other Council policies and national strategies are a key part of this policy, as elements of these contribute to achieving the licensing objectives.
- 4.2 The Council's decision making and work plans are underpinned by a set of policies, strategies and plans. A list of these policies is available on the Council's website <https://www.york.gov.uk/CouncilPlan>. In particular, the Council Plan 2019-23 sets the high-level priorities for the council, which are as follows:
- Well-paid jobs and an inclusive economy
 - A greener and cleaner city
 - Getting around sustainably
 - Good health and wellbeing
 - Safe communities and culture for all
 - Creating homes and world-class infrastructure
 - A better start for children and young people
 - An open and effective council

These are supported by Health and Wellbeing Strategy, York Economic Strategy and the Children and Young People Plan. These strategies provide a crucial focal point for the identification of local issues.

Tourism

- 4.3 In developing this Statement of Licensing Policy the Council has taken into account York: A Vision for Tourism, prepared by Visit York in consultation with partners and stakeholders, including the Council. The Vision seeks to deliver long-term, sustainable growth in the value of the visitor economy for the benefit of visitors, businesses, students and residents by building on York's distinctiveness, enhancing the quality of the visitor experience and promoting York as a world class visitor destination. Amongst the ambitions for tourism is the development of partnerships with businesses, stakeholders and residents, increasing York's position as a leading European cultural center (combining a unique heritage with a modern outlook) and enhancing York's public realm so it becomes the most special in England. Licensed establishments, entertainment and cultural venues all have a vital role to play in achieving these goals.

My City Centre York

4.4 The Council are currently developing a Vision for the City Centre. The themes covered by the vision are:

- a family friendly city centre
- events, experiences and investment in public spaces
- an attractive city at all times
- making tourism work for York
- embracing our riverside
- a city centre which is welcoming to all
- thriving businesses and no empty buildings
- celebrating heritage and making modern history

Further information can be found on the Councils website:

<https://www.york.gov.uk/MyCityCentreYorkVision>

Crime and Disorder

4.5 Under the Crime and Disorder Act 1998 the Council must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area. The Council will have particular regard to the likely impact of licensing on related crime and disorder in the authority area, particularly when considering the location and impact of the operation and management of all new licence applications and variations of existing licences.

4.6 The Council will take into account matters contained in Safer York Partnerships Community Safety Strategy in relation to the four licensing objectives.

Counter Terrorism

4.7 Crowded places, such as bars, pubs, nightclubs and music venues have been targets of acts of terrorism across the UK and the world. The National Counter Terrorism Security Office has produced guidance to operators of crowded places giving advice to operators to reduce the threat of attack. Applicants and licence holders are encouraged to have regard to this guidance in the design and operation of their premises.

<https://www.gov.uk/government/organisations/national-counter-terrorism-security-office>. Free e-learning training is also available for companies and

private individuals: <https://ct.highfieldlearning.com/>

- 4.8 As the city attracts over eight million visitors each year licence holders should always be aware of the current threat level. The threat level should be taken into consideration at all time, especially when:
- events/festivals are taking place in the authority area which attract large numbers to visitors to the city;
 - national and international sporting events are taking place and are televised in licensed premises.
- 4.9 When planning an event/festival organisers must always consider counter terrorism and the measure that they need to put in place.
- 4.10 In January 2022 the Home Office, through the Protect Duty consultation, has pledged to consider legislative approaches requiring venue operators to consider the risk of terrorist attacks, and to take proportionate and reasonable measures to prepare and protect the public. Whilst legislation is being considered by the Government, operators of venues and organisers of events/festivals may find it beneficial to refer to the Protect Duty consultation documents until such laws are enacted.
- <https://www.gov.uk/government/consultations/protect-duty/outcome/government-response-document>

Night-time Safety

- 4.11 Resident and visitor safety, especially the safety of those using the night-time economy, is an important factor that the Council, applicants and licence holders have to take into consideration, especially as national reports of violence against women and girls (the Home Office published the national strategy on tackling this matter on 21 July 2021), the spiking of drinks and spiking by injection are on the increase.
- 4.12 Applicants and licence holders are encouraged to engage in national and local schemes that promote customer safety, such as:
- joining YBAC (York Business Against Crime) and using the Store-Net radio;
 - joining Pubwatch;
 - using Sentrysis;
 - promoting 'Ask for Angela' in your venues;
 - national and local initiative tackling violence against women and girls;
 - register with Neighbourhood Alert to receive updates on policing matters relevant to the local community and night time economy;

- ensure staff and customers are aware of and adhere to the Code of Conduct;
- engage with the BID rangers and Street Angels; and
- if you are planning/organising an event engage with York's Events Safety Advisory Group.

4.13 Applicants and licence holders are also encouraged to:

- a) make sure staff are trained to identify and report issues, this training should include awareness and safety of:
 - 1) lone customers leaving the venue, especially if the customer appears vulnerable (drunk or under the influence of drugs);
 - 2) unwanted contact (touching) between customers (on speaking to women news reports have recently identified that women are regularly touched without their consent, in some cases inappropriately, when walking through busy licensed premises);
- b) make sure the correct staff are in place, for example if you are a city centre venue door supervisors may be required, if you are a late night venue a member of staff to deal with customer welfare may also be required;
- c) make sure staff are aware of the closest taxi rank and bus stops that offer an evening/late night service, and have contact details available for taxi and private hire firms, booking a vehicle for customers if needed;
- d) have a safe place to take customers if required;
- e) have a zero tolerance towards drugs, having systems in place to prevent drugs from entering the premises, and dealing with issues of drug use, this should be included within staff training;
- f) have signage in place at entrances and within the venue with regards to customer welfare and safety;
- g) make sure staff are aware of the location of the river and river safety, especially those premises in close proximity to the river. As the River Ouse flows through the centre of the city, the city has sadly seen a number of river deaths. We encourage premises in close proximity to the river to have Throw Lines available, and to engage with the Fire Service with regards to training in their use, as they are a useful tool for river safety.

4.14 With regards to paragraph 4.13 (a) North Yorkshire Police advocate The WAVE (Welfare and Vulnerability Engagement) training. This training explores what vulnerability is, how to identify it and appropriate interventions. North Yorkshire Police will provide this training on request – NYPLicensing@northyorkshire.police.uk

Pubwatch

- 4.15 The Council and North Yorkshire Police promote and encourage Pubwatch, as it enables the sharing of best practice between licensed premises to achieve a safer drinking environment. Pubwatch enables licensees to take collective action to share information, ban troublemakers, while promoting effective working relations between licensed premises, the Police and the Council.
- 4.16 Further information on Pubwatch can be found on the National Pubwatch website: www.nationalpubwatch.org.uk

Purple Flag

- 4.17 Purple Flag standard is an accreditation process similar to the Green Flag award for parks and the Blue Flag award for beaches. It allows members of the public to identify town and city centres that provide a safe, vibrant and varied night out.
- 4.18 The Council submitted an application to achieve Purple Flag accreditation in autumn 2021, on 1 February 2022 the Council received notification that the application was successful, the Purple Flag will be awarded to the city in March. Further information on how to achieve Purple Flag accreditation is available at: www.atcm.org/purple-flag

Equalities Act 2010

- 4.19 Applicants and licensees must make themselves familiar with their responsibilities under the Equalities Act and relevant guidance for businesses, which can be found on the Equality and Human Rights Commission website: www.equalityhumanrights.com
- 4.20 The Council must have regards to its public sector duty under the Equality Act.

Regulators' Code 2014

- 4.21 The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006 and provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Nearly all regulators, including local authorities and the fire and rescue service authorities, must have regard to it when developing policies and procedures that guide their regulatory activities.

5. Local Factors

- 5.1 York city centre, predominately the area within the City Walls, is made up of:
- the main shopping area featuring high street named stores and local independent operators;
 - the main tourist area featuring visitor attractions such as York Minster, Jovik Viking Centre, Cliffords Tower and Castle Museum;
 - the main restaurant area featuring nationally known operators and local independent operators;
 - the main pub/bar/nightclub area featuring nationally known operators and local independent operators;
 - a number of hotels featuring nationally known operators and local independent operators; and
 - residential properties.
- 5.2 The make-up of the city centre means that residents, families, shoppers and tourists are in close proximity to people who are in the city to predominately consume alcohol.
- 5.3 Over the last eight-ten years drinking behaviour has changed in the city centre on a Saturday, during the day and early evening, in that more people come to the city to visit the pubs and bars. A majority of these people travel by train, some of which 'pre-load' on the train while travelling to York. The impact of shoppers, families and tourists being in the city centre alongside these people has caused an increase in anti-social behaviour in the city centre, at the railway station and on the trains when these visitors are returning home.
- 5.4 Within the last year across the city centre and the suburbs of York there has been a:
- 12% decrease in anti-social behaviour;
 - 7.7% increase in anti-social behaviour related to alcohol;
 - 10% increase in crime; and
 - 24% increase in crime related to alcohol.
- Residents have identified through the councils' Big York Survey that 'low crime levels' are the most important factor in making somewhere a good place to live.
- 5.5 Residents have identified that 'young people being drunk, rowdy, or a nuisance' as the second highest priority within the anti-social behaviour indicator set that needs to be addressed, and alcohol related anti-social

behaviour carried out by adults and young people is a real issue for residents and businesses in certain parts of our city centre and some of our neighbourhoods.

- 5.6 Alcohol-related harm is a particular matter of concern in York, with a higher than average rate of alcohol related hospital admissions, and concerning rates of alcohol related mortality and alcohol specific mortality¹. In the context of an 18.6% increase in alcohol specific deaths in 2020 across the UK (the highest year-on-year increase on record)², collaborative action on reducing alcohol harm is urgently needed. Before the Covid-19 pandemic, there were already national increases in alcohol related hospital admission and deaths. The pandemic seems to have accelerated these trends³.
- 5.7 Hospital admissions for alcohol related conditions in York were 1,629 per 100,000 in 2020/21, which is significantly higher than the England wide rate for the same period⁴.
- 5.8 York's alcohol specific admission rate was last similar to the England average in 2014/2015, at a rate of 590 per 100,000. In every year since, York's alcohol specific admission rate has been significantly worse than the average, with the latest rate (2020/2021) being 683 per 100,000, which is 15.8% higher than in 2014/15. Across the same time period, the England rates have differed by 1.9% (with rates of 576 per 100,000 in 2014/15 and 587 per 100,000 in 2020/21).
- 5.9 In 2020 alone, 69 people died in York of conditions which are wholly or partially caused by alcohol⁵.
- 5.10 21.4% of York adults report drinking above the low risk level of up to 14 units per week⁶. This means that 21.4% of York adults are at an increased risk of alcohol-related disease and other long term harm.
- 5.11 11.9% of York adults report binge drinking (drinking more than six units, for women, or more than eight units, for men, of alcohol in one day)⁷. This population are at an increased risk of experiencing acute alcohol related harm.

¹ Local Alcohol Profiles for England - Data - OHID (phe.org.uk)

² Office of National Statistics (2021). Alcohol-specific deaths in the UK: registered in 2020

³ Public Health England (2021) Monitoring alcohol consumption and harm during the COVID-19 pandemic: summary - GOV.UK (www.gov.uk)

⁴ Admission episodes for alcohol-related conditions (Broad) (2020/21) Local Alcohol Profiles for England - Data - OHID (phe.org.uk)

⁵ Alcohol-related mortality (2020) Local Alcohol Profiles for England - Data - OHID (phe.org.uk)

⁶ % of those 18yrs+ who reported drinking more than 14 units of alcohol each week, Health Survey for England 2015-18 combined data Local Alcohol Profiles for England - Data - OHID (phe.org.uk)

⁷ % of those 18yrs+ who reported drinking more than 6 / 8 units (women / men respectively) on their heaviest drinking day in the last week, Health Survey for England 2015-18 combined data Local Alcohol Profiles for England - Data - OHID

- 5.12 There has been a shift in the UK towards drinking at home. More alcohol is purchased from the off-trade, such as supermarkets and shops, than in the on-trade such as pubs, bars, clubs and restaurants⁸. A growing number of drinkers are more likely to drink at home before a night out, commonly known as 'pre-loading'. This change in drinking patterns is largely driven by low cost alcohol available from the off trade.
- 5.13 Those drinking at the highest, and therefore most harmful, levels are more likely to consume the majority of alcohol at home⁹. This supports analysis that revealed harmful drinkers account for 32% of alcohol-related revenue in the off-trade, compared with 17% of revenue in the on-trade¹⁰.
- 5.14 Research by the institute for Fiscal Studies found that heavier drinkers tend to consume alcohol products that are both cheaper and stronger on average, compared with lighter drinkers¹¹. High strength, cheaper products are therefore likely to be associated with the greatest harms.
- 5.15 During the period 2014/15 – 2017/18, Yorkshire Ambulance Service records show that central York had the highest number of ambulance attendances where the ambulance service have recorded alcohol as a factor at the scene, 961 attendances, compared to other areas of the city¹².
- 5.16 The availability of high strength alcohol products, such as high strength lager and cider, usually favoured by street / problem drinkers from the off-trade also has an impact on anti-social behaviour, crime and disorder and public health. Off licences selling single cans of lager, beer and cider can add to this issue.
- 5.17 Excessive alcohol consumption is not just an issue for individuals, families and communities, but it has a significant impact on our public services, including the police and health services.
- 5.18 Due to the factors highlighted above, and to encourage the safe/responsible consumption of alcohol, the Council encourages licence holders to make sure the sale of alcohol is carried out in a responsible manner, this could be done through the price, the way it is advertised/promoted/sold and the availability of low and/or alcohol free alternatives.

⁸ Foster, J.H. & Ferguson, C.S. (2012). Home Drinking in the UK: Trends and Causes

⁹ Public Health England (2017) Local Alcohol Consumption Survey National Report (publishing.service.gov.uk) See Figure 8.

¹⁰ Bhattacharya, A. et al. (2018). How dependent is the alcohol industry on heavy drinking in England?

¹¹ Griffith, O'Connell and Smith (2017). Tax design in the alcohol market.

¹² Yorkshire Ambulance Service, via SHAPE Place Atlas • Attendances related to alcohol • Counties and Unity Authorities (shapeatlas.net)

6. City of York Council Approach to Licensing

- 6.1 The Council accepts the importance of licensed businesses to the culture, economy and vitality of the city. By using the opportunity presented by the Act and through this policy the Council can enhance the opportunities for businesses, residents and visitors while at the same time safeguarding residents and business amenities through the promotion of the licensing objectives.
- 6.2 In determining a licence application the overriding principle will be that each application will be determined on its own merits, having regard to the promotion of the licensing objectives and taking into account this licensing policy and the guidance issued under Section 182. Where it is necessary to depart from the guidance or this policy the Council will give clear and cogent reasons for doing so.
- 6.3 The Council will apply the requirements of the Act in such a way, so far as is possible, to avoid duplication with other regulatory regimes.
- 6.4 Within the general framework the Council would like to specifically address its policy in the following way:
- **Diversity** – the council strongly supports a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It believes diversity will attract a broader range of customers from local residents and visitors, also giving greater choice for different age groups. It gives potential for positively changing and improving the ambience of the city. This in turn may have a positive effect in increasing the number of evening visitors to the city centre while improving safety and reducing nuisance, crime and disorder.
 - **Use of Public Space** – the Council wishes to continue to promote a broad range of entertainment within the city including live music, dancing, theatre and other entertainment.
 - **Local Business** – through its policy the Council will encourage the development of local businesses recognising the benefits to the local economy, by supporting local enterprise to the benefit of residents.
 - **Premises Serving Food and Drink in the Open Air** – the Council wishes to respond appropriately to applications from public houses, bars and restaurants requesting to serve food and alcohol in areas adjacent to or immediately outside their premises. Approvals may also be required

from the planning and highway authorities.

- **York's Licensed Heritage** – the Council recognizes the important part traditional and historic public houses play in our cultural and tourism heritage and would seek to preserve and enhance those assets for future generations.
- **Live Entertainment and Performing Arts** – the Council encourages the development of venues for the provision of live entertainment and performing arts, recognizing the contribution made to the vitality of the city.

Application Procedure

- 6.5 All applications for premises licences, variations and provisional statements must be submitted in accordance with the Act and associated Regulations.
- 6.6 As part of the application process there is a requirement for the submission of an operating schedule. The Council will normally expect the operating schedule to have regard to the nature of the area where the premises is situated, the type of premises concerned, the licensable activities to be provided, operational procedures, and the needs of the local community in addressing the four licensing objectives.
- 6.7 Applicants are legally obliged to give notice of their application in two ways, by displaying a blue notice at the premises for a period of 28 days and placing a notice in a local newspaper. Each notice must clearly state the date by which representations must be received, where the application can be viewed in full and where representation must be sent.

Representations

- 6.8 Representations may be received from the responsible authorities and by other persons (as defined by the 2003 Act). Elected members may make representation in their own right, or on behalf of residents or the applicant; in both cases the elected member cannot take part in the decision process. Guidance on submitting a representation is available on the Councils website or by contacting the Licensing Section.
- 6.9 Members of the public who wish to submit a representation in regards to an application need to be aware that once submitted to the Council it becomes a public document. Their representation with personal details will be made available to the applicant, and will also be included in any report that is presented at a Licensing Sub-Committee Hearing. If this is an issue they

may contact a local representative such as a ward councillor, parish or town councillor, or any other locally recognised body such as a residents association about submitting the representation on their behalf. The Council cannot accept anonymous representations.

- 6.10 'Relevant representations' are representations as defined by Section 18 of the 2003 Act:
- about the likely effect of the application on the promotion of the licensing objectives;
 - which have not been withdrawn and, in the case of representations made by other persons, are not, in the Council's opinion irrelevant, frivolous or vexatious.
- 6.11 Unless relevant representations are made by a responsible authority and/or other persons licences will be granted on the terms set out in the application.

Determination of Applications

- 6.12 The Council will consider each application on its own merits whilst having regard to the 2003 Act, the Section 182 guidance and this policy.
- 6.13 Any delegated decision made by the Council will be carried out in accordance with the Scheme of Delegation.
- 6.14 Applications where there are relevant representations will be dealt with by a Licensing Sub-Committee, unless the Council, the applicant and everyone who has made representations agree that a hearing is not necessary.
- 6.15 Where possible, officers from the Council will act to mediate between applicants and persons making relevant representations to resolve issues, thereby preventing unnecessary hearings.

Composition of a Licensing Sub-Committee

- 6.16 A Licensing Sub-Committee shall comprise of any three elected members who serve on the Licensing and Regulatory Committee (Licensing Committee). The Council's Code of Conduct requires Members to register and declare their financial and other interests, and sets out consequences for the Member's participation in the decision making process in respect of an application, in the light of those interests. Members will also disqualify themselves if the application relates to a premises within their ward.

7. Licensing Objectives

- 7.1 The Council will carry out its functions under the Act with a view to promoting the four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 7.2 It is for the applicant to decide what measures to include, if any, in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.
- 7.3 The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern. Responsible authorities and other person may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives.
- 7.4 The Council recommends early consultation with responsible authorities; this can be done directly or through the Council's Licensing Section. Contact details for responsible authorities can be found on the Council's website or by contacting the Licensing Section.
- 7.5 The Council will have regard to the location and character of premises and the impact of the operation and management of all proposed licence applications and variations.

Prevention of Crime and Disorder

- 7.6 Prevention of crime and disorder is both an objective of the Act and an important responsibility of the Council under the Crime and Disorder Act 1998.
- 7.7 There are many steps an applicant may take to prevent crime and disorder. The Council will look to the police for the main source of advice on these matters. In accordance with the Section 182 guidance, police views on matters relating to crime and disorder will be given considerable weight. Steps that an applicant may take include:

- CCTV - It is recommended that CCTV should be digital systems covering all areas where alcohol is sold and consumed, entrances and to cover queues. Recordings should display correct time/date, be available within 48 hours of a request from any responsible authority and kept for a minimum of 28 days.
- Door Supervisors - Where appropriate an adequate number of door supervisors should be provided at premises. Whenever security supervisors are employed at licensed premises to carry out a security function they must be licensed by the Security Industries Authority (SIA).
- Staff training – It is recommended that staff, especially those involved with the sale/supply of alcohol, are trained with regards to the legal requirements of the Licensing Act 2003 and the premises licence in force.
- Night-Time Economy Radio Scheme - It is recommended that city centre licensed venues participate in the Night-Time Economy Radio Scheme (Store Net radios) as agreed with the police. This radio link covers both the day-time and night-time economies, giving participating venues a link to the CCTV room, the police and the chance to share 'real time' information with each other.
- Capacity - To prevent overcrowding that is likely to lead to disorder and violence, it is recommended that applicants in certain classes of licensed premises to state in their operation schedule a maximum safe capacity for their premises and the management arrangement to ensure it is not exceeded.

Public Safety

- 7.8 The licensing system should protect the safety of those visiting and working in licensed premises. All licensed premises within the Council area should therefore be safe, well managed and maintained.
- 7.9 The Council will not normally impose conditions on a premises licence relating to matters that are dealt with by other legislation.

Prevention of Public Nuisance

- 7.10 Applicants need to focus on the effect of licensable activities on persons living and working in the area around the premises when considering the promotion of this objective.
- 7.11 Public nuisance is not narrowly defined and can include low level nuisance affecting one or a few person(s) living locally, as well as a major disturbance affecting the whole community. Issues will mainly concern noise nuisance,

light pollution and litter.

7.12 Applicants should consider the following measures to address disturbance and nuisance:

- Hours of operations – the tolerance to disturbance is likely to be reduced at certain times and days. The later into the night the operation continues the greater the likelihood of public nuisance being caused. Particular consideration should be given to minimise disturbance during the night-time hours of between 11:00pm and 7:00am.
- Customer management:
 - queuing outside premises – supervision of queues by door supervisors, CCTV covering queues;
 - dispersing from premises – prominent notices at exits, door supervisors and staff asking customers to leave the area quietly, directing customers away from sensitive areas;
 - outside drinking areas – supervision of outdoor areas by door supervisors and staff, CCTV covering outside area;
 - smoking areas – positioning smoking areas away from residential properties, supervision of smoking areas by door supervisors and staff, CCTV covering smoking areas;
 - car parks – prominent notices in car parks asking customers to be quiet, not to slam car doors.
- Operation of premises:
 - loud music escaping from licensed premises – closing windows and doors, installation of soundproofing, acoustic lobbies, carrying out noise monitoring checks.
 - waste disposal – consider the timing of emptying waste on site and waste collections, particularly the emptying of bottle bins.

Further information is available in the Guide to Controlling Noise from Pubs and Clubs, produced by the Public Protection Section, which is available on the Council's website or by contacting the Public Protection Section on 01904 551555.
- Litter – excessive litter is generated from licensed premises in various forms, particularly takeaway food wrappers and event/venue promotion leaflets (flyers) and cigarette butts.
- Outdoor Music Events – further information is available in the Code of Practice and Guidance Notes on Noise Control for Concerts and Outdoor Events, produced by the Public Protection Section, which is available on the Council's website or by contacting the Public Protection Section on 01904 551555.

Protection of Children form Harm

7.13 The Act provides specific protection for children from the sale or provision of alcohol and regulated entertainment. The Council will not normally impose conditions requiring or prohibiting the admission of children to any premises as it believes that this should remain a matter of discretion of the licence holder. However, there are areas that will give rise to particular concern in respect of children and where additional controls are likely to be necessary. These include:

- where there have been convictions of the current management for serving alcohol to minors;
- where premises have a reputation for allowing under-age drinking and/or requirements of proof of age is not the norm;
- where premises have a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where adult entertainment is provided on an occasional basis and is not already licensed under other legislation.

7.14 In addition, licensees may identify that the access of children to particular parts of the premises poses more risk than others, and seek only to exclude children from areas of highest risk.

7.15 The Council may, as appropriate, consider whether conditions are necessary. If conditions are necessary these may include:

- limitations on the hours when children may be present;
- limitations upon the presence of children of certain ages when specified activities are taking place;
- limits on the parts of the premises to which children may have access;
- age limitations;
- limitations or exclusions when certain activities are taking place;
- requirements for accompanying adults or stewarding.

7.16 It is a mandatory requirement for premises which sell or supply alcohol to have an age verification policy in place.

8. Guidelines for Applicants

- 8.1 These guidelines are intended to help applicants by setting out criteria and considerations that they should consider when drawing up an operating schedule. Not all of these considerations necessarily apply, or apply equally, to all applications.
- 8.2 These considerations have been developed with reference to the licensing objectives following consultation with the responsible authorities. They therefore alert applicants to the matters which responsible authorities will be likely to consider when deciding whether to make representation on an application.
- 8.3 These considerations also draw the attention of applicants to matters that are likely to be the subject of conditions designed to promote the licensing objectives that may be attached to the grant of a licence if representations are made.
- 8.4 These considerations are based on experience and good practice established over the years in the city.

Planning

- 8.5 The use of premises for the sale or provision of alcohol, provision of regulated entertainment or late night refreshment is subject to planning control. Such use will normally require planning permission or must otherwise be lawful. Planning permission is generally required for the establishment of new premises or change of use of premises.
- 8.6 In line with the S182 guidance, planning and licensing regimes involve considerations of different (albeit related) matters. Licensing committees are not bound by the decisions made by a planning committee and vice versa.
- 8.7 While there is no obligation for an applicant to have planning permission before applying for a premises licence, provisional statement or for a substantial variation, it is recommended that lawful planning use is obtained initially. The planning authority is a responsible authority under the Act whom applicants are required to give notice of applications.
- 8.8 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning

permission or building control consent was lawful and correct. It will take into account what the impact of granting a licence will be on the licensing objectives.

- 8.7 It should be noted that any decision made by the Council does not relieve an applicant of the need to apply for building regulation authorisation.

Licensing Hours

- 8.8 The Council recognises, that in some circumstances, more flexible opening hours will help address the issue of large numbers of patrons leaving licensed premises at the same time. The intention behind this is to reduce disorder and disturbance such as friction at late night food outlets, taxi ranks and in the street.
- 8.9 A thriving and safe evening / night-time local economy are important considerations in relation to investment, local employment and attractive to residents and tourists. However, the Council believes that any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. The noise generated by licensable activities, especially customers departing late at night can be intrusive when ambient noise levels are much lower, however dependant on the type, it could also be intrusive when ambient noise levels are higher.
- 8.10 The Council believes that full consideration should be given to the risk of disturbance to local residents and possibly to businesses when licensable activities continue late at night and into the early hours of the morning.
- 8.11 The Council recognises that there is no general presumption in favour of lengthening licensing hours and the licensing objectives should be paramount considerations at all times. Restrictions may be made to the proposed hours of use where, if relevant representations are received, the Council considers it appropriate for the promotion of the licensing objectives to do so. Consideration will be given to the individual merits of an application.
- 8.12 Generally shops, stores and supermarkets will be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes unless there are good reasons, based on the licensing objectives, for restricting those hours.

Drinking up time / cooling down period

- 8.13 Even though the traditional drinking up time was not carried over into the Act

the Council recommends that applicants of premises licensed for the on-sale of alcohol should consider a drinking up / cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transportation from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.

Dispersal

8.14 The effective dispersal of customers away from premises will be a consideration for the Council when it is required to determine licensing hours as crime and disorder and public nuisance is most likely where crowds gather to queue or wait after leaving licensed premises.

Designated Premises Supervisor (DPS)

8.15 An applicant for a premises licence which includes the sale and supply of alcohol must nominate a DPS. That person will normally have been given day to day responsibility for the running of the premises. The DPS will also be a personal licence holder.

8.16 The Act does not require the presence of the DPS at all material times. If the DPS is not present on the premises the Council would normally regard it as appropriate for a personal licence holder to be present on the premises at all times that alcohol is sold, and particularly where alcohol is sold late in the evening or early hours of the morning.

Authorising the Sale of Alcohol

8.17 It is a requirement of the Act that every supply of alcohol made under a premises licence must be made or authorised by a person who holds a personal licence. The Council strongly recommends that personal licence holders give specific written authorisation to any individuals that they are authorising to supply alcohol. It is recommended that the form of authorisation should include the following criteria:

- there should be an overt act of authorisation, for example, a specific written statement given to the individual being identified;
- the person(s) authorised to sell should be clearly identified;
- the authorisation should specify the acts which may be carried out by the person being authorised.

8.18 Also each and every sale or supply of alcohol by someone under 18 years must be specifically approved by a responsible person; unless the alcohol is

sold or supplied with a table meal in a designated area, and the consumption of alcohol is ancillary to a meal.

Staff Training

- 8.18 The Council recommends that all persons employed on licensed premises who are engaged in the management of the premises, for example manager, assistant manager, duty manager and senior bar staff, are trained to raise awareness of the requirements of the premises licence, the mandatory licence conditions and offences contained within the Act.
- 8.19 It is recommended that all persons employed on licensed premises who are engaged in the sale and supply of alcohol are trained to raise awareness of their responsibilities and the offences contained within the Act.
- 8.20 It is recommended that persons employed on premises providing entertainment for children and youths do training in basic child protection and safety, and if appropriate have the necessary Disclosure and Barring Service checks.
- 8.21 It is also recommended that persons employed on the premises are trained in relation to the matters detailed in paragraph 4.13 above. Licence holders should ask North Yorkshire Police to deliver WAVE training to all persons employed.
- 8.22 All persons employed on licensed premises should be provided with basic training on health and safety, food hygiene and the housekeeping arrangements for the premises.

9. Cumulative Impact

- 9.1 Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
- 9.2 Relevant authorisations means:
- premises licence
 - club premises certificate
- 9.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 9.4 The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has changed over the years.

Cumulative Impact Assessment

- 9.5 As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its second cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
- 9.6 As required by the Act the Council has formally consulted on the assessment.

- 9.7 By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation, with the reasons for departing from the Policy.
- 9.8 Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
- 9.9 Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant will be expected to demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.
- 9.10 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.

Cumulative Impact Area

- 9.11 The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and

therefore adversely affecting the promotion of the licensing objectives:

- prevention of crime and disorder
- prevention of public nuisance

9.12 North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:

- pubs, bars, nightclubs, restaurants, cafes, hotels (with bars open to the general public), late night refreshment premises (takeaways) and off-licensed premises (including supermarkets and convenience stores);
- especially in the night-time economy; and
- especially at weekends (day and night-time economy).

9.13 Red zones have been identified in this area due to the high concentration of licensed premises, the impact of which has led to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council should refuse all applications within the red zones where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in these zones. A map showing the red and amber zones can be found in the assessment.

9.14 Amber zones have also been identified in this area, again due to the high concentration of licensed premises, the impact of which has led to a high level of occurrences in relation to crime and disorder related issues. Therefore, unless the application relates to a food led operation, as details in paragraph 9.15, the Council should refuse all applications within the amber zones where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in these zones. A map showing the amber zones can be found in the assessment.

9.15 Applications for the grant or variation of a premises licence in the cumulative impact area may be considered more favourably if the applicant can demonstrate, through the operating schedule, that the premises is going to be predominantly food led with:

- alcohol being sold/supplied ancillary to a meal, with substantial* food being served throughout the duration of the operating hours;
- no vertical drinking, all customers seated at tables;
- set number of table covers;

- table service only, no customers at the bar;
 - no drinks promotion, unless they are in line with a food promotion.
- *something more substantial than a bag of crisps or a bowl of olives or nuts.

9.16 The Covid 19 pandemic, and government restrictions, have impacted the operation of a number of licensed premises dramatically, with some premises, such as nightclubs and theatres, closing for at least 12 months. Therefore, the evidence base for the cumulative impact assessment does reflect a reduction in crime and disorder related issues during 2020/21, which has made changes to the previously large red zone, providing a smaller red zone areas and introduces an amber zones.

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10. Early Morning Restriction Orders (EMROs)

- 10.1 The power conferred to licensing authorities to make, vary or revoke an EMRO is set out in sections 172A to 172E of the Act. This power came into force on 31 October 2012 and the Government provided guidance as part of the S182 Guidance to Licensing Authorities.
- 10.2 This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am to 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 10.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributed to specific premises.
- 10.4 An EMRO:
- Applies to the supply of alcohol authorised by premises licenses, club premises certificates and temporary event notices;
 - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
 - Applies for a limited or unlimited period;
 - Applies to the whole or any part of the licensing authority's area;
 - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
 - Will not apply to the supply of alcohol to residents by accommodation providers between 12am – 6am, provided the alcohol is sold through mini-bars/room service;
 - Will not apply to a relaxation of the licensing hours by virtue of an order made under section 172 of the Act.
- 10.5 Before a licensing authority determines to make an EMRO it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The licensing authority should consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence.
- 10.6 The licensing authority should consider whether other measures may

address the problems that they have identified as the basis for introducing an EMRO. These measures include:

- Introducing a cumulative impact assessment;
- Reviewing licences of specific problem premises;
- Encouraging the creation of business-led best practice schemes in the area.

10.7 It is the intention of the Council to support businesses, whilst ensuring the promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.

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11. Personal Licences

- 11.1 A personal licence authorises an individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence. The licensing authority for the area where the applicant resides issues a personal licence.
- 11.2 The Council recognises it has no discretion regarding the granting of personal licences where:
- the applicant is 18 or over,
 - possesses a licensing qualification,
 - has not had a licence forfeited in the last five years, and
 - has not been convicted of a relevant offence.
- 11.3 An application for a personal licence must be made in the form specified in Government guidance and regulations. The application must be accompanied by the requisite fee. The applicant should also be able to produce evidence of the relevant qualification.
- 11.4 Applicants should produce a Disclosure and Barring Service certificate which must be less than one calendar month old on submission.
- 11.5 Applicants from foreign jurisdictions are expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.
- 11.6 Applicants must prove that they have the right to work in the UK. A personal licence may not be issued to an individual who:
- Does not have the right to work or live in the UK; or
 - Is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.
- 11.7 The police may make objection on the grounds of an unspent relevant or foreign offence. If an objection is lodged a hearing has to be held unless otherwise agreed by all parties.

12. Temporary Event Notices (TENs)

- 12.1 The Act does not require the issue of a licence for a temporary event, it is a notification process. The police and the Council's public protection section (noise) are the only parties permitted to make representation if they believe the licensing objectives would be undermined.
- 12.2 There are two types of TENs; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than 10 clear working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event.
- 12.3 TENs are subject to various limitations. These are:
- Anyone aged 18 or over can be given a maximum of five standard or two late TENs per year*
 - Personal licence holders can be given a maximum of 50 standard or 10 late TENs per year*
 - Must involve no more than 499 people
 - Last up to 168 hours
 - No more than 15 can be given in respect of any particular premise in any year
 - Any particular premise can have a maximum aggregate duration of 21 days in any year
 - There must be a minimum of 24 hours between events
- *Late TENs count towards the total permitted number of TENs a person is permitted to give per year.
- 12.3 The police and the Council's public protection section (noise) may object to an event proposed under a TEN by serving an objection notice to the Council and the applicant on the grounds that one or more of the four licensing objectives will be undermined. An objection notice must be issued within three working days of being notified. If an objection notice is received to a late TEN the event will not be authorised to proceed. Therefore the Council encourages notice providers to give the earliest possible notice of events likely to take place. The Council may issue a counter-notice to the applicant if it considers it necessary for the promotion of the licensing objectives.
- 12.4 An intention notice for a temporary event must be made in the form specified by Government guidance or regulations. The notice must be

accompanied by the requisite fee.

- 12.5 The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 came into force on 16 September 2021. These Regulations have increased the maximum number of events and days per year for 2022 and 2023 that can be permitted under temporary event notices.
- 12.6 Under the Regulations the maximum number of temporary event notices is increased 20, and the number of days is increased to 26.

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13. Enforcement, Reviews and Suspension

Enforcement

- 13.1 Where necessary, enforcement action will be taken in accordance with the principles of the Regulators Compliance Code and the Council Enforcement Policy. Effective enforcement is needed to meet the licensing objectives and to support local residents and businesses.
- 13.2 The Council has adopted the fundamental principles recommended in the Hampton Report in its Enforcement Policy. Enforcement will be targeted on those premises and activities that give rise to the highest risk. Formal enforcement, such as a prosecution, will be a last resort and proportionate to the degree of risk. The key principles of consistency, transparency and proportionality will be maintained.
- 13.3 The Council recognises that the effectiveness of its licensing policy will be determined by enforcement action undertaken. The Council will undertake routine monitoring of licence conditions on a risk based programme. The Council will work with the police, fire authority, public protection section and other agencies to produce joint working practices.

Reviews of Licences

- 13.4 Following the grant of a premises licence a responsible authority or other person may apply to the Council for it to be reviewed. Applications for a review must relate to one or more of the licensing objections being undermined.
- 13.5 Before undertaking a review the Council must first consider whether the complaint made is not relevant, vexatious, frivolous or repetitious.
- 13.6 A review will be considered by a Sub-Committee of the Licensing Committee which has a range of options available to it under the Act. These include:
- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
 - To exclude a licensable activity for the scope of the licence (permanently or temporarily)
 - To remove the designated premises supervisor
 - To suspend the licence for a period not exceeding three months

- To revoke the licence

- 13.7 Where a Magistrates Court makes a Closure Order under part 8 of the Act, on the grounds of disorder, the Council must carry out a review of the licence.
- 13.8 Where a Magistrates Court makes a Closure Order under Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014, the police or the Council's public protection section may request a review of the licence.
- 13.9 The Violent Crime Reduction Act 2006 and the Licensing Act 2003 (Summary Review of Premises Licence) Regulations 2007 provides the police and local communities with powers in the specific area of alcohol-related violence. The summary review procedure allows the police to initiate an expedited review of a premises licence if a senior police officer is under the opinion that the premises are associated with serious crime, serious disorder or both.

Matter for Consideration

- 13.10 When considering enforcement action or a request for a review the Council will take relevant circumstances into account. However the following matters will be viewed particularly seriously:
- use of premises for criminal activities such as the supply of drugs or money laundering
 - failure to promptly respond to a warning given by a responsible authority
 - previous convictions for licensing offences
 - previous failure to comply with licence conditions and the requirements of the Act
 - failure to engage with a responsible authority in an effective manner

Suspension for Non-Payment of Fees

- 13.11 The Council is required to suspend a premises licence if the annual fee has not been paid when it is due. Where a premises licence has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension shall be lifted immediately upon payment of the fee and licensable activities may be resumed.
- 13.12 If an annual fee has not been paid by the due date, the licence holder shall be notified accordingly by the Council and given notice of the date that suspension shall take effect.

14. Business and Planning Act 2020

- 14.1 The Business and Planning Act 2020 came into force on 22 July 2020. The Act was introduced on to aid economic recovery and growth following impact of the Covid 19 pandemic. Some provisions within the Act temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises in England and Wales.
- 14.2 The new off-sales permission permits off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm, or the closure time of an existing outside area, whichever is earlier. The provisions also temporarily suspend existing licence conditions in so far as they are inconsistent with the off-sales permissions.
- 14.3 The off-sales permission is authorised under section 172F(2) of the Licensing Act 2003 in respect of on-sales licences and section 172F(5) of the Licensing Act 2003 in respect of dual licences (on and off sales).
- 14.4 The permission will lapse on 30 September 2022, unless the temporary period is extended by regulations made by the Secretary of State or is otherwise suspended, removed or varied.

15. Other Relevant Legislation, Information and Guidance

Legislation

- **Health and Safety at Work Act 1974 and associated legislation** – City of York Council is the authority for this legislation in relation to most licensed premises in the area.
- **Human Rights Act 1998** – City of York Council has a duty under the European Convention of Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operator their business without undue interference (Article 1 of the first protocol).
- **Crime and Disorder Act 1998 Section 17** – this Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states
 “Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent
 a) crime and disorder in its area; and
 b) the misuse of drugs, alcohol and other substances in its area; and
 c) re-offending in it area.”

This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirements under this Act.

- **Violent Crime Reduction Act 2006** – Part 1 of this Act amends the Licensing Act 2003 and includes measures to tackle alcohol-related violence and disorder.
- **Policing and Crime Act 2009** – Part 3 of this Act amends the Licensing Act 2003 and includes measures to tackle alcohol misuse.
- **Police, Reform and Social Responsibility Act 2011** – Part 2 of the Act amends the Licensing Act 2003.
- **Anti-social Behaviour, Crime and Policing Act 2014** – Section 59 of this Act gives local authorities powers to make a Public Space Protection Orders.

Orders can include Alcohol Restriction Zones (ARZ). In areas where an ARZ is in place it is an offence for a person who is consuming alcohol to not cease and/or surrender the alcohol when requested to do so by a police officer or other authorised person.

- **Policing and Crime Act 2017** – Part 7 of this Act amends the Licensing Act 2003.
- **Environmental Protection Act 1990** – this covers a wide range of types of pollution including noise.
- **The Clean Neighbourhoods and Environment Act 2005** – this provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11.00pm – 7.00am.
- **Anti-Social Behaviour Act 2003** – Section 40 and 41 of this Act provides that if the noise from a licensed premises is causing a public nuisance, an authorised environmental health officer will have the power to issue a closure order effective for up to 24 hours. This compliments the police powers under Part 8 of the Licensing Act 2003 to close licensed premises for temporary periods.
- **Health Act 2006 (Workplace Smoking Ban)** – the ban on smoking in all enclosed work places and public places came into force on the 1 July 2007. The ban includes smoking in pubs, restaurants and members clubs where bar or other staff are employed.
- **The Regulatory Reform (Fire Safety) Order 2005** – North Yorkshire Fire and Rescue Service enforce fire safety legislation. Further information of the legal requirements can be found on their website: <http://www.northyorksfire.gov.uk/>
- **Data Protection Act 2018** – applicants should have regard to the provisions of this Act in relation to their premises and in particular to the Information Commissioners Code of Practice on CCTV.

Information and Guidance Documents

- Licensing Act 2003 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Section 182 Guidance, Pool Conditions Supporting Guidance and Guidance on Persistently Selling Alcohol to Children - <https://www.gov.uk/>

- Alcohol Strategy - <https://www.gov.uk/government/publications/alcohol-strategy>
- Tackling Violence Against Women & Girls – <https://www.gov.uk/government/news/tackling-violence-against-women-and-girls-strategy-launched>
- Health, Safety and Welfare Music and Other Events - <https://www.thepurpleguide.co.uk/>
- Running a Safety Event - <http://www.hse.gov.uk/event-safety/running.htm>
- Risk Assessments - <http://www.hse.gov.uk/risk/controlling-risks.htm>
- Controlling Noise – <https://www.york.gov.uk/NoisePollution>
- Reducing litter - <https://www.gov.uk/government/publications/reducing-litter-caused-by-food-on-the-go-a-voluntary-code-of-practice-for-local-partnerships>

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Statement of Licensing Policy – list of revisions to the policy

Section	Changes – prior to consultation
1 & 2	Parts of both sections condensed to avoid duplication.
3	Updated figures included.
4	Paragraph 4.2 – updates relating to the council plan.
4	Removal of section relating to PSPOs.
4	Counter Terrorism – addition of paragraph 4.7 and 4.8.
4	Addition of sub-sections entitled: <ul style="list-style-type: none"> • My City Centre York • Night-time Safety • Pubwatch • Purple Flag • Equalities Act 2010
6	Composition of a Licensing Sub-Committee – paragraph 6.16 amended.
7	Prevention of Crime and Disorder – addition of bullet point relating to staff training
8	Staff Training – addition of paragraph 8.21
9	Cumulative Impact Area – amendments to paragraphs 9.12 & 9.13. Addition of paragraphs 9.14, 9.15 and 9.16.
12	Temporary Event Notices – addition of paragraphs 12.5 and 12.6.
14	Business and Planning Act – addition of this section.
15	Information and Guidance Documents – addition of link to Tackling Violence Against Women and Girls
	Changes – following consultation
4	Counter Terrorism – amendment to paragraph 4.7 and addition of paragraphs 4.10 and 4.14 – due to these additions paragraphs number within the section were amended Amendment to paragraph 4.18
4	Night-time Safety – addition of paragraph 4.14
5	Local Factors – amendments to paragraphs 5.4 and 5.6 – 5.15 Addition of para 5.18
6	Composition of a Licensing Sub-Committee – amendments to paragraph 6.16
8	Staff Training – amendments to paragraph 8.21

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Cumulative Impact Assessment 2021

Licensing Act 2003

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Introduction

1. Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Licensing Act 2003.
2. In April 2018 the Police and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A. This provision provides that a licensing authority may, in appropriate circumstances, publish a document, cumulative impact assessment (Assessment), stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the Assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
3. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
4. The Assessment must set out the evidence for the authority's opinion, must be consulted upon before it is published, it must be reviewed at least every three years to consider whether it remains of the opinion stated in the Assessment, a review must be consulted upon and any revisions must be published along with the evidence. Following the introduction of Section 5A of the Act, and in accordance with the Section 182 Statutory Guidance, the Council's previous approach and policies have been reviewed.
5. By publishing an Assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the Assessment when determining or revising the Statement of Licensing Policy. The Assessment does not change the fundamental way that a licensing decision is made, as each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the Assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation.
6. Where no relevant representations are received an application will be granted in terms consistent with the operating schedule.
7. An applicant wishing to obtain a new licence or vary a licence for premises, within the cumulative impact area, will be expected to demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.

8. The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly, with those authorities, or through the Council's Licensing Section.

Cumulative Impact – York City Centre

9. City of York Council (the Council) has included a Cumulative Impact Policy (known as the cumulative impact zone CIZ) within its Statement of Licensing Policy since 2005, following the receipt of evidence provided by North Yorkshire Police (the Police) and the Council's Public Protection Service (noise), in relation to an area identified within York city centre. This area was reviewed in accordance with the requirements of the Act. Due to the changes within the city centre, mainly the changing locations where licensed premises were predominately operating and following the receipt of further evidence from the Police and Public Protection this area has increased on two occasions over the years.

Cumulative Impact Assessment – York City Centre 2021 Review

10. As required by the Act the Council has reviewed the cumulative impact area. The Police have provided statistical data for the area, which includes crime associated with the consumption of alcohol and Public Protection has provided data relating to noise associated with the operation of licensed premises. The Council, in consultation with the Police, has developed its second draft Assessment in relation to an area that has been identified in York city centre. This area includes red and amber zone areas.
11. This cumulative impact area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:
 - prevention of crime and disorder
 - prevention of public nuisance
12. The Assessment relates to applications for the grant and/or variation of premises licences, club premises certificates or the issue of provisional statements. Throughout this Assessment a general reference to a premises licence, will include a club premises certificate and/or provisional statement.
13. The variation of premises licences relates to:
 - changing the style of operation;
 - extending the premises/licensed area;
 - increasing capacity; and
 - extending the licensed hours.

York City Centre Area

14. The key findings from Public Protection (noise) were:

- That noise complaints within the CIA:
 - Reduced in 2019 compared to 2018. 33 complaints were received in 2018, and 14 were received in 2019.
 - Reduced further in 2020, nine complaints were received. The impact of the Covid 19 pandemic, restricted the operation of a number of businesses within the CIA, with a majority of businesses been closed due to restrictions.
 - Increased in the first 10 months of 2021, 27 complaints were received.
- The complaints relate to noise from either music from licensed premises, people at or in the vicinity of licensed premises or deliveries/collections to and from licensed premises.
- The locations of the complaints are as follows:

Location	No Complaints 2019	No Complaints 2020	No Complaints 2021*
Blossom Street / The Crescent	4		3
Micklegate / Bridge Street /St Martins Lane	5	3	5
George Hudson St / Rougier St	2	1	2
Tanner Row	1		
Low / High Ousegate			2
Parliament Street		1	
Church Street			1
Fossgate	1		2
Goodramgate			1
Low/High Petergate		2	5
Silver Street			1
Kings Square		2	
Swinegate / Grape Lane			2
Little Stonegate			1
Stonegate			1
New Street	1		1

*up to 31 October 2021

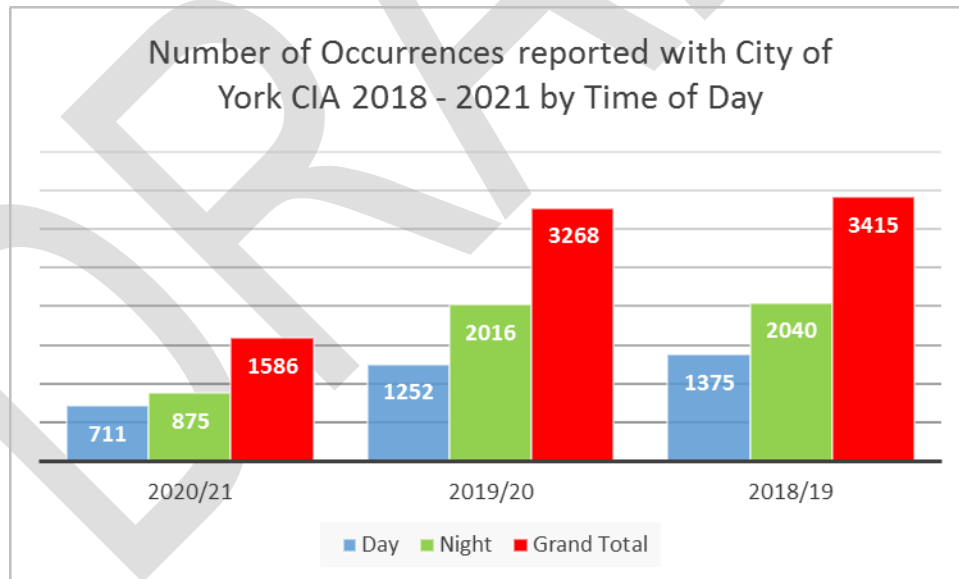
15. The key findings from the Police were:

- Overall the crimes and occurrences continue to follow a similar pattern to those highlighted in the report 2017-2018. The CIA encapsulates the majority of crimes / ASB and PSW incidents in the centre of York.
- 2019/20 data:
 - The majority of incidents continue to occur in the night-time economy, peaking between 23:00-04:00.
 - There is a substantial rise in reporting on a weekend, in particular on Saturdays, which accounts for 24% of the total.
 - The top tier occurrence types continue as previously reported, with ASB nuisance the top report incident with 42.5% of this total reported across the weekend.
 - There is a significant increase in the number of ASB dispersal notices totalling 166.
 - Coney Street continues to be the top area where dispersal notices are issued.
 - PSW Concern for Safety and PSW Suspicious Circumstances are also recorded within the top tier of occurrences. Levels remain relatively stable between 2018 and 2021.
 - Crime Violence continues to feature highly, accounting for 73% of the crime types in the CIA 2019/20.
 - 55% of Crime Violence for period 2019/20 occurs on a weekend (Saturday/Sunday) with all incidents believed to be linked to alcohol.
 - Similar to previous years, the top five streets where incidents are reported are Micklegate, Coney Street, Blake Street, Blossom Street and Low Ousegate.
 - The months which see the most reports follow patterns seen in previous years, with an increase in summer months and around December.
- 2020/21 difference to note
 - The majority of incidents continue to be in the night-time economy, although peaks times are earlier than in previous years 22:00 – 23:00.
 - The top tier occurrence types continue as previously reported, however there is a significant increase in ASB Environmental, compared to the previous years.

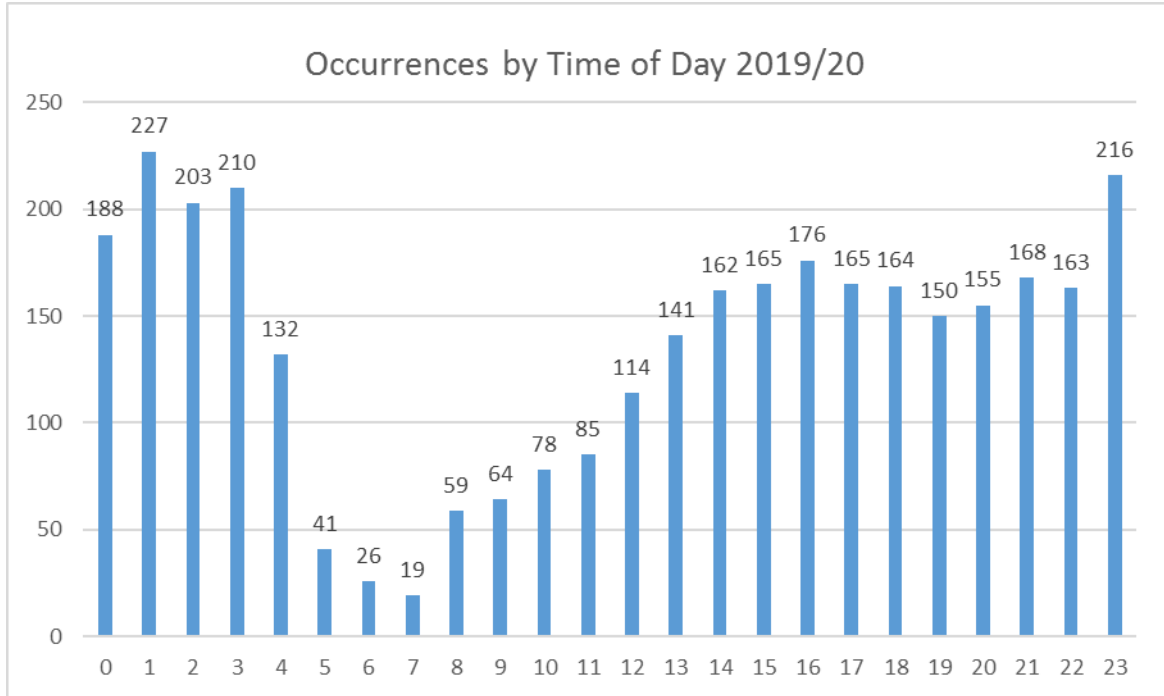
- Crime Violence reduces to 60% from 73% in 2019/20.
- Crime Violence occurring on a weekend has reduced slightly to 49%.
- The top five streets reflect previous years, apart from one change where Goodramgate replaces Blake Street.
- The reporting months follow a similar pattern to previous years; however this is more a reflection of Covid restrictions being reduced or removed. The summer months saw pubs and restaurants re-open, and December saw restrictions lifted, York was not heavily affected by the Governments three-tier systems.
- There were forty-one Covid tags applied to locations impacted, Little Stonegate has fourteen tags, which accounts for 82% of the incidents on Little Stonegate.
- 126 Covid tags have been applied to occurrences, ASB Environmental has the highest number with eighty-one out of the 142 issued.

Occurrences

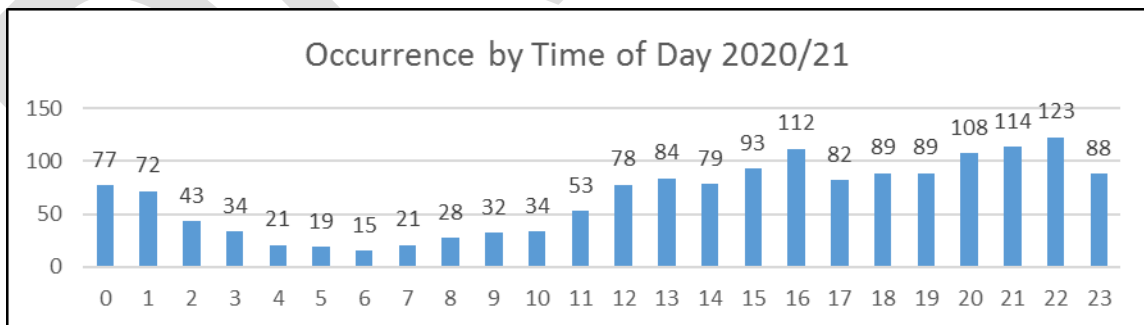
16. The majority of incidents reported within the City of York CIA are during the Night-Time Economy period (NTE).



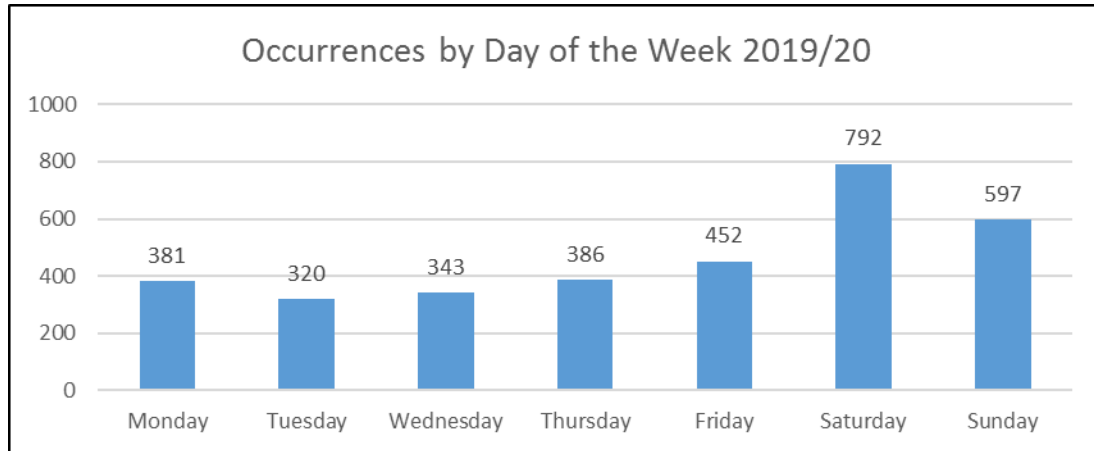
17. For the period 2019/20 there is a steady increase in reporting throughout the afternoon, which levels off and then peaks in the late evening and early hours of the morning 23:00 – 04:00, accounting for 61.7% of reporting occurring in the night-time economy.



18. For the period 2020/21 there is a slight shift, with 55% of occurrences reported during the night and 45% in the day. There is increased reporting in the afternoons, which follows a similar pattern in the early evening, the peak is earlier than previous years, around 22:00-23:00.



19. Incidents are reported throughout the week, with a substantial rise seen on a Saturday which accounts for 24% of the total in the period 2019/20. This pattern is also seen in data for the period 2020/21.

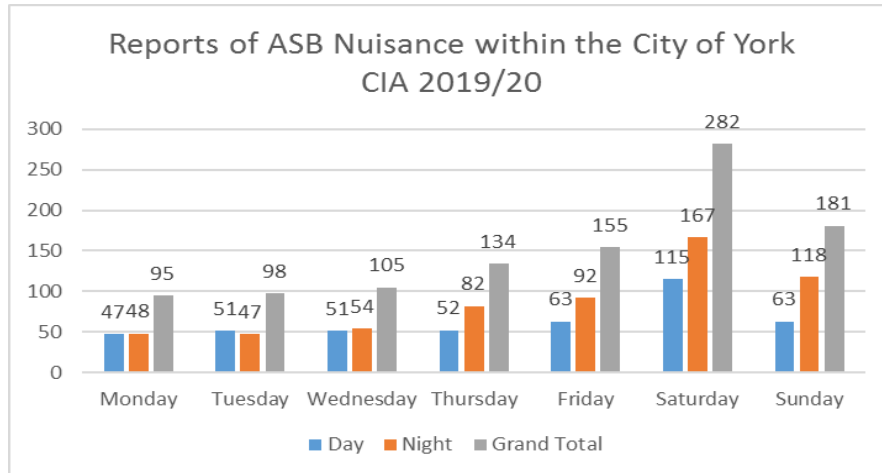


20. 3271 occurrences have been reported within the CIA in 2019/20. The top tier of occurrence types is shown within the table below, by year.

Incident Type	2018/2019	2019/2020	2020/2021
ASB Nuisance	1196	1050	465
PSW Concern for Safety/Collapse/Injury/Illness/Trapped	582	549	275
PSW Suspicious Circumstances/Insecure Premises/Vehicle	642	494	243
Crime Violence	402	534	150
ASB Environmental	30	19	142
PSW Abandoned Call	208	297	122

Position 1 2 3 4 5

21. ASB Nuisance continues as the most prevalent occurrence type across all three financial years, with 44% reported across the weekend (Saturday & Sunday) in period 2019/20. For the same period 61.5% of weekend incidents are reported during the night-time economy period.



22. ASB Dispersal Notices¹ are also included within the ASB Nuisance category. In the period 2019/20 166 were enacted, with a vast reduction in 2020/21 with just 56. The increased figures in 2019/20 is partially due to the proactive operations of Erase and Safari (planned operations to target alcohol fuelled disorder within the City) where pre-authorised dispersals were readily available and pro-actively utilised to reduce crime and disorder in the CIA.

¹ Under the Anti-Social Behaviour, Crime and Policy Act 2014, Officers can disperse people who they believe are likely to commit crime and disorder, or behave anti-socially.

23. The top ten areas where Dispersal Notices were issued for the period 2018/19 and 2020/21, shows Coney Street as the top location, this was also seen in periods 2018/19 and 2020/21.

Address Street	2018/2019	Address Street	2019/2020	Address Street	2020/2021
CONEY STREET	20	CONEY STREET	24	CONEY STREET	9
BLAKE STREET	8	BLAKE STREET	14	DAVYGATE	8
HIGH OUSEGATE	8	PARLIAMENT STREET	12	GOODRAMGATE	6
LOW OUSEGATE	6	LOW OUSEGATE	11	KING'S STAITH	5
MICKLEGATE	5	MICKLEGATE	10	BLAKE STREET	3
TANNER ROW	4	PICCADILLY	9	LOW OUSEGATE	3
SPURRIERGATE	3	DAVYGATE	6	CLIFFORD STREET	3
ST. MARYS SQUARE	3	SPURRIERGATE	6	STATION RISE	3
NORTH STREET	2	NORTH STREET	6	MICKLEGATE	2
BRIDGE STREET	2	COPPERGATE	6	ST HELENS SQ	2

***Bold** previous top five streets highlighted in the CIA 2018.

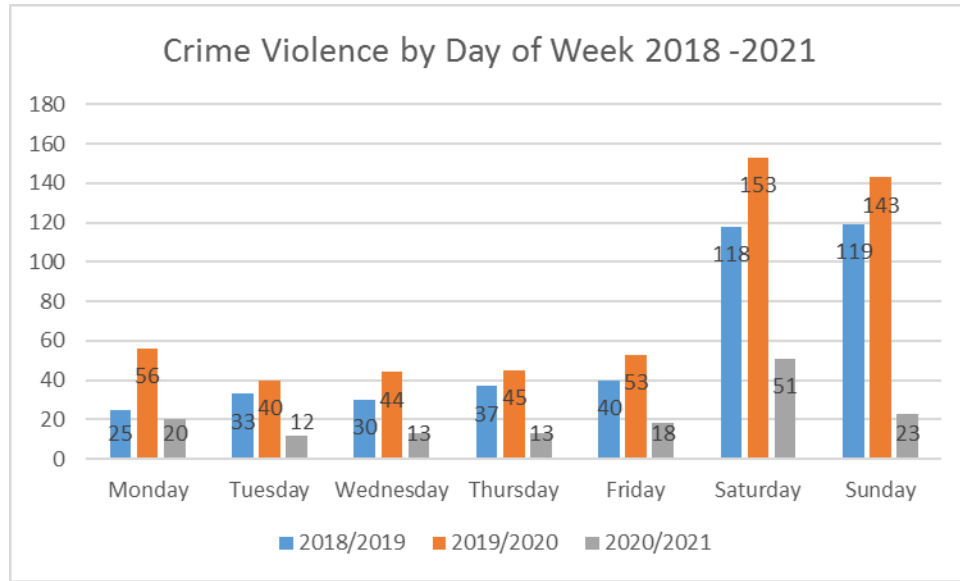
24. ASB Environmental has seen a significant increase in period 2020/21, this is believed to be the impact of Covid 19.

Occurrence Type Description	2018/2019	2019/2020	2020/2021
ASB Nuisance	1196	1050	465
ASB Environmental	30	19	142
ASB Personal	73	51	27
Grand Total	1299	1120	634

19. PSW Concern for Safety and PSW Suspicious Circumstances are also recorded within the top tier of occurrences. Levels remain relatively stable between 2018 and 2021.
20. Similar to both 2018/19 and 2020/21, Crime Violence continues to feature highly, accounting for 73% of the crime types in the CIA 2019/20, however this reduces to 60% in 2020/21.

Occ Type Desc	2018/2019	2019/2020	2020/2021
Crime Violence	402	534	150

21. 55% of Crime Violence for period 2019/20 occurred on a weekend (Saturday / Sunday) with all incidents believed to be linked to alcohol. This has reduced slightly to 49% in 2020/21.

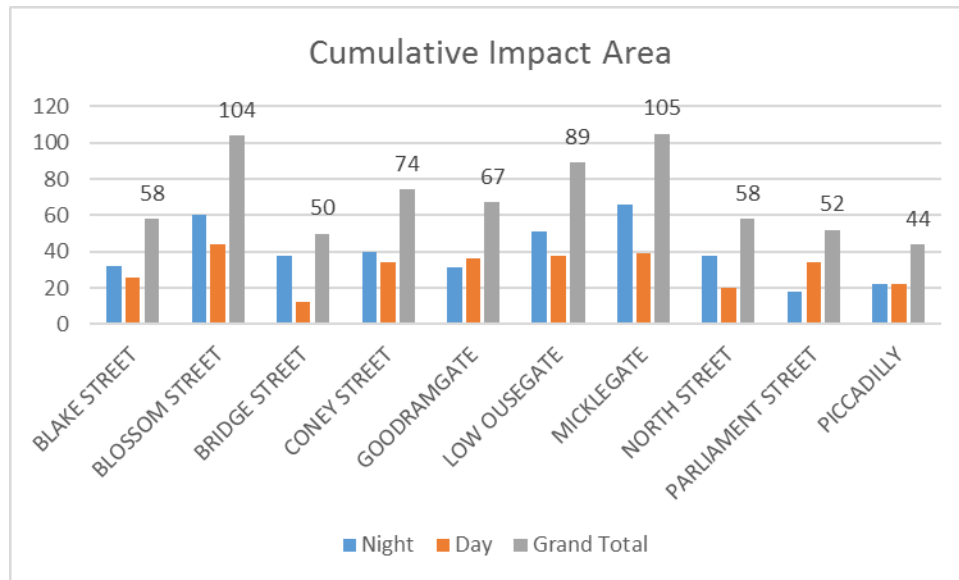


22. 724 crimes have been reported within the CIA in 2019/20. The top tier of Crime Groups exemplified within the table below account for 96.8% of crimes reported.

Crime Type	2018/2019	2019/2020	2020/2021
Crime Violence	402	534	150
Crime Other Offences	51	93	63
Crime Criminal Damage	43	39	22
Crime Drugs	10	18	6
Crime related incident	28	17	6

Locations

23. The 'Top Ten Tier Streets', within the CIA, that record the highest level of occurrences, are evidenced within the graph below. Micklegate, Coney Street, Low Ousegate and Blossom Street have been highlighted across previous years. These localities encompass a high concentration of licensed premises, off-license express supermarkets, late night eateries and cafes as well as hotel and retail premises. Consequently footfall is high. Goodramgate has overtaken Blake Street in the period 2020/21 which hasn't featured in previous years top five locations.



24. There are now four hotspot red zones in the CIA 2020 – 2021 which also reflects the data 2018 - 2020. The main difference is an increase in incidents in the Church Street/ Swinegate/ Low Petergate area. This may be due to the increase in outdoor pavement café establishments in the area, which have increased since the COVID 19 restrictions have been introduced.

COVID Data

24. COVID Restrictions:

- 23/03/2020 – UK in lockdown
- 10/05/2020 – UK restrictions eased
- 01/06/2020 – Phased re-opening of schools
- 15/06/2020 – Non-essential shops re-open
- 23/06/2020 – Further easing of restrictions and 2m social distancing in place
- 04/07/2020 – Further easing of restrictions, including re-opening of pubs, restaurants and hairdressers
- 03/08/2020 – Eat out to help out scheme launched
- 14/08/2020 – Further easing of restrictions, including opening of theatres, bowling alleys and soft play
- 14/09/2020 – Rule of six indoor and outdoor implemented
- 22/09/2020 – Return to working from home
- 14/10/2020 – Three tier system introduced
- 05/11/2020 – Second lockdown in place
- 02/12/2020 – Second lockdown ends and three tier system in place
- 23-27/12/2020 – Christmas rules – up to three households can meet indoors
- 06/01/2021 – Third lockdown in place
- 08/03/2021 – Schools return
- 29/03/2021 – Rule of six in place.

25. A Covid tag has been applied to locations via the Storm system. Out of the 1588

occurrences there are forty-one streets with this tag, the top streets with five tags of more are listed below.

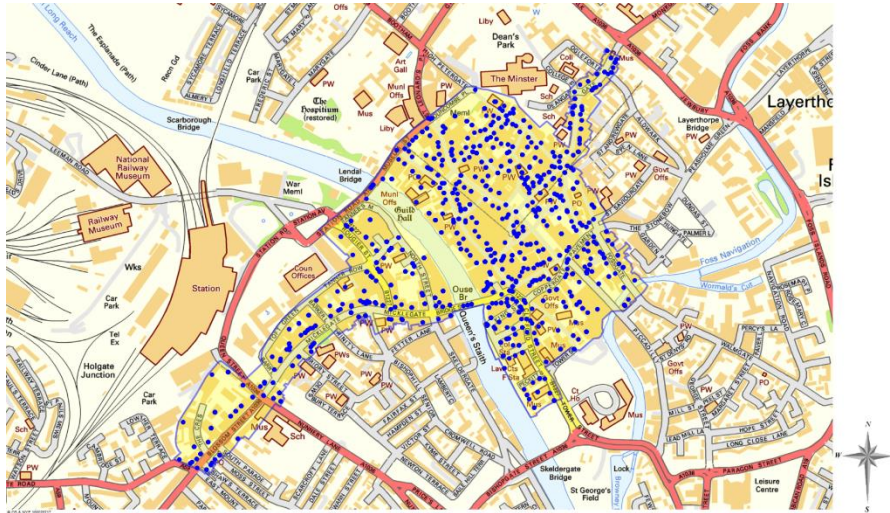
Street	Covid Tag Count	Occurrence % with Covid Tag
LITTLE STONEGATE	14	82.30%
BLOSSOM STREET	12	13.04%
FOSSGATE	7	28%
CONEY STREET	6	8.80%
MICKLEGATE	5	5%
LOW OUSEGATE	5	6%
PAVEMENT	5	17.20%
PICCADILLY	5	12.80%
GOODRAMGATE	5	8%

26. There are 126 COVID tags linked to occurrences, as follows:

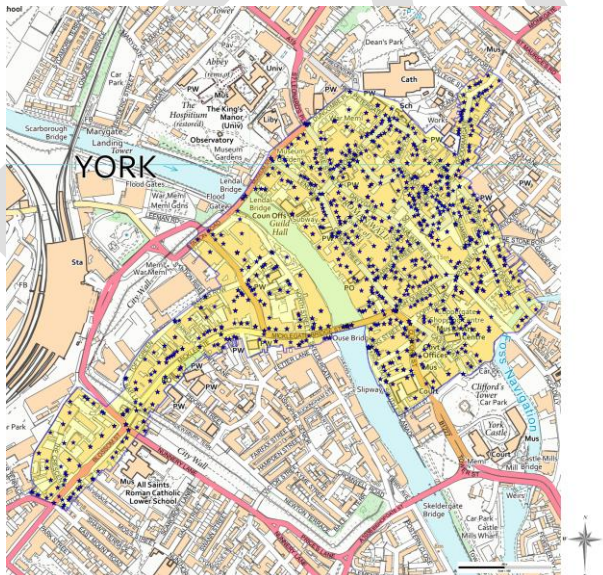
Occurrence Type	Occurrence	COVID	Grand Total
ASB Environmental	61	81	142
ASB Nuisance	429	36	465
PSW Licensing	3	5	8
PSW Concern for Safety/Collapse/Injury/Illness/Trapped	273	2	275
Crime Violence	149	1	150
ASB Personal	26	1	27

Maps

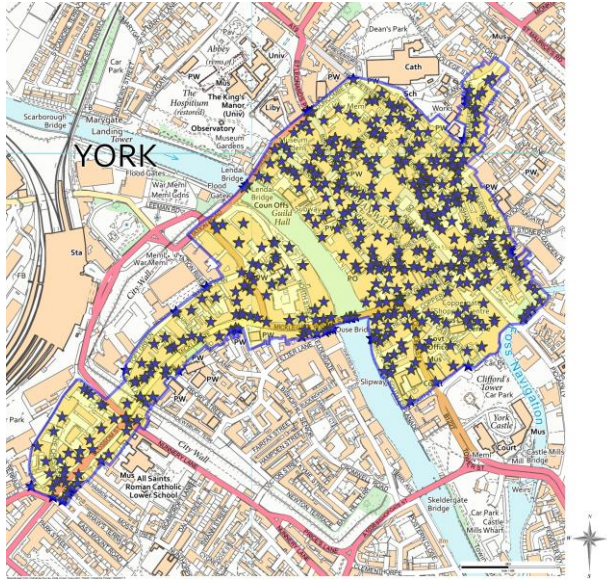
27. Map of the City of York showing the Cumulative Impact Area as indicated by the blue boundary line together with occurrences and crimes (represented by blue dots) committed within the CIA between 01/04/2017 and 31/03/2018.



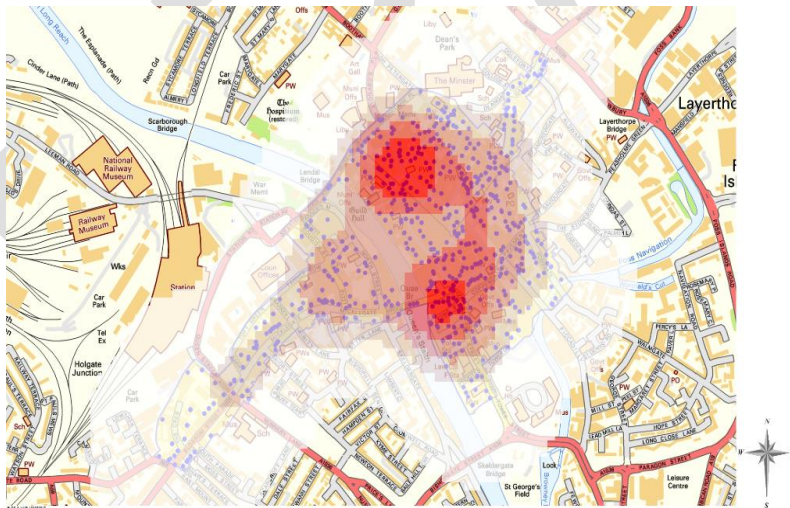
28. Map of the City of York showing the Cumulative Impact Area as indicated by the blue boundary line together with occurrences and crimes (represented by blue dots) committed within the CIA between 01/04/2018 and 31/03/2020 (pre Covid).



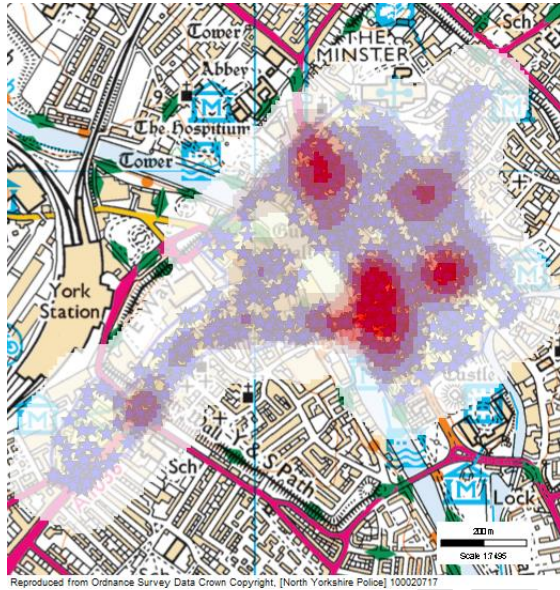
29. Map of the City of York showing the Cumulative Impact Area as indicated by the blue boundary line together with occurrences and crimes (represented by blue dots) committed within the CIA between 01/04/2020 and 31/03/2021 (during Covid).



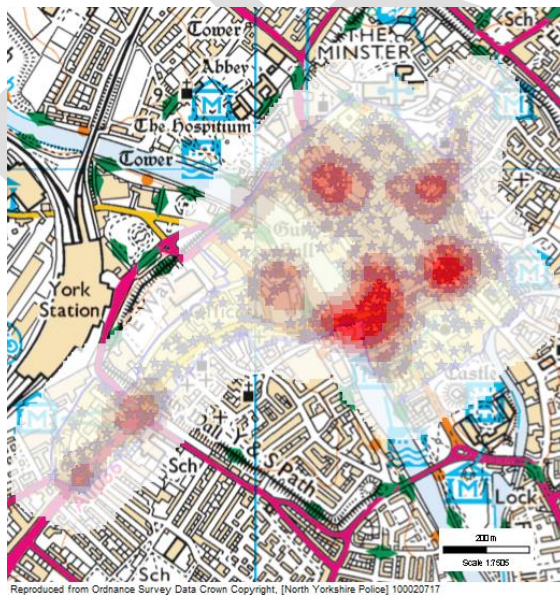
30. Hot Spot Map showing the concentration of occurrences within the City of York Cumulative Impact Zone between 01/04/2017 and 31/03/2018. Red shading indicates highest density and graduating red / pink / white shading showing lowest density of occurrences.



- 31. Hot Spot Map showing the concentration of occurrences within the City of York Cumulative Impact Zone between 01/04/2018 and 31/03/2020 (pre Covid). Red shading indicates highest density and graduating red / pink / white shading showing lowest density of occurrences.

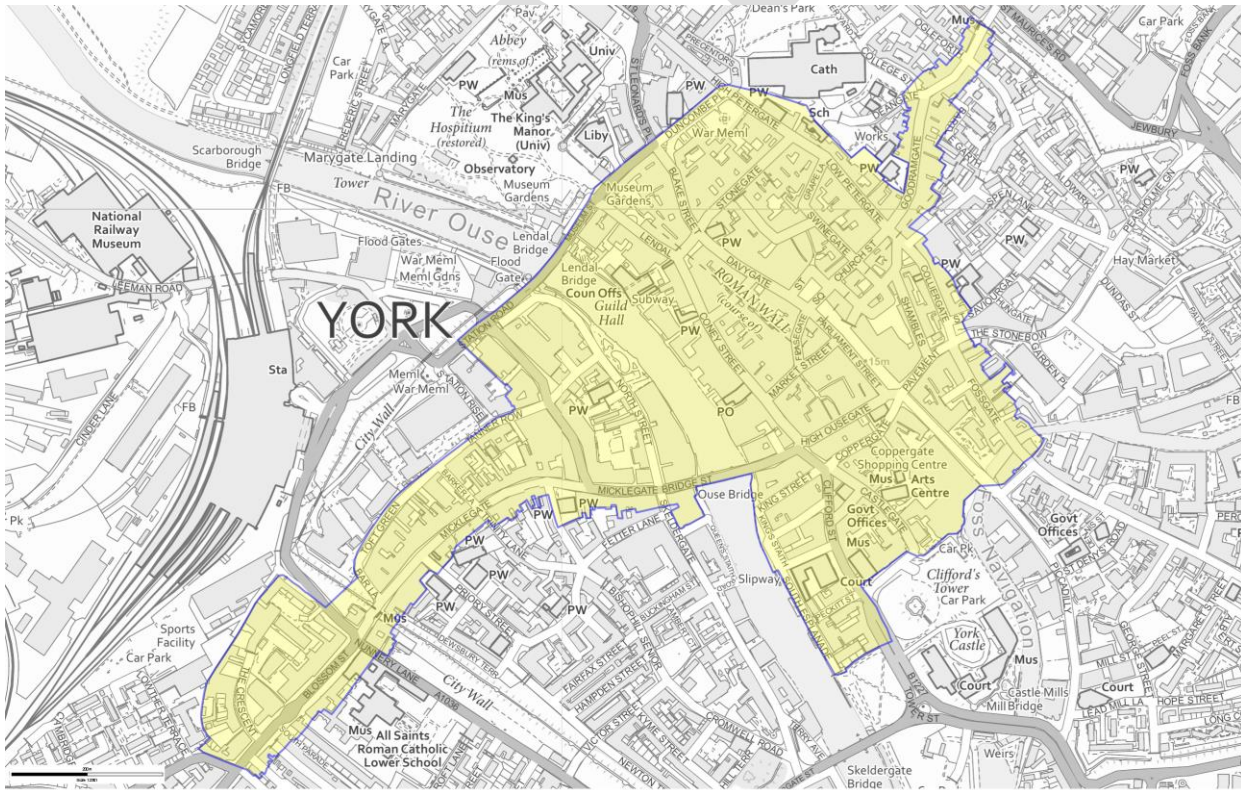


- 32. Hot Spot Map showing the concentration of occurrences within the City of York Cumulative Impact Zone between 01/04/2020 and 31/03/2021 (during Covid). Red shading indicates highest density and graduating red / pink / white shading showing lowest density of occurrences.



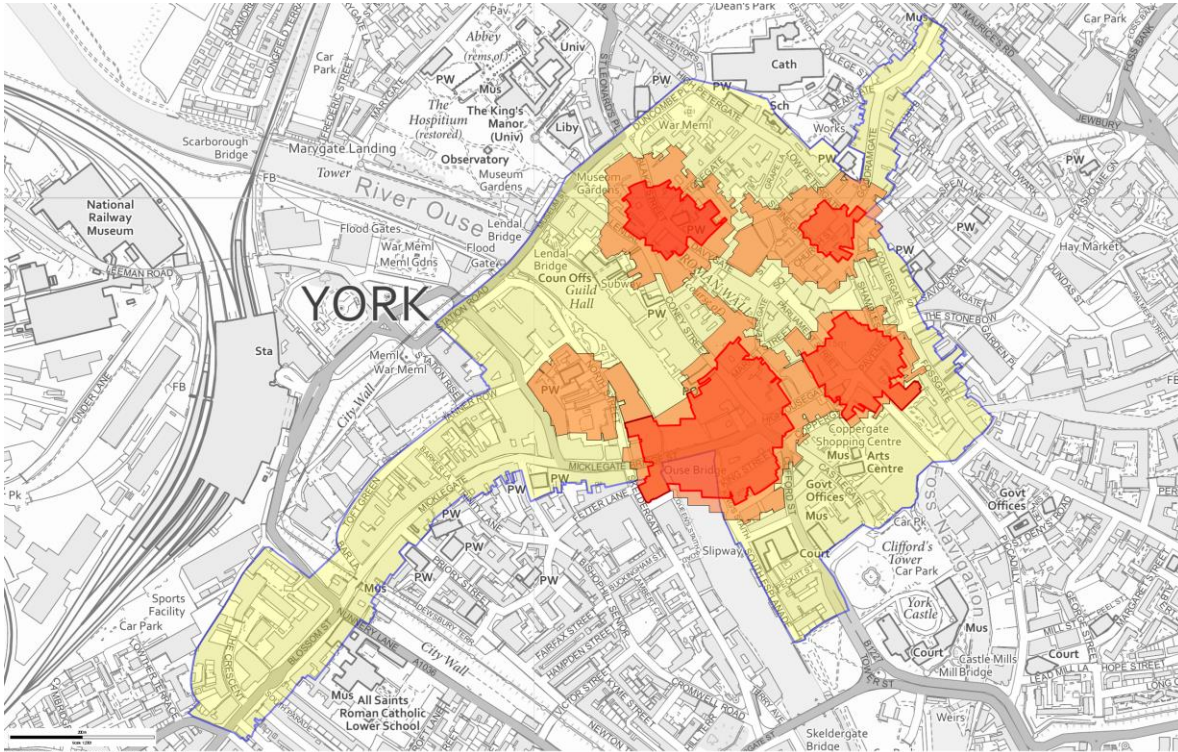
Conclusion

33. The Assessment has been carried out in accordance with the Section 5(a) of the Licensing Act 2003. This Assessment has been published because the Council considers that the number of relevant authorisation in respect of premises in one area described in the assessment is such that it is likely that it would be inconsistent with the Council's duty under the Act to grant any further relevant authorisations in respect of premises in that part.
34. Based on the statistical data evidence above and the hot spot map, the Council has determined that an area of the city centre should remain as a cumulative impact area. The area has not been altered it matches the top ten areas where Dispersal Notices have been issued, which includes the 'Top Five Tier Streets' highlighted within the 2018 Assessment, as detailed at paragraph 23 and the area identified on the hot spot maps at paragraphs 31 and 32. The red zone area is to be reduced, creating four small red zone areas, and an amber zone areas are introduced, these are a combination of the areas identified on the hot spot maps which shows the highest density of occurrences.
35. The cumulative impact area is defined in the map below:

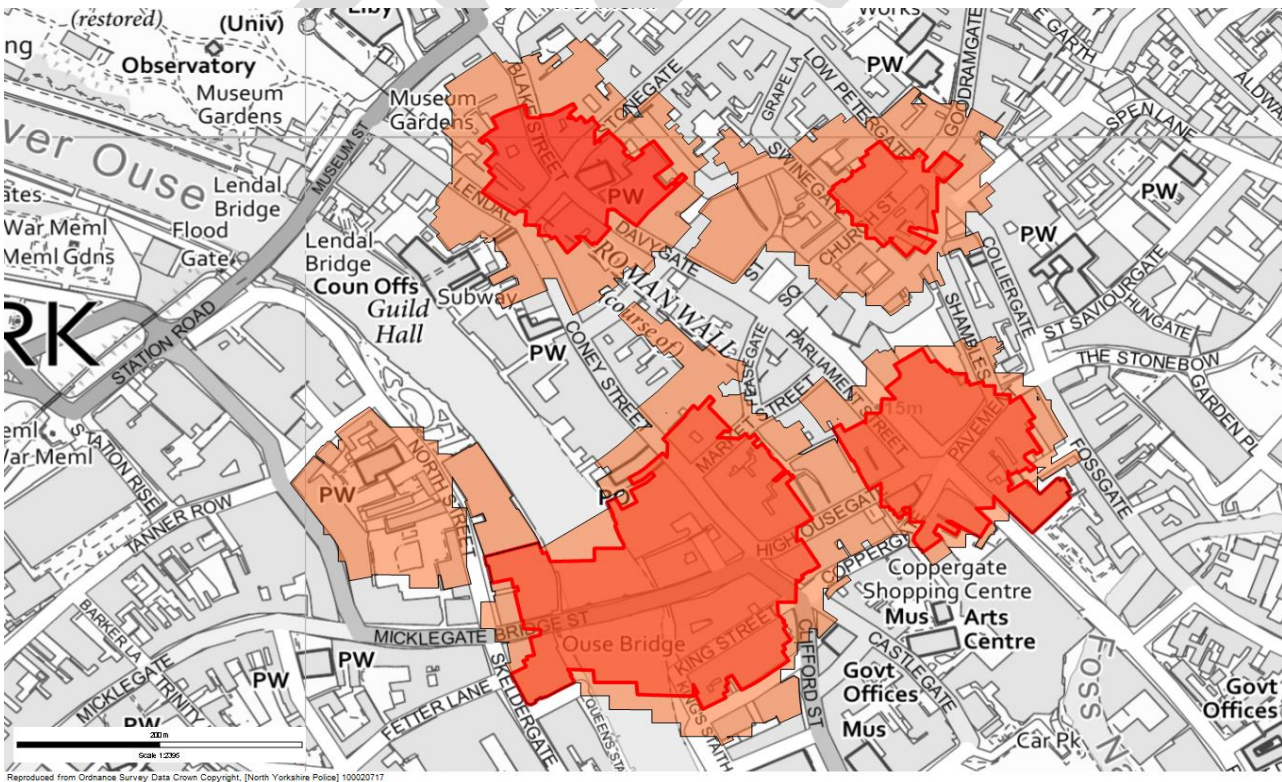


53. The cumulative impact area and the red and amber zones area are defined in the map

below:



54. The red and amber zones are identified in the map below:





Annex 4

CRIME PATTERN ANALYSIS

Alcohol Related Crime, ASB and PSW Occurrences within the City of York CIA area 2018 - 2021

Author(s):	Libby Edison – Intelligence Analyst
Requested By:	PS Jackie Booth
Date of Completion:	06/07/2021
Latest Update:	

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1. Introduction

The purpose of this report is to highlight the current picture of Alcohol Related Crime, Anti-Social Behaviour (ASB) and Public, Safety and Welfare (PSW) occurrences reported within the City of York Cumulative Impact Area (CIA) area.

Data within this review will focus on the following period: 01/04/2019 to 31/03/2020. Activity will be compared with data from the previous financial year (2018-19), and also the more current picture (2020/21); however due to the impact of COVID19, the data post 23/03/2020 will present a fluctuating picture due to varying restrictions imposed by the Government in relation to the COVID19 pandemic.

For the purpose of this report, alcohol-fuelled disorder during the day-time economy period is identified as between the hours of 0600 and 1800 and alcohol-fuelled disorder during the night-time economy period, between 1800 and 0600.

2. Key Findings

Overall the crimes and occurrences continue to follow a similar pattern to those highlighted in the report 2017- 2018. The CIA encapsulates the majority of Crimes/ ASB and PSW incidents in the centre of York.

2019/20 data:

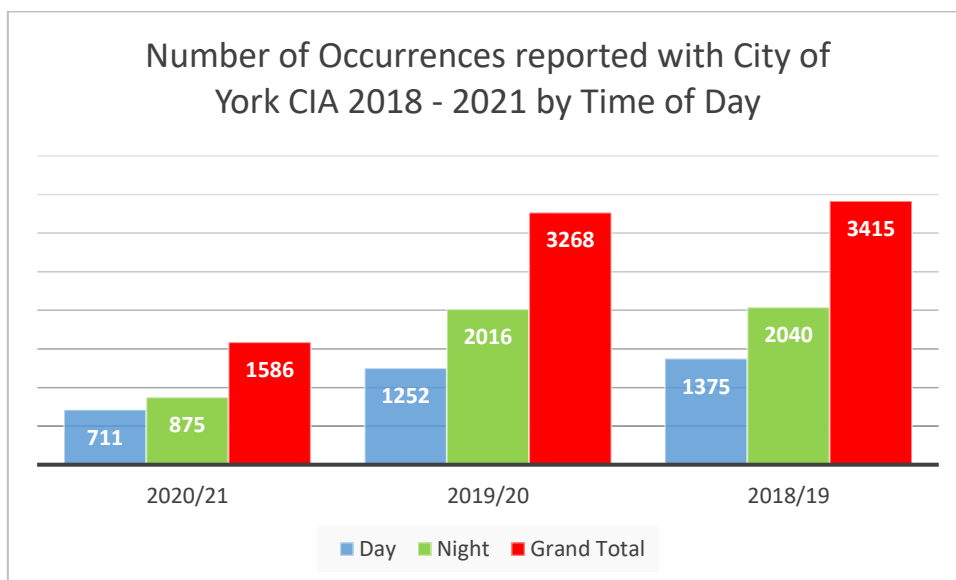
- The majority of incidents continue to occur in the night-time economy, peaking between 23:00 – 04:00.
- There is a substantial rise in reporting on a weekend, in particular on Saturdays, which accounts for 24% of the total.
- The top tier occurrence types continue as previously reported, with ASB Nuisance the top reported incident with 42.5% of this total reported across the weekend.
- There is a significant increase in the number of ASB dispersal notices totalling 166.
- Coney Street continues to be the top area where dispersal notices are issued.
- PSW Concern for Safety and PSW Suspicious Circumstances are also recorded within the top tier of occurrences. Levels remain relatively stable between 2018 and 2021.
- Crime Violence continues to feature highly, accounting for 73% of the crime types in the CIA 2019/20.
- 55% of Crime Violence for period 2019/20 occurs on a weekend (Saturday / Sunday) with all incidents believed to be linked to alcohol.
- Similar to previous years, the top five streets where incidents are reported are Micklegate, Coney Street, Blake Street, Blossom Street and Low Ousegate.
- The months which see the most reports follow patterns seen in previous years, with an increase in summer months and around December.

2020/21 Differences to note

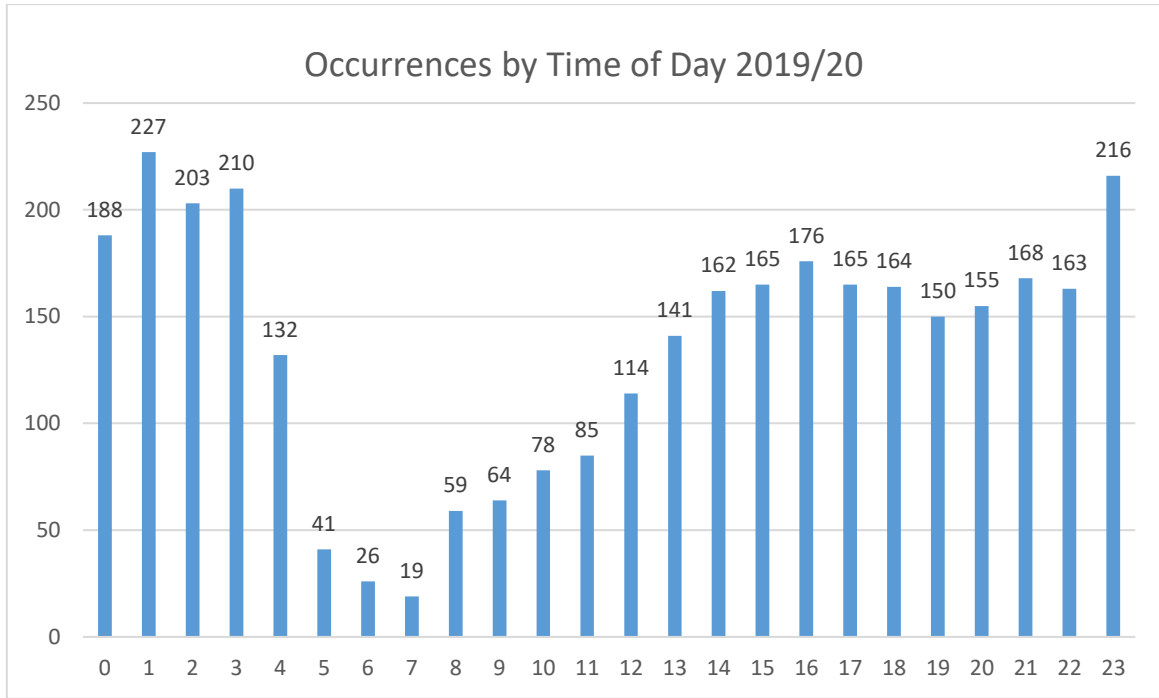
- The majority of incidents continue to be in the night-time economy, although peaks times are earlier than in previous years 22:00 – 23:00.
- The top tier occurrence types continue as previously reported, however there is a significant increase in ASB Environmental, compared to the previous years.
- Crime Violence reduces to 60% from 73% in 2019/20.
- Crime Violence occurring on a weekend has reduced slightly to 49%.
- The top five streets reflect previous years, apart from one change where Goodramgate replaces Blake Street.
- The reporting months follow a similar pattern to previous years; however this is more a reflection of COVID restrictions being reduced or removed. The summer months saw pubs and restaurants re-open, and December saw restrictions lifted, York was not heavily affected by the Governments three-tier system.
- There were forty-one COVID tags applied to locations impacted, Little Stonegate has fourteen tags, which accounts for 82% of the incidents on Little Stonegate.
- 126 COVID tags have been applied to occurrences, ASB Environmental has the highest number with eighty-one out of the 142 issued.

3. Occurrences

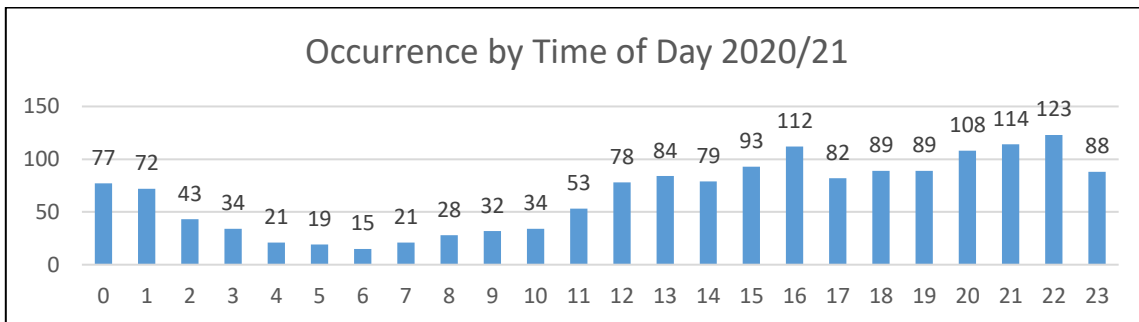
1. The majority of incidents reported within the City of York Cumulative Impact Area (CIA) are during the Night-Time Economy period (NTE).



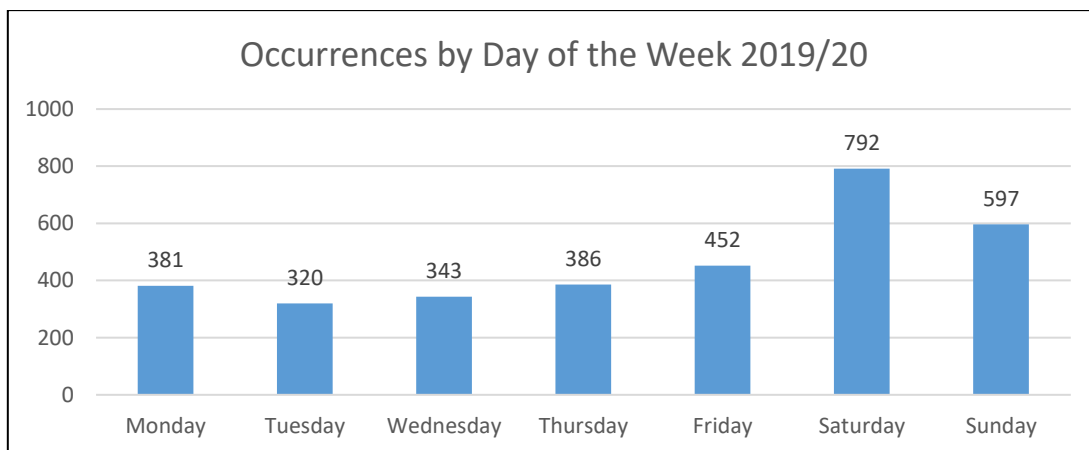
2. For the period 2019/20 there is a steady increase in reporting throughout the afternoon, which levels off and then peaks in the late evening and early hours of the morning 23:00 – 04:00, accounting for 61.7% of reporting occurring in the night-time economy.



- For the period 2020/21 there is a slight shift, with 55% of occurrences reported during the night and 45% in the day. There is increased reporting in the afternoons, which follows a similar pattern in the early evening, the peak is earlier than previous years, around 22:00 – 23:00.



- Incidents are reported throughout the week, with a substantial rise seen on a Saturday which accounts for 24% of the total in the period 2019/20. This pattern is also seen in data for the period 2020/21.



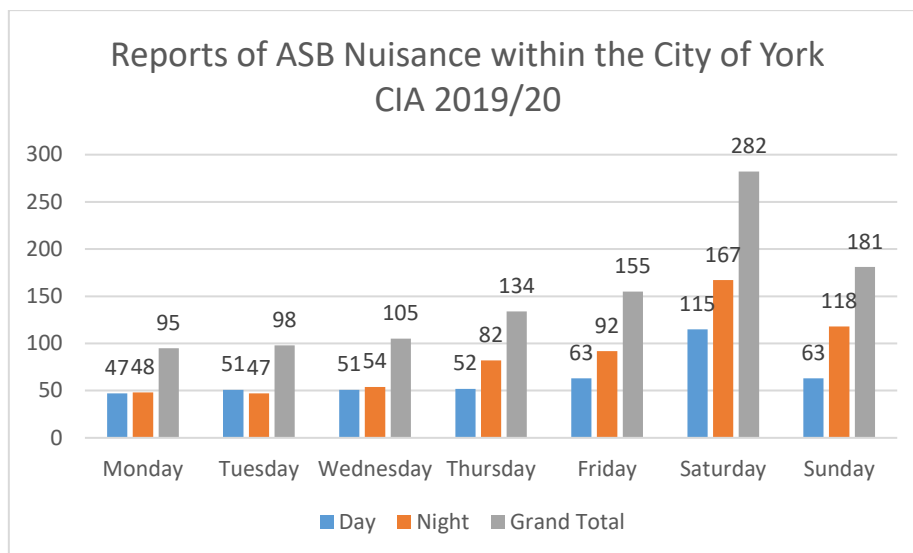
5. 3271 occurrences have been reported within the CIA in 2019/20. The top tier of occurrence types is shown within the table below, by year.

Incident Type	2018/2019	2019/2020	2020/2021
ASB Nuisance	1196	1050	465
PSW Concern for Safety/Collapse/Injury/Illness/Trapped	582	549	275
PSW Suspicious Circumstances/Insecure Premises/Vehicle	642	494	243
Crime Violence	402	534	150
ASB Environmental	30	19	142
PSW Abandoned Call	208	297	122

Position 1 2 3 4 5

ASB Nuisance continues as the most prevalent occurrence type across all three financial years, with 44% reported across the weekend¹ in period 2019/20. For the same period 61.5% of weekend incidents are reported during the night-time economy period.

¹ Saturday and Sunday



6. ASB Dispersal Notices² are also included within the ASB Nuisance category. In the period 2019/20 166 were enacted, with a vast reduction in 2020/21 with just fifty-six. The increased figures in 2019/20 is partially due to the proactive operations of Erase and Safari (planned operations to target alcohol fuelled disorder within the City) where pre-authorised dispersals were readily available and pro-actively utilised to reduce crime and disorder in the CIA.
7. The top ten areas where Dispersal Notices were issued for the period 2019/20, shows Coney Street as top location, this was also seen in periods 2018/19 and 2020/21.

Address Street	2018/2019
CONEY STREET	20
BLAKE STREET	8
HIGH OUSEGATE	8
LOW OUSEGATE	6
MICKLEGATE	5
TANNER ROW	4
SPURRIERGATE	3
ST. MARYS SQUARE	3
NORTH STREET	2
BRIDGE STREET	2

Address Street	2019/2020
CONEY STREET	24
BLAKE STREET	14
PARLIAMENT STREET	12
LOW OUSEGATE	11
MICKLEGATE	10
PICCADILLY	9
DAVYGATE	6
SPURRIERGATE	6
NORTH STREET	6
COPPERGATE	6

Address Street	2020/2021
CONEY STREET	9
DAVYGATE	8
GOODDRAMGATE	6
KING'S STAITH	5
BLAKE STREET	3
LOW OUSEGATE	3
CLIFFORD STREET	3
STATION RISE	3
MICKLEGATE	2
ST HELENS SQUARE	2

***Bold** previous top five streets highlighted in the CIA 2018.

8. ASB Environmental has seen a significant increase in period 2020/21, this is believed to be the impact of the COVID19.

² Under the Anti-Social Behaviour, Crime and Policing Act 2014, Officers can disperse people who they believe are likely to commit crime or disorder, or behave anti-socially.

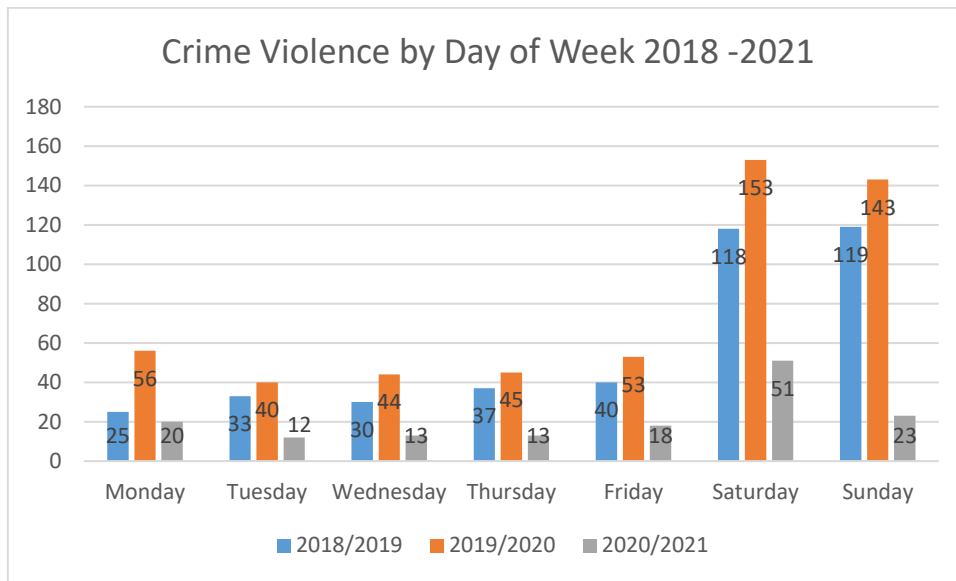
Occurrence Type Description	2018/2019	2019/2020	2020/2021
ASB Nuisance	1196	1050	465
ASB Environmental	30	19	142
ASB Personal	73	51	27
Grand Total	1299	1120	634

9. PSW Concern for Safety and PSW Suspicious Circumstances are also recorded within the top tier of occurrences. Levels remain relatively stable between 2018 and 2021.

10. Similar to both 2018/19 and 2020/21, Crime Violence continues to feature highly, accounting for 73% of the crime types in the CIA 2019/20, however this reduces to 60% in 2020/21.

Occ Type Desc	2018/2019	2019/2020	2020/2021
Crime Violence	402	534	150

55% of Crime Violence for period 2019/20 occurred on a weekend (Saturday / Sunday) with all incidents believed to be linked to alcohol. This has reduced slightly to 49% in 2020/21.



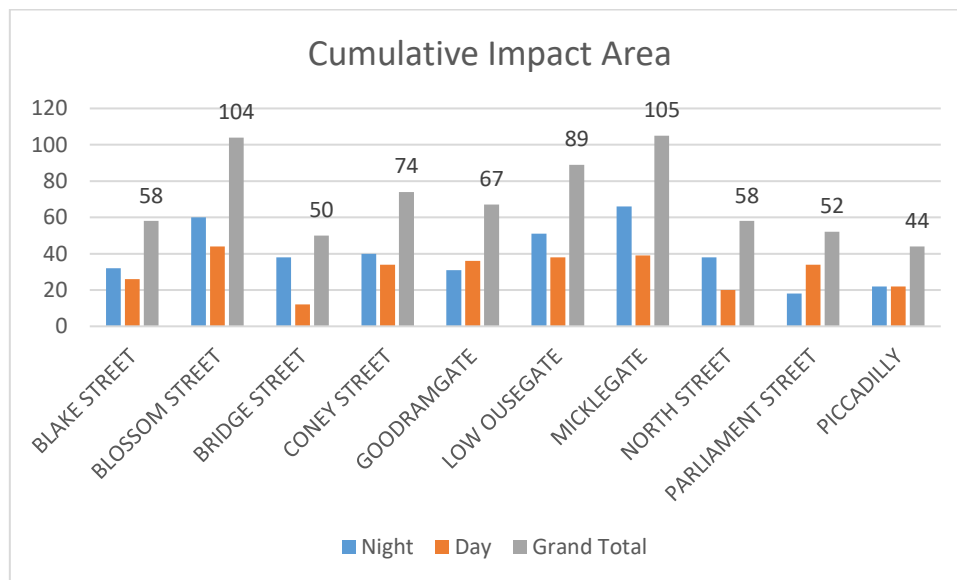
11. 724 crimes have been reported within the CIA in 2019/20. The top tier of Crime Groups exemplified within the table below account for 96.8% of crimes reported.

Crime Type	2018/2019	2019/2020	2020/2021
Crime Violence	402	534	150
Crime Other Offences	51	93	63
Crime Criminal Damage	43	39	22

Crime Drugs	10	18	6
Crime Crime related incident	28	17	6

4. Location

12. The ‘Top Ten Tier Streets’, within the CIA, that record the highest level of occurrences, are evidenced within the graph below. Micklegate, Coney Street, Low Ousegate and Blossom Street have been highlighted across previous years. These localities encompass a high concentration of licensed premises, off-license express supermarkets, late night eateries and cafes as well as hotel and retail premises. Consequently footfall is high. Goodramgate has overtaken Blake Street in the period 2020/21 which hasn’t featured in previous years top five locations.



There are now four hotspot red zones in the CIA 2020 – 2021 which also reflects the data 2018 - 2020. The main difference is an increase in incidents in the Church Street/ Swinegate/ Low Petergate area. This may be due to the increase in outdoor pavement café establishments in the area, which have increased since the COVID 19 restrictions have been introduced (*see appendix A for comparison maps*).

5. COVID Data

COVID Restrictions:

- 23/03/2020 – UK in lockdown
- 10/05/2020 – UK restrictions eased
- 01/06/2020 – Phased re-opening of schools
- 15/06/2020 – Non-essential shops re-open

23/06/2020 – Further easing of restrictions and 2m social distancing in place
 04/07/2020 – Further easing of restrictions, including re-opening of pubs, restaurants and hairdressers
 03/08/2020 – Eat out to help out scheme launched
 14/08/2020 – Further easing of restrictions, including opening of theatres, bowling alleys and soft play
 14/09/2020 – Rule of six indoor and outdoor implemented
 22/09/2020 – Return to working from home
 14/10/2020 – Three tier system introduced
 05/11/2020 – Second lockdown in place
 02/12/2020 – Second lockdown ends and three tier system in place
 23-27/12/2020 – Christmas rules – up to three households can meet indoors
 06/01/2021 – Third lockdown in place
 08/03/2021 – Schools return
 29/03/2021 – Rule of six in place.

A covid tag has been applied to locations via the Storm system. Out of the 1588 occurrences there are forty-one streets with this tag, the top streets with five tags of more are listed below.

Street	Covid Tag Count	Occurrence % with Covid Tag
LITTLE STONEGATE	14	82.30%
BLOSSOM STREET	12	13.04%
FOSSGATE	7	28%
CONEY STREET	6	8.80%
MICKLEGATE	5	5%
LOW OUSEGATE	5	6%
PAVEMENT	5	17.20%
PICCADILLY	5	12.80%
GOODRAMGATE	5	8%

There are 126 COVID tags linked to occurrences, as follows:

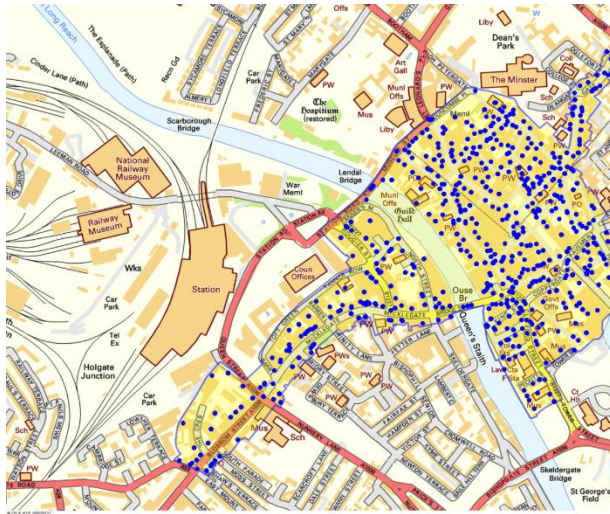
Occurrence Type	Occurrence	COVID	Grand Total
ASB Environmental	61	81	142
ASB Nuisance	429	36	465
PSW Licensing	3	5	8
PSW Concern for Safety/Collapse/Injury/Illness/Trapped	273	2	275
Crime Violence	149	1	150
ASB Personal	26	1	27

6. Acknowledgments

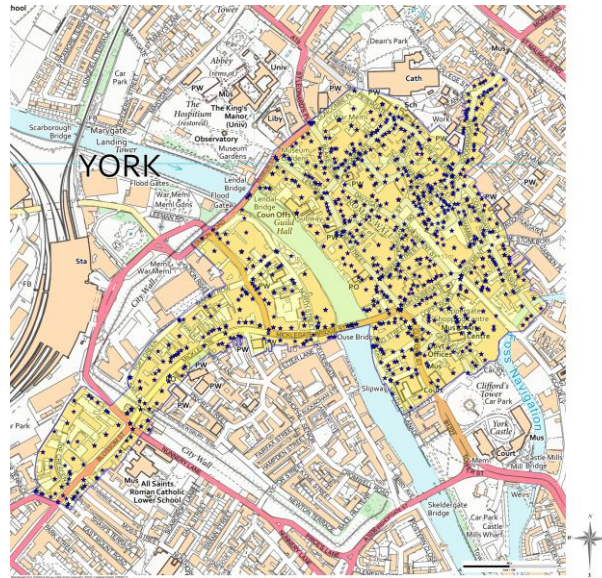
Data provided by Jonny Quinan, Business Insight, EnableNY, North Yorkshire Police 2 June 2021

7. Appendix A: Maps

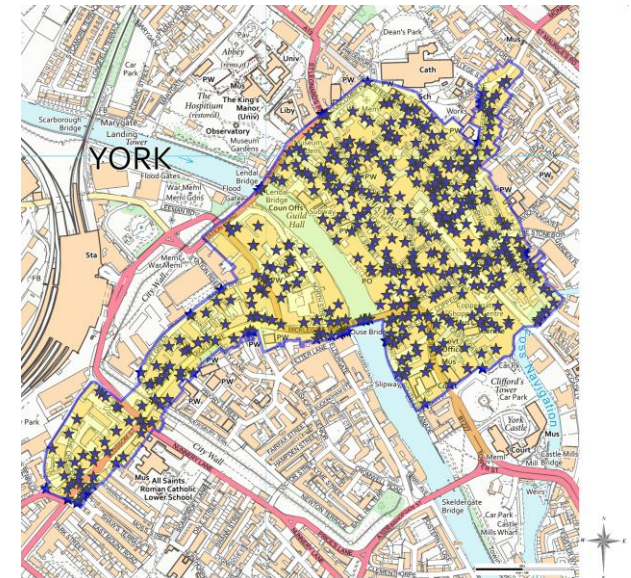
1. Map of the City of York showing the CIA as indicated by the blue boundary lines together with all occurrences and crimes (represented by blue dots) committed within the CIA **between 01/04/2017 and 31/03/2018**.



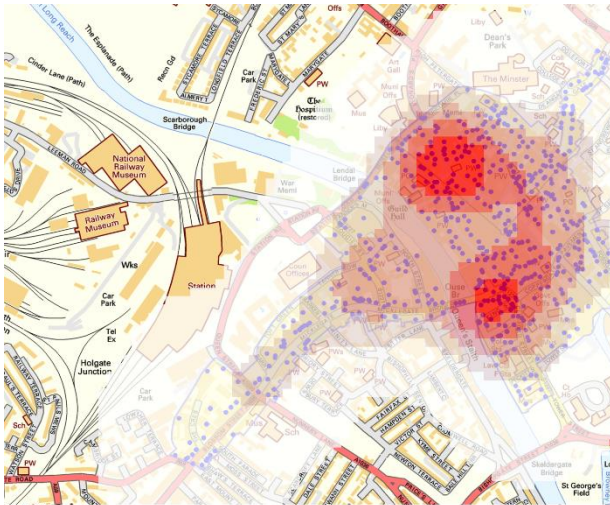
2. Map of the City of York showing the CIA as indicated by the blue boundary lines together with all occurrences and crimes (represented by blue dots) committed within the CIA **between 01st April 2018 – 31st March 2020 (Pre Covid)**.



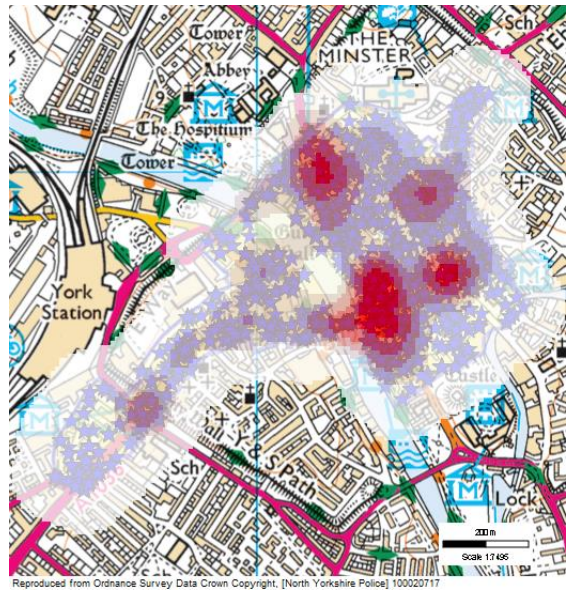
3. Map of the City of York showing the CIA as indicated by the blue boundary lines together with all occurrences and crimes (represented by blue dots) committed within the CIA **between 01st April 2020 – 31st March 2021 (During Covid)**.



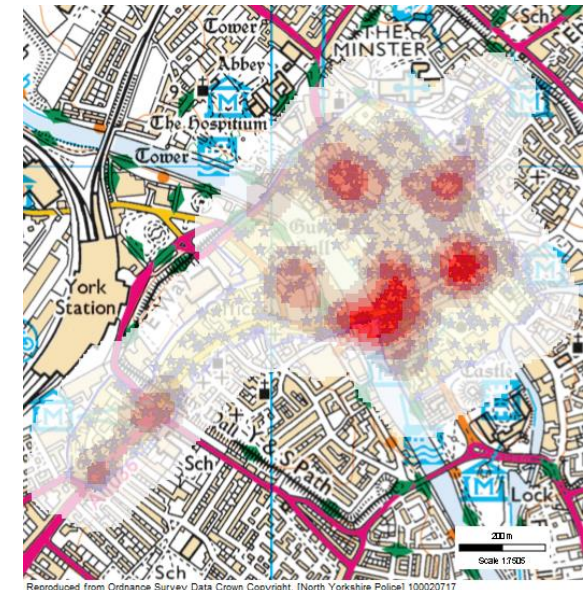
4. Hot Spot Map showing the concentration of occurrences within the City of York CIA between **01/04/2017 and 31/03/2018**. Red shading indicates highest density and graduating red / pink / white shading showing lowest density of occurrences.



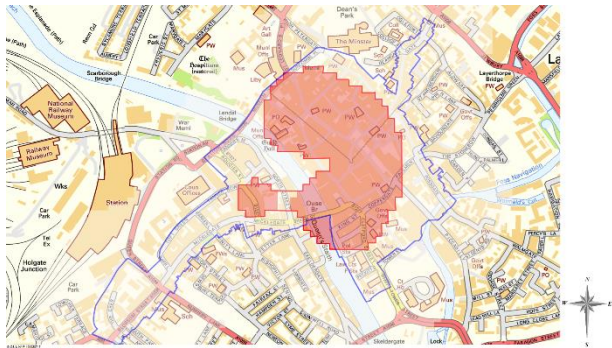
5. Hot Spot Map showing the concentration of occurrences within the City of York CIA **between 01st April 2018 – 31st March 2020 (Pre Covid)**. Red shading indicates highest density and graduating red / pink / white shading showing lowest density of occurrences.



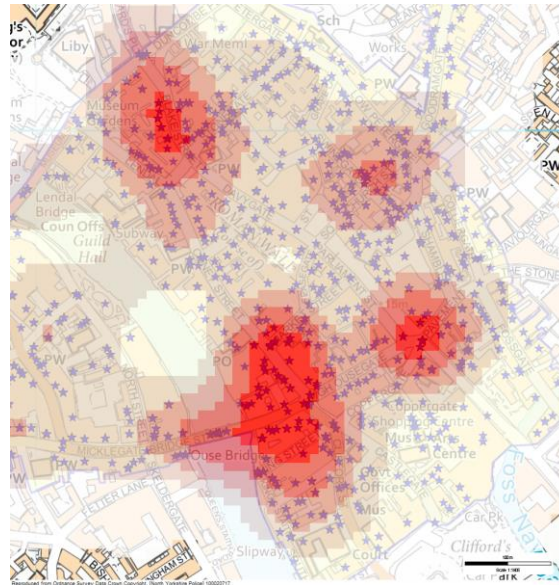
6. Hot Spot Map showing the concentration of occurrences within the City of York Cumulative Impact Zone between **01st April 2020 – 31st March 2021 (During Covid)**. Red shading indicates highest density and graduating red / pink / white shading showing lowest density of occurrences.



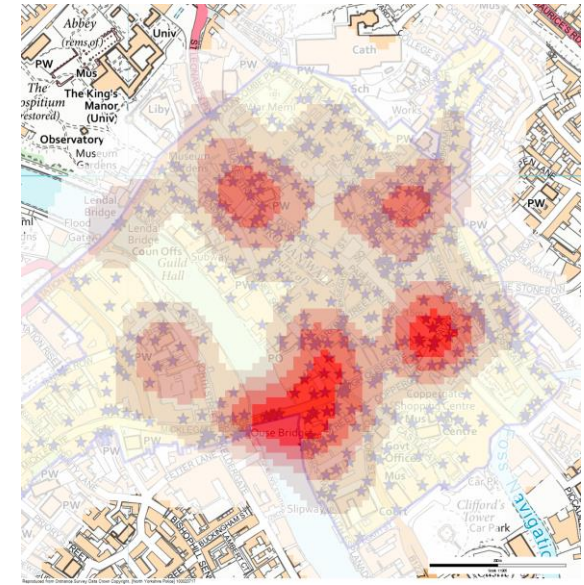
7. Hot Spot Map showing the highest density of occurrences within the City of York CIA between **01/04/2017 and 31/03/2018** - as indicated by the red shading.



8. Hot Spot Map showing the concentration of occurrences within the City of York CIA between **01st April 2018 – 31st March 2020 (Pre Covid)**. Area 1(red shading) indicates highest density of occurrences - Area 2 (dark pink shading) medium density and Area 3 (light pink shading) lower level of density.



9. Hot Spot Map showing the concentration of occurrences within the City of York CIA between **01st April 2020 – 31st March 2021 (During Covid)**. Area 1(red shading) indicates highest density of occurrences - Area 2 (dark pink shading) medium density and Area 3 (light pink shading) lower level of density.



2021 - Licensing Policy Consultees

ANNEX 5

<p>Make it York BID York & North Yorkshire Chamber of Commerce York Retailers Forum Coppergate Centre Vangarde York Monks Cross Shopping Outlet Clifton Moor Shopping Park York Designer Outlet Citizens Advice Centre for Voluntary Services Older Citizens' Advocacy York York Age Concern York Older Peoples Assembly British Institute of Inn Keeping British Beer & Pub Association Federation of Licensed Victuallers Associations CAMRA York Club and Institute Union (CIU) Hackney Carriage and Private Hire Associations Street Angels York Rescue Boat Chief Superintendent, North Yorkshire Police (York) City Centre Inspector, North Yorkshire Police Licensing Manager, North Yorkshire Police British Transport Police North Yorkshire Fire & Rescue Service Yorkshire Ambulance Service York District Hospital – Chief Executive Home Office Immigration Service York Business Against Crime</p> <p>Ward Councillors Parish Councils</p> <p>Holders of premises licences Holders of club premises certificates</p>	<p>Within City of York Council</p> <p>Chief Executive Officer Corporate Director Place Assistant Director, Education and Skills Assistant Director, Adult Social Care Director of Public Health Consultant in Public Health Assistant Director Consultant in Public Health Public Health Specialist Practitioner Director Governance Director of Housing Economy and Regeneration Assistant Director, Children's Services Head of Development Services Head of Asset Management Head of Regeneration Programmes Head of Public Protection Public Protection Manager Public Protection Manager Assistant Director Customer and Communities Assistant Director of Children & Families Head of Community Safety Community Safety Manager Operations Manager (Parks and Open Spaces) Head of Transport</p>
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Consultation Responses

Ref :	Name & Address	Comments	Officer Comments
1	Superintendent Mark Khan, Senior Operational Commander York & Selby Command North Yorkshire Police	<p>The Police observations after reviewing the document that the Council may wish to consider for inclusion/amendment are as follows:-</p> <ol style="list-style-type: none"> <li data-bbox="595 496 1581 975">1. Para 4.7 refers to Counter Terrorism and a link for Guidance from The National Counter Terrorism Security Office. Following the Government's Protect Duty consultation published in January 2022 the Home Office has pledged to consider legislative approaches requiring venue operators to consider the risk of terrorist attacks and to take proportionate and reasonable measures to prepare and protect the public. Whilst legislation is being considered and devised by the Government it may be beneficial for operators/venue operators to refer to the Protect Duty Consultation document until such laws are enacted, and a link to the document could be attached at Para 4.9 (https://www.gov.uk/government/consultations/protect-duty/outcome/government-response-document). <li data-bbox="595 1015 1581 1270">2. Para 4.12 refers to staff being trained to identify and report issues. For consideration in this section the police would advocate, The WAVE programme (Welfare and Vulnerability Engagement Training) which explores what vulnerability is, how to identify it and appropriate interventions. Operators and Venues would be encouraged to request the training by their local police licensing team. <p>Regarding the Cumulative Impact Assessment Consultation 2022-2025 North Yorkshire Police have provided the City of York Council a Crime Pattern Analysis published alongside this consultation outlining</p>	<p>Paragraph 4.10 added with regards to the Protect Duty</p> <p>Paragraph 4.14 added with regards to the WAVE training.</p> <p>Comments welcomed and noted</p>

		<p>alcohol related Crime and Anti-Social Behaviour within the Cumulative Impact Area. Despite the Covid Pandemic and restrictions on Licensed Premises since March 2020 there continues to be alcohol related disorder within the Cumulative Impact Area, evidenced by the reports and calls for service to the Police. For this reason the Police would support the recommendations for a continued Cumulative Impact Area, including a Red and Amber Zone, due to the high concentration of Licensed Premises within these areas.</p>	
2	<p>Anna Brown Public Health Improvement Officer City of York Council</p>	<ul style="list-style-type: none"> • The existing data and text on alcohol-related health harms in Section 5 are quite old. We include some more up to date information below, with references, which we'd recommend including. We have also commented directly on the relevant part of Section 5 of the draft below. • In future, we see a role for the Licensing Statement of Policy in encouraging licensed premises to go above and beyond mandatory conditions in promoting a healthier culture around alcohol, perhaps through the choice of products offered, pricing structures and messaging in the retail environment. However, we are not yet in a position to make specific evidence-based recommendations, and would like to follow this up with the CYC Licensing team in due course. • Alcohol-related harm is a particular matter for concern in York, with a higher than average rate of alcohol-related hospital admissions, and concerning rates of alcohol-related mortality and alcohol-specific mortality. In the context of an 18.6% increase in alcohol-specific deaths in 2020 across the UK (the highest year-on-year increase on record), collaborative action on reducing alcohol harm is urgently needed. Before the Covid-19 pandemic, there were already national increases in alcohol-related hospital admissions and deaths. The pandemic seems to have accelerated 	<p>Section 5 of the Policy has been updated with the information provided by Public Health.</p> <p>Comments welcomed and noted</p>

		<p>these trends.</p> <ul style="list-style-type: none">• Hospital admissions for alcohol-related conditions in York were 1,629 per 100,000 in 2020/21, which is significantly higher than the England-wide rate for the same period.• In 2020 alone, 69 people died in York of conditions which are wholly or partially caused by alcohol.• 21.4% of York adults report drinking above the low risk level of up to 14 units per week. This means that 21.4% of York adults are at an increased risk of alcohol-related disease and other long term harm.• 11.9% of York adults report binge drinking (drinking more than 6 units (for women) or more than 8 units (for men) of alcohol in one day). This population are at increased risk of experiencing acute alcohol related harm.• There has been a shift in the UK towards drinking at home. This has been partly due to the off-trade sector being able to offer much cheaper prices compared to pubs and bars.• Those drinking at the highest (and therefore most harmful) levels are more likely to consume the majority of their alcohol at home. This supports analysis that revealed harmful drinkers account for 32% of alcohol-related revenue in the off-trade, compared with 17% of revenue in the on-trade.• Research by the Institute for Fiscal Studies found that heavier drinkers tend to consume alcohol products that are both cheaper and stronger on average, compared with lighter drinkers. High strength, cheap products are therefore likely to be associated with the greatest harms.	
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		<ul style="list-style-type: none"> • During the period 2014/15-2017/18, Yorkshire Ambulance Service records show that central York had the highest number of ambulance attendances where the ambulance service have recorded alcohol as a factor at the scene (961 attendances) compared to other areas of the city. 	
3	Local Resident – Groves area York	<p>I notice that there's currently a consultation on licensing policy ongoing within the Council. I understand that the council's powers around licensing are limited, but as a resident of the Groves - an area which undeniably suffers its fair share of alcohol-related issues - I'd like to highlight my concerns around messages in licensed premises around the area that seem actively to support unhealthy and irresponsible attitudes to alcohol consumption. I'd like to take as an example one pub very close to my home: The XXXX on XXXX. This pub has a set of signs on the wall, large enough to be visible even from the street, with messages such as "<i>A beer will always help!</i>" and "<i>I've yet to meet an interesting man who did not drink</i>". This last is a quote attributed to the actor Richard Burton, a notorious alcoholic, whose alcohol-related death at 58 hardly sets him up as a role model for responsible drinking.</p> <p>License holders should be the first to promote sensible approaches to drinking, including through offering low-and no-alcohol alternatives and by displaying positive messaging around moderation. They certainly shouldn't think it okay to display messages that promote reckless (indeed, dangerous) patterns of alcohol consumption, or that seem to pressure people into drinking (e.g. in order to be 'interesting').</p> <p>Again, I understand that the council cannot necessarily solve problems like this overnight, but I do think you should be doing everything in your power, including through your approach to licensing, to discourage negative alcohol messaging and to promote</p>	<p>Comments welcomed and noted</p> <p>Paragraph 5.18 added</p>

		responsible attitudes to the sale of alcohol. I hope you will take this feedback onboard as you review licensing policy within York.	
4			

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**Meeting of Gambling, Licensing & Regulatory
Committee**

2 March 2022

Report from the Director – Environment, Transport & 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 Monday to Sunday 21:00 hours to 03:00 hours and 18:00 hours to 04:30 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:

Licensable Activity	Permitted Days & Hours
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	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.

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.

Consultation

12. 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.
13. Objections must be received within 28 days after the date of the application. No objections have been received.
14. A map showing the location of 53-55 Micklegate is attached at Annex 5.

Relevant Legislation – Grounds for Refusal

15. 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

16. 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.
17. There are no mandatory grounds for refusing this application.

Discretionary grounds for the refusal of an application

18. 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.
19. When considering the suitability of the applicant to hold a licence the council will take into account such matters it considers to be relevant, this could include any issues identified with the operation of the premises and any complaints received.
 20. Guidance on relevant locality can be found at Annex 6, paragraphs 3.32 to 3.38.
 21. 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 two, providing those premises are not in close proximity to, and/or do not impact properties with sensitive uses or in sensitive locations, as defined in the Policy. At the present time this is the only sexual entertainment venue within York.

Options

22. 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:
23. Option 1: Grant a renewal of the licence as requested.
24. Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.
25. 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

26. The following could be the result of any decision made by this Committee:
27. Option 1: This decision cannot be appealed at Magistrates Court by an objector to the application. Objectors could judicially review the decision.

28. Option 2: This decision could be appealed at Magistrates Court by the licence applicant.
29. 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

30. The Council's Plan is to provide safe communities and culture for all, and a good quality of life for everyone. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications

31. 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

32. 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.
33. 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

Author:

Lesley Cooke
Licensing Manager
Ext 1515

Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

**Report
Approved**



Date 27.01.2022

Wards Affected: Micklegate

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 Venues
- Annex 5** - Map showing location of premises
- Annex 6** - Legislation Extracts



**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):

Former or previous names:

Home address:

Post town:

Post code:

Telephone numbers:

Date of birth:

Email address:

3. Name of applicant (company name): Ziggys Bar and Nightclub Ltd

Address of registered or principal office: Ella Cottage, Shipton

Post town: York

Post code: YO30 1AZ


Registration number:

Email address: [REDACTED]

4. Name and address of applicant:

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

<p>5. Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:</p> <p>N/A</p>
<p>6. a. Has the applicant ever been known by any other name? YES / NO</p> <p>b. Has the applicant ever been convicted of a criminal offence? YES / NO</p> <p>c. Has the applicant ever been refused a sex establishment licence? YES / NO</p> <p>d. Has the applicant ever had a sex establishment licence revoked? YES / NO</p> <p>e. Has the applicant ever been served with a winding up petition? YES / NO</p> <p>If the answer to any of these questions is yes, please provide details:</p>
<p>7. Applicants' trading address or head office (other than the premises)</p> <p>Ella Cottage Shipton York YO30 1AZ</p>
<p>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</p> <p>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).</p>
<p>9. Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each.</p> <p>NO</p>

PREMISES DETAILS	
10. Please state the name the business will be known as:	Club 55
11. Is the premises a	<input checked="" type="checkbox"/> Building <input type="checkbox"/> Vehicle <input type="checkbox"/> Vessel <input type="checkbox"/> Stall
12. Where is it proposed to use the vehicle, vessel or stall?	N/A
13. Does the company propose to only operate on the internet? No (f yes answer Q14 to 19 only)	
14. Premises address	53-55 Micklegate
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?	The first floor
16. Is the applicant	<input checked="" type="checkbox"/> owner <input type="checkbox"/> lessee <input type="checkbox"/> sub-lessee <input type="checkbox"/> other
17. If the applicant rents the property state:	
a. Name and address of landlord:	
b. Name and address of the superior landlord:	
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):	
19. State the current use of the premises:	Bar, Nightclub and SEV

20. Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises? 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 – Bar, Nightclub and current SEV license

OPERATING SCHEDULE

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

Monday	Tuesday	Wednesday	Thursday	Friday

Saturday	Sunday

As existing on current licence
 Any non-standard timings:

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:

N/A

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 Linscott
 a. Will the manager be based at the premises YES / NO
 b. Will the management of the premises be the manager's sole occupation YES / NO

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

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:

29. Please describe any proposed window displays:

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:

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 dancing, as per current licence

33. State measures to ensure employees age and right to work in the UK:
New starter forms, ID checks, copies of passports on site

34. Describe training and welfare policies:

As per current licence

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.

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	AGElliott.....	Signature
Name (print)	A. G. ELLIOTT.....	Name (print)
Date	11/11/21.....	Date
Capacity	OWNER.....	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)

[REDACTED]

Guidance Notes

1. Please return this completed application form to:

City of York Council
Licensing Section
Hazel Court EcoDepot
James Street
York
YO10 3DS

2. **How to Pay**

Please make cheques/postal orders payable to City of York Council.

By bank card telephone 01904 552422 to arrange payment.

By BACS

ACCOUNT NUMBER: 70897558 **SORT CODE:** 40 - 47 - 31

ACCOUNT NAME: CITY OF YORK GENERAL ACCOUNT

BANK NAME: HSBC PLC

BANK ADDRESS: 13 PARLIAMENT STREET
YORK
YO1 8XS

3. The applicant is responsible for serving notice of this application on North Yorkshire Police, Licensing Section, Fulford Road, York, YO10 4BY
4. Requirements for layout plan (**NB plan not required for renewal applications**)

The plan must show:

1. The layout of the premises including eg stage, bars, cloakroom, WCs, performance area, booths, dressing rooms.
2. The extent of the boundary of the premises.
3. The extent of the public areas.
4. Uses of different areas in the premises eg performance areas, reception, staff facilities.
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
6. Location of points of access to and egress from the premises.
7. Any points used in common with other premises.
8. Position of CCTV cameras.
9. Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
10. The location of any steps, stairs, elevators or lifts.
11. The location of any public conveniences, including disabled WCs.
12. The location and type of any fire safety and other safety equipment.
13. The location of the kitchen (if applicable).
14. The location of emergency exits.

Unless agreed with City of York Council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

Please note City of York Council is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

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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
(1st 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 £1177.00 has been paid for this licence.

This licence shall continue in force from 1 December 2020 until 30 November 2021 unless previously revoked.

Renewal granted on
22 February 2021

Signed
For and on behalf of the
Director of Economy & 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 by him in writing for the purpose of managing the sex establishment in his 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 he/she the Licensee or a Manager approved by the Council shall be prominently displayed within the sex establishment throughout the period during which he/she is 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 (male or female) 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 1st 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**

Premises licence number CYC - 009397

Part 1 Premises details

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

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

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing



YO10 3DS

PREMISES LICENCE SUMMARY**Part B****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: None

Where the licence is time limited the 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 10:00-02:30	Tuesday 10:00-02:30	Wednesday 10:00-02:30	Thursday 10:00-02:30
Friday 10:00-02:30	Saturday 10:00-02:30	Sunday 10:00-02:30	

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

Name and (registered) address of holder of premise licence:

Name: Ziggy's Nightclub Limited
Address: 53-55 Micklegate
York
YO1 6LJ

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

03540561

Name of designated premises supervisor where the premise licence authorises the supply of alcohol:

Mr Andrew Gregory Elliott

State whether access to the premises by children is restricted or prohibited

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.

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.

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.

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).

No under 18s are allowed on the premises unless at an arranged under 18 event run in conjunction with the local authority and police.

For and on behalf of
The Director of Economy & Place

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

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

Standard Conditions

Sexual Entertainment Venues

General

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	Friday	21:00 – 04:30
Tuesday	21:00 – 03:30	Saturday	21:00 – 04:30
Wednesday	21:00 – 03:30	Sunday	21:00 – 03:30
Thursday	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 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 so as 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 him/her 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 he/she is responsible for its conduct.

Safety and security

45. A colour digital CCTV system will be maintained and operational at the premises at all times 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 registered 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 UKThe 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 registered door supervisor, or a member of staff who has direct contact with a SIA registered 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 registered door supervisor.

Vessels, vehicles and stalls

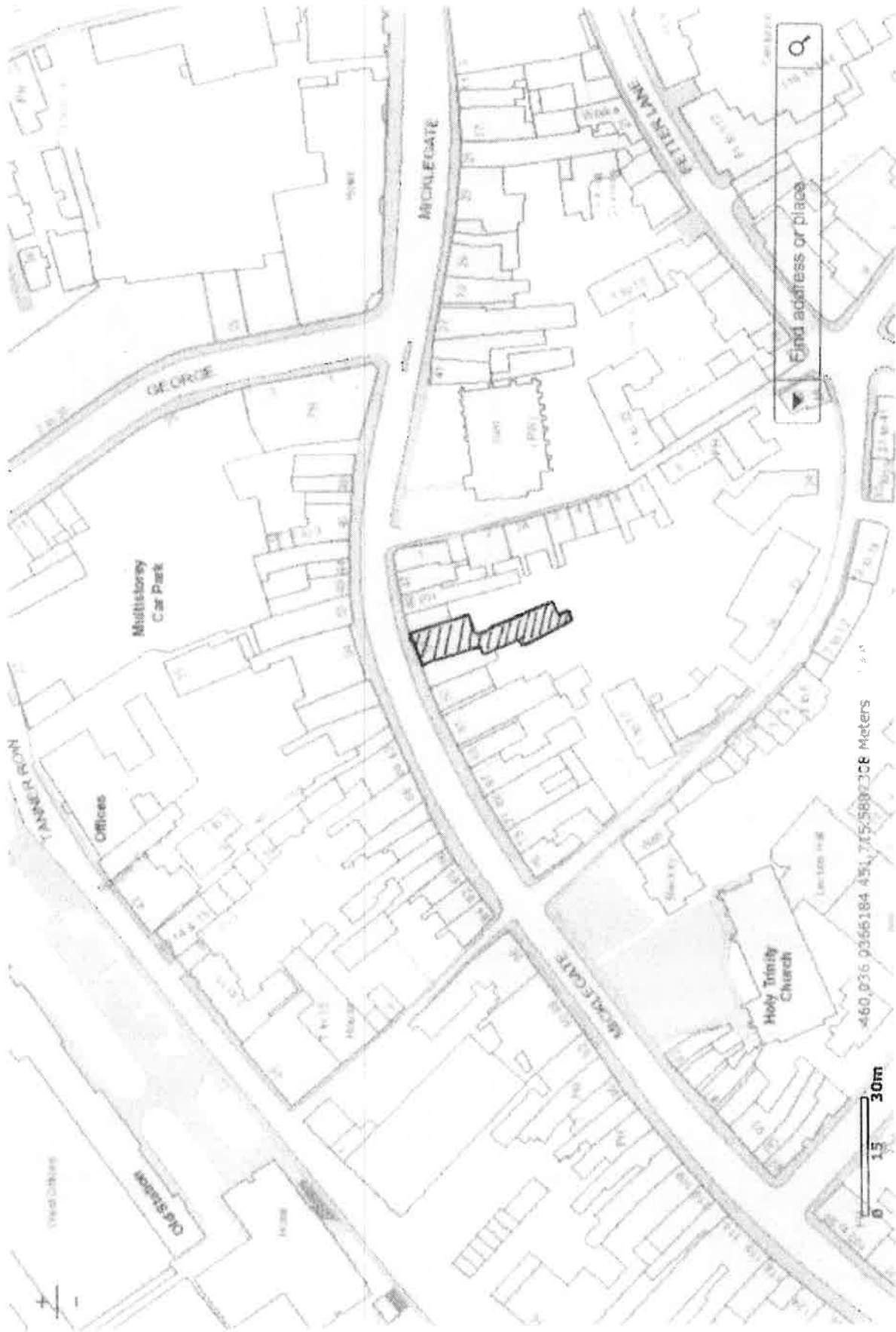
72. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such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

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.

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ANNEX 5



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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 also 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 he made the application himself;
- 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.



Licensing & Regulatory Committee

2 March 2022

Report from the Director – Environment, Transport and Planning

Gambling Act 2005 – Statement of Licensing Policy**Summary**

1. At the meeting of 'Council' on 16 December 2021, Councillors resolved to 'approve the recommendation of the Licensing and Regulatory Committee [namely to approve the Statement of Licensing Policy and Local Area Profile]. At Council a Councillor raised matters that following the Statement of Licensing Policy be reviewed at the next meeting [of the Licensing and Regulatory Committee] in order to examine those matters.
2. This report outlines those matters and invites Members to consider whether further revisions should be made to the Statement of Licensing Policy in light of them.

Recommendations

3. That Members approve Option 1 and determine that no further revision should be made to the Statement of Licensing Policy.

Reason: The Council has met the legislative requirements of the Gambling Act 2005 by reviewing the Statement of Licensing Policy in 2021, and publishing the revised Policy in January 2022.

Background

4. Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to determine and publish a Statement of Licensing Policy (Policy), every three years. By way of a reminder, the Statement of Licensing Policy sets out the general approach that will be taken by the authority in carrying out its duties under the Act and ensure the licensing objectives are met. The licensing objectives are as follows:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling
6. On 9th November 2021, Members of this Committee considered a report on the proposed Statement of Licensing Policy. The report included details of the consultees, the one response (from GambleAware) and the action taken in response to it. The proposed amendments were highlighted in the draft Policy as ‘track changes’. There were however no material changes. At the meeting a series of questions were asked by Members which were answered by the Officer. Concern however has been raised that the answers given may have led Members not to propose amendments that may have otherwise been made. Full details of the questions and the responses are detailed below. The Statement of Licensing Policy was subsequently ‘unanimously’ passed. In line with the requirements of the Act, the Policy (together with a Local Area Profile) was approved by Council on the 9 December 2021, and published on 10 January 2022.
7. The Gambling Commission has provided ‘Guidance to Local Authorities’ (April 2021) on, amongst other things, Policy Statements. The current Policy complies with that Guidance. Additionally, as mentioned above, Council have approved a ‘Local Area Profile’ which is not required by law, but according to the Guidance is seen to have ‘significant benefits’ (para 6.47)
8. The Guidance states that the Statement of Licensing Policy may be reviewed at any time within three years (para 6.62), and that only the areas where changes have been made need to be consulted upon (para 6.64). Therefore, if any changes are proposed by this Committee, the resulting consultation need only be on those changes.

Questions arising at the Gambling and Licensing Committee, 9th November 2021 and the responses given.

9. During the committee meeting, an Officer was asked questions by a Member. The responses to two of the questions in particular give rise to this report. Please note that both the questions and responses have been paraphrased for brevity, but the meeting was recorded and is available as a council webcast (link below) if full details are required.

- i) The Member asked that as enforcement will account for a large part of the licensing cost, how is the fee set?

The officer responded that the fees are statutory, set by the DCMS and not the Council. The officer also described some of the enforcement work undertaken including inspections to check premises are operating in line with the licensing conditions

- ii) The Member asked why there is no requirement in the Policy for premises to sign up to a 'best practice scheme' like Safe Bet Alliance for example?

The officer responded that Operators are required by the Gambling Commission to sign up to such schemes, and a premises licence can only be issued to an Operator who is so licensed.

10. After the meeting, a third issue was raised in relation to the Committee not being provided with an equalities risk assessment, and the Policy not including information about higher risk locations and factors expected to be included in premises' risk assessments.

Fees

11. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 came into force on the 21 May 2007. These Regulations set the *statutory maximum* fee that licensing authorities can charge in relation to the:
- conversion;
 - grant;
 - variation;
 - transfer;
 - reinstatement;
 - provisional statement;
 - change of circumstance
 - copy of licence; and
 - annual fee
- of a premises licence.
12. The statutory maximum fees can be found in the table at Annex 1.

13. When setting licence fees the licensing authority can only recover the cost of the licensing function. Section 212(2)(d) of the Act specifically states that local authorities 'shall aim to ensure that the income from fees... as nearly as possible equates to the costs of providing the service to which the fees relates'. This includes matters such as processing and determining an application, and inspections of licensed premises.
14. The fees set by the Council with regards to the matters detailed at paragraph 11 can be found in the table at Annex 2. The current fees aim to meet the requirements of Section 212(2)(d). The fees applied do not form part of the policy.
15. Fees for lottery registrations and gaming machine notifications/permits are statutory. For completeness, these fees are also included within the table at Annex 2.

Gambling Commission – Conditions and Codes of Practice, and the requirement to belong to an organisation like Safebet for example

16. There are mandatory conditions set in the Act, as well as a number of default conditions that a licensing authority may choose to disapply. The Guidance for Local Authorities from the Gambling Commission provide the wording for national conditions for different types of premises. As noted, local authorities can also set local conditions to particular premises where necessary (there are also conditions which a local authority may not apply but these are not relevant here).
17. The Gambling Commission also has the power to issue two types of code of practice. The first is a social responsibility (SR) code. A SR code must be followed and has the force of a licence condition. One such SR condition is 'that Licensees must make information readily available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling' (3.3.1).
18. The Commission may also issue ordinary codes (OC) which are intended to set out best industry practice. They are not mandatory but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective.

19. Section 153 of the Act requires licensing authorities, in exercising their functions, to have regard to any code of practice issued by the Commission.
20. The upshot of this is that Operators must (and do) provide information on how to gamble responsibly and organisations from which to obtain help for problem gambling. GamCare is the leading provider for gambling support, it is part of the National Gambling Treatment Service and operates the National Gambling Helpline. Furthermore, Members may wish to note that paragraph 11.8 of the Council's Statement of licensing policy, states:

'The council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet*
- training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons*
- self-exclusion schemes*
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people*
- posters and leaflets with GamCare Helpline and website displayed in prominent locations*
- external advertising to be positioned or designed not to entice passersby.'**[sic]*

Equalities impact assessment

21. The purpose of the Statement of Licensing Policy is to ensure that the council's decision making processes in relation to gambling at premises in the city is fair and does not disadvantage vulnerable groups, particularly those with a protected characteristic such as children. Nevertheless, it is correct that an equalities impact assessment in the prescribed council format was not part of previous committee report. An equalities impact assessment in the prescribed format is therefore contained at Annex 3 of this report. The Local Area profile is intended to identify higher risk areas of the city, and this together with Parts B and

C of the Statement of Licensing Policy is intended to outline the factors to be risk assessed.

22. Finally, officers apologise if members felt they were misled by the answers given at the previous meeting. Please be assured that the information was provided in an honest but mistaken belief that it was correct. It was in no way intended to deliberately mislead or falsely represent the position to members.

Consultation

23. As noted in the previous report, consultation took place with regards to the revised Statement of Licensing Policy from 12 May to 8 August 2021. One response was received to the consultation.
24. The results of the consultation were taken into consideration by Members when the revised Policy was approved.

Options

25. Option 1 – determine that further revisions to the Statement of Licensing Policy are not required.
26. Option 2 – determine that further revisions to the Statement of Licensing Policy are required, advise officers of the revisions to be made, and ask officers to formally consult on the revised Policy.

Analysis

27. Option 1 – the Council has complied with the legal requirements of the Act, the Policy has been reviewed, consulted on, approved by Council, and published. No further action is necessary.
28. Option 2 – if Members determine that the Policy requires further revisions, the required revisions will be made to the Policy and the formal consultation, approval, and publication procedure will be followed in respect of those amendments.

Council Priorities

29. The implementation of a Licensing Policy will support the Council's plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.

Implications

30. The direct implications arising from this report are:

- (a) **Financial** – There are no financial implications.
- (b) **Human Resources (HR)** - There are no HR implications.
- (c) **Equalities** – An equalities impact assessment accompanies this report.
- (d) **Legal** – It is a legal requirement of the Gambling Act 2005 that the Council is required to publish a statement of licensing policy every three years. Failure to do so would result in the licensing authority being unable to discharge its legal duty under the Act.
- (e) **Crime and Disorder** – There are no direct crime and disorder implications. In exercising its function under the Act the council must have regard to the licensing objectives. Licence and permit holders must also have regard to the objectives.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

31. There are no known risks associated with this report.

Contact Details

Author:

Lesley Cooke
Licensing Manager
01904 551515

Chief Officer Responsible for the report:

James Gilchrist
Director – Environment, Transport and
Planning

Report
Approved



Date 22/10/21

Specialist Implications Officer(s)

Wards Affected:

All

For further information please contact the author of the report

Background papers

Gambling Act 2005

<https://www.legislation.gov.uk/ukpga/2005/19/contents>

Gambling Commission – Guidance to licensing authorities

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/part-6-introduction>

City of York Council Statement of Licensing Policy and Local Area Profile published in January 2022

<https://www.york.gov.uk/business-licences/gambling-act-2005/1>

Licensing and Regulatory Committee, 9th November 2021, webcast

<https://www.youtube.com/watch?v=VaJWyIFRTX0>

Annexes

Annex 1 – Statutory Maximum Fees

Annex 2 – Fees set by City of York Council

Annex 3 - Equalities impact assessment

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place		
Service Area:	Public Protection (Licensing)		
Name of the proposal :	Statement of Policy and Cumulative Impact Assessment (Licensing Act 2003)		
Lead officer:	Lesley Cooke		
Date assessment completed:	17/02/22		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise

Step 1 – Aims and intended outcomes

<p>1.1</p>	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p><i>Under Gambling Act 2005 local authorities are responsible for issuing premises licences, permits and notices in respect of gambling premises. There are currently 20 premises licences in force, for the following:</i></p> <ul style="list-style-type: none"> • <i>1 adult gaming centre</i> • <i>1 bingo premises</i> • <i>1 betting premises (track)</i> • <i>17 betting premises (other) – bookmakers 18.</i> <p><i>The number of licensed premises has reduced by a third in the last three years. Nine bookmakers and one bingo hall have surrendered their premises licences.</i></p> <p><i>There are currently 187 premises that hold authorisations that allow the provision of gaming machines on the premises.</i></p> <p><i>The council are required to adopt and review a Statement of Licensing Policy (a policy) at least every three years, but it can be reviewed at any time. It was last reviewed and implemented in January 2022. However, whilst implementing the policy councillors asked Members of the Licensing and Gambling to reconsider in light of a number of points made. Councillors also approved a 'local area profile' to help licensees risk assess the issues in the area to mitigate the potential harms gambling may cause.</i></p>

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p><i>Gambling Act 2005 (the Act)</i> <i>Gambling Commission Codes of Practice</i> <i>Gambling Commission Guidance for Local Authorities (April 2021)</i></p> <p><i>In exercising most of their functions under the Act, the licensing authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:</i></p> <ul style="list-style-type: none"> <i>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;</i> <i>• Ensuring that gambling is conducted in a fair and open way;</i> <i>• Protecting children and other vulnerable persons from being harmed or exploited by gambling.</i> <p><i>The Gambling Commissions codes of practice give practical guidance in implementing the act, some of the aspects of the code i.e. the social responsibility aspects are mandatory in that a licence will not be granted unless they are in place. The Guidance for local authorities includes ‘national conditions’ tailored to particular types of gambling premises.</i></p>
1.3	Who are the stakeholders and what are their interests?
	<p><i>Generally speaking the stakeholders are licence holders, responsible authorities, other parties including residents and visitors to the city They share a common interest in that York is safe, vibrant and inclusive city.</i></p> <p><i>Under Section 157(h) of the Gambling Act 2005, the Local Authority is required to designate a body which is competent to advise about the protection of children from harm. In accordance with the Guidance issued to local authorities, the authority designates CYC’s Children’s Social Care.</i></p>

1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p><i>The purpose of the policy is to recognise that gambling is a leisure activity enjoyed by many people, and to ensure that it remains safe and fun for them. However, for some people gambling is harmful and impacts on ‘affected others’ including family, friends and the wider community.</i></p> <p><i>The Policy may be referred to by officers and members of committees when determining licensing applications and is available for all parties when applying for licences and submitting representations in order to ensure the objectives of the Act (outlined above) are achieved.</i></p> <p><i>The implementation of a Statement Policy will support the Council’s plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.</i></p>

Step 2 – Gathering the information and feedback

2.1	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>
Source of data/supporting evidence	Reason for using
<i>York Open Data</i>	<p><i>To help prepare the ‘Local Area Profile’</i></p> <p><i>York Open Data is a platform created by the City of York Council which holds over 1000</i></p>

	<i>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</i>
<p><i>Gambling Commission Annual Report (June 2021)</i></p> <p><i>Gambling Commission Statistics and research</i></p> <p>https://www.gamblingcommission.gov.uk/about-us/statistics-and-research</p>	<p><i>Statistics on gambling and problem gambling</i></p> <p><i>Official statistics in relation to gambling including ‘understanding why people gamble’ (2018).</i></p>
<p><i>Be Gamble Aware Annual GB Treatment and Support Survey 2020</i></p> <p>https://www.begambleaware.org/sites/default/files/2021-03/Annual GB Treatment and Support Survey 2020 report %28FINAL%29 26.03.21.pdf</p>	<p><i>Statistics on those receiving treatment and support for gambling including by age and gender.</i></p>
<p><i>Royal College of Psychiatrists ‘Gambling Disorder’</i></p> <p>https://www.rcpsych.ac.uk/mental-health/problems-disorders/gambling-disorder</p>	<p><i>Information for anyone who is worried about their gambling or knows someone whose gambling has become a problem</i></p>
<p><i>A 12 week consultation was undertaken as part of the review of the Statement of Licensing Policy (2021)</i></p>	<p><i>The following were invited to participate in the consultation:</i></p>

• BACTA • Gamcare • Gamblers Anonymous UK • GambleAware • Responsible Gambling Strategy Board • Gambling Therapy organisation • Gambling – York Nightline • Health Watch North Yorkshire • Association of British Bookmakers • British Bingo Association • National Casino Forum • Racecourse Association • Horserace Betting Levy Board • HM Revenue & Customs • British Beer & Pub Association • York City Branch CIU • Yorkshire & Humber TUC • York CVS • York & North Yorkshire Chamber of Commerce • York Citizens Advice Bureau • Clifton Moor Business Association • Vangarde Shopping Park • York Designer Outlet • Coppergate Centre • Federation of Small Businesses • York Professionals • Make it York • York Retail Forum • BID • Gambling Commission • North Yorkshire Police • North Yorkshire Fire & Rescue Service • City of York Council Public Protection • City of York Council Public Health • City of York Council Children Services • City of York Council Adult Services • City of York Council Development Control • Ward Councillors • Parish Councils • Premises Licence Holders

One response was received from Gamble aware, and the links they provided were incorporated into the revised policy

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.		
Gaps in data or knowledge		Action to deal with this	
<i>Some groups choose not to engage with the consultation</i>		<i>We try to engage with as many parties as possible through the consultation process. We detailed at point 2.1 how we work closely with other CYC sections and agencies to get a broad scope of matters.</i>	

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)

Age	<p><i>The Be Gamble Aware survey identified that 18-34 year olds had the largest number of non-gamblers (54%). The largest number of gamblers were in the 35-54 year old age bracket. Those aged 55+ have the largest number of non-problem gamblers (51%) However, there was a higher percentage of 18-34 year olds in every category of gamblers from 'low risk' to 'problem gamblers'.</i></p> <p><i>The Statement of Gambling Policy together with the local area profile (which includes the age profile of the people of York) are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions – it will have a positive impact.</i></p> <p><i>The local area profile also includes details of schools in each ward.</i></p>	Positive	Medium
Disability	<p><i>There are no known findings/impacts to this specific group. See below for information on gambling and mental health.</i></p>	0	Low
Gender	<p><i>The Be Gamble Aware Survey identified that there are roughly equal numbers of men and women who are non-gamblers or non-problem gamblers. But in every category of gamblers from 'low risk gamblers' – to 'problem gamblers', there approximately twice as many men as women. 16% of gamblers with a risk score are men, 8% are women.</i></p> <p><i>The Statement of Gambling Policy together with the local area profile (which includes the gender profile of the people of York) are designed to help gambling premises mitigate the</i></p>	Positive	Medium

	<i>risks from gambling and to aid the local authority in making licensing decisions - it will have a positive impact.</i>		
Gender Reassignment	<i>There are no known findings/impacts specific to this group</i>	0	Low
Marriage and civil partnership	<i>There are no known findings/impacts specific to this group</i>	0	Low
Pregnancy and maternity	<i>There are no known findings/impacts specific to this group</i>	0	Low
Race	<p><i>The Be Gamble Aware Survey identified that adults from Black, Asian and Minority Ethnic (BAME) backgrounds were less likely to participate in gambling overall than their white counterparts, but among those who did, they recorded higher scores on the PGSI (problem gambling severity index score) scale.</i></p> <p><i>The Statement of Gambling Policy together with the local area profile (which gives the race profile of the people of York) are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions - it will have a positive impact.</i></p>	Positive	Low
Religion and belief	<i>There are no known findings/impacts specific to this group</i>	Positive	Low
Sexual orientation	<i>There are no known findings/impacts specific to this group</i>	0	Low
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	<i>There are no known findings/impacts specific to this group</i>	0	Low

<p>Low income groups</p>	<p><i>The Local are profile gives details of index of deprivation by ward and details of the most deprived areas of York. Westfield, Clifton and Guildhall are the most deprived areas of York.</i></p> <p><i>The Statement of Gambling Policy together with the local area profile are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions - it will have a positive impact.</i></p>	<p>Positive</p>	<p>Medium</p>
<p>Veterans, Armed Forces Community</p>	<p><i>There are no known findings/impacts specific to this group</i></p>	<p>0</p>	<p>Low</p>
<p>Other</p>	<p><i>The Royal College of Psychiatrists report that roughly 1 in every 100 people have a gambling disorder i.e. ‘feel they have lost control’, ‘continues to gamble despite negative consequences’ and ‘sees gambling as more important to them than any other interest or activity</i></p> <p><i>The local area profile gives further detail on the links (or perceptions) of gambling and crime and further detail on gambling behaviour.</i></p> <p><i>The Statement of Gambling Policy together with the local area profile(which includes details of the wards in which hostels, supported housing and drug/alcohol facilities are based) are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions - it will have a positive impact.</i></p>	<p>Positive</p>	<p>Medium</p>

Impact on human rights:			
List any human rights impacted.	<i>None</i>		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
<i>As noted above, introducing a local area profile (which is not legally required, but recognised under the Gambling Commission Code of Practice to have a 'significant impact') is designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions.</i>	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	<i>As noted throughout, The Statement of Gambling Policy together with the local area profile are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions - it will have a positive impact.</i>

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
<i>N/a</i>			

Step 8 - Monitor, review and improve

8. 1	<p>How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p><i>It is a legal requirement that the Policy is reviewed at least once every three years.</i></p>

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ANNEX 1

Maximum Fees

Bingo	Fees
Grant of licence	£3,500
Variation of licence	£1,750
Transfer of licence	£1,200
Reinstatement of a licence	£1,200
Provisional statement	£3,500
Annual charge	£1,000
Family entertainment centre	Fees
Grant of licence	£2,000
Variation of licence	£1,000
Transfer of licence	£950
Reinstatement of a licence	£950
Provisional statement	£2,000
Annual charge	£750
Adult gaming centre	Fees
Grant of licence	£2,000
Variation of licence	£1,000
Transfer of licence	£1,200
Reinstatement of a licence	£1,200
Provisional statement	£2,000
Annual charge	£1,000
Betting (track)	Fees
Grant of licence	£2,500
Variation of licence	£1,250
Transfer of licence	£950
Reinstatement of a licence	£950
Provisional statement	£1,000
Betting premises (bookmakers)	Fees
Grant of licence	£3,000
Variation of licence	£1,500
Transfer of licence	£1,200
Reinstatement of a licence	£1,200
Provisional statement	£3,000
Annual charge	£600

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ANNEX 2

City of York Council Fees

Bingo	Fees
Grant of licence	£2,800.00
Variation of licence	£1,400.00
Transfer of licence	£960.00
Reinstatement of a licence	£960.00
Provisional statement	£2,800.00
Annual charge	£840.00
Family entertainment centre	Fees
Grant of licence	£1,600.00
Variation of licence	£800.00
Transfer of licence	£760.00
Reinstatement of a licence	£760.00
Provisional statement	£1,600.00
Annual charge	£635.00
Adult gaming centre	Fees
Grant of licence	£1,600.00
Variation of licence	£800.00
Transfer of licence	£960.00
Reinstatement of a licence	£960.00
Provisional statement	£1,600.00
Annual charge	£840.00
Betting (track)	Fees
Grant of licence	£2,000.00
Variation of licence	£1,000.00
Transfer of licence	£760.00
Reinstatement of a licence	£760.00
Provisional statement	£2,000.00
Betting premises (bookmakers)	Fees
Grant of licence	£2,400.00
Variation of licence	£1,200.00
Transfer of licence	£960.00
Reinstatement of a licence	£960.00
Provisional statement	£2,400.00
Annual charge	£515.00

	Charge
Automatic entitlement	£50.00
Licensed premises - gaming machine permits	Fees

	Charge
Grant of licence	£150.00
Variation of licence	£150.00
Transfer of licence	£25.00
Annual fee	£50.00
Club gaming and club machine permits	Fees
Grant of licence	£200.00
Renewal of licence	£200.00
Renewal for holder of club premises certificate under Licensing Act 2003	£100.00
Annual fee	£50.00
Copy of permit	£15.00

Lotteries	Fees
Registration	£40.00
Annual fee	£20.00