

Meeting:	Council
Meeting date:	27 March 2025
Report of:	Director of Environment, Transport and Planning
Portfolio of:	Licensing and Regulatory Committee, Chair Cllr Rachel Melly

Decision Report: Licensing Act 2003 – Cumulative Impact Assessment and Statement of Licensing Policy

Subject of Report

1. The report seeks approval by Council to approve the revised Statement of Licensing Policy (the Policy) and Cumulative Impact Assessment (CIA) – in relation to matters under the Licensing Act 2003 (the 2003 Act). It follows a resolution by Members of the Licensing and Regulatory Committee on 5 March 2025, that Council should approve the revised Policy, including minor amendments agreed by the Committee, which can be found at Annex 1 and CIA at Annex 2. NB Nine Members were present at the Committee they all voted for the resolution.
2. The reason for the resolution was to ensure the council complied with the requirements of Sections 5 and 5A of the 2003 Act, which requires licensing authorities to determine and publish a Statement of Licensing Policy at least every five years and determine and publish a Cumulative Impact Assessment at least every three years. If approved the Policy and CIA must be published by the end of March 2025.

Benefits and Challenges

3. The key benefit is that the council complies with the requirements of the 2003 Act, by reviewing and publishing a revised Policy and CIA, allowing it to fulfil its legal duty as the licensing authority.

The Policy must be taken into consideration when the licensing authority makes decisions in respect to the 2003 Act. New applicants for premises licence and club premises certificates should take the Policy into consideration prior to applying. Licence / certificate holders should also take the Policy into consideration when undertaking risk assessments with regards to the operation of their premises.

4. The CIA must also be taken into consideration when the licensing authority makes decisions in respect of premises within the identified cumulative impact area. New applicants for premises licences and club premises certificates for premises located within the identified area should take the CIA into consideration prior to applying. Licence / certificate holders that have premises located within the identified area should also take the CIA into consideration.

Policy Basis for Decision

5. By complying with the requirements of the 2003 Act the Council are supporting new and existing licence trade, as well as residents and businesses. The functions support the Council's Plan 'One City, for all'.

Financial Strategy Implications

6. There are no financial strategy implications.

Recommendation and Reasons

7. That in accordance with Option 1 below, Council approves the new Statement of Licensing Policy and Cumulative Impact Assessment as recommended by Members of the Licensing and Regulatory Committee.

Reason – To Meet the legislative requirements of the Licensing Act 2003.

Background

The Statement of Licensing Policy

8. Section 5 of the 2003 Act requires licensing authorities to determine and publish a Policy, at least every five years. City of York Councils current Policy was approved by Council on 24 March 2022, this Policy has been reviewed due to the requirements of Section 5A of the 2003 Act relating to CIA, further information is detailed below.
9. The Act requires that, before determining its Policy the licensing authority must consult:
 - a) the chief officer of police
 - b) the fire authority
 - c) public health
 - d) representative of premises licence and club premises certificate holders
 - e) representative of personal licence holders
 - f) representative of businesses and residents
10. A full review of the Policy has taken place, in line with the review of the CIA.
11. The draft revised Policy can be found at Annex 1, the amendments made to the revised Policy are highlighted in yellow, the amendments made following the consultation are highlighted in turquoise.

Cumulative Impact Assessment

12. Section 5A of the 2003 Act (which was introduced in April 2018) provides that a licensing authority may, in appropriate circumstances, publish a document, a 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 2003 Act to grant any further relevant authorisations in respect of premises in that part or those parts.
13. 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.

14. The Council published its first CIA in March 2019; a reviewed CIA was published in March 2022.
15. As required by Section 5A of the 2003 Act the Council has reviewed the area identified within the CIA. North Yorkshire Police (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. From this date the Council, in consultation with the Police, has developed its third draft CIA in relation to an area that has been identified in York city centre.
16. 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 continues 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
17. The CIA relates to applications for the grant and/or variation of premises licences, club premises certificates or the issue of provisional statements.
18. By publishing a CIA, the Council is setting down a strong statement of intent about its approach to considering applications for grant and variations 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.
19. 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 the terms consistent with the operating schedule. 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 the cumulative impact area, the application should be refused.
20. Within the draft reviewed CIA, the red and amber zones have been removed as applicants for new premises licences became more focused on whether the premises was or wasn't located within a red or amber zones, rather than the fact that the premises was located within the cumulative impact area. Some applicants believed that as

long as the premises wasn't in a red or amber zone (especially the red zone), the remaining cumulative impact area was not relevant, and a new application would be granted.

21. Cumulative impact is covered in Section 9 of the draft revised Policy. The draft CIA can be found at Annex 2.

Consultation Analysis

22. The report of the Licensing and Regulatory Committee highlighted the consultation undertaken. Five response was received to the consultation.

Options Analysis and Evidential Basis

23. Option 1 – That Council approves the new Statement of Licensing Policy and Cumulative Impact Assessment as recommended by Members of the Licensing and Regulatory Committee.
24. Option 2 – Council does not approve the new Statement of Licensing Policy and Cumulative Impact Assessment as recommended by Members of the Licensing and Regulatory Committee, giving reasons for the decision.

Analysis

25. The Council's first Policy was published in January 2005. The Policy has been fully reviewed and published on a further five occasions, in 2008, 2011, 2014, 2019 and 2022.
26. At the request of the Police, the Council's Policy has included a special policy on saturation and cumulative impact (CIZ) since April 2005. The CIZ was reviewed on three occasions at the request of the Police, in July 2010 and March 2014 to increase the CIZ area due to the changes in patterns of crime and disorder, and in July 2016 to include applications for material variations.
27. 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 and disorder. Following the review of the CIA there are no proposed changes to the cumulative impact area.

Current Licences and Certificates in Force

28. There are currently 1081 premises licences (1022 in 2022), and 44 club premises certificates (45 in 2022) in force, of which:
- 341 premises are in the CIA (319 in 2022)
 - 749 authorise the sale/supply of alcohol on and off the premises (688 in 2022)
 - 194 authorise the sale/supply of alcohol off the premises (off sales) (194 in 2022)
 - 182 do not authorise the sale/supply of alcohol
29. There are currently 4100 personal licences (3711 in 2022) currently in force.

Number of Applications, Suspensions, Lapsed and Surrendered Licences

30. The table below details the number of applications received, suspension issued, lapsed and surrendered licences for the last six financial years.

	2024/25*	2023/24	2022/23	2021/22	2020/21	2019/20
Premises licence grants	33	45	28	37	41	31
Premises licence variations	16	13	19	16	13	14
Minor variations	22	35	23	25	27	28
Transfers	65	50	62	34	53	59
DPS variations	164	143	155	145	104	165
Premises licence suspensions	146	155	175	60	46	87
Lapsed premises licences	4	6	1	2	7	3
Premises licences surrendered	1	6	13	20	10	19
Personal licence grants	132	109	111	122	74	147
TEN – standard	150	162	166	120	35	190
TEN – late	59	60	74	59	21	94

* Report run on the 20 February 2025.

Organisational Impact and Implications

31. The implications arising from this report are:

- **Financial:** - The Chief Finance Officer contacted. There are no direct financial implications associated with this report. Premises licence and club premises certificate holders are required to pay an annual fee which is statutory.
- **Human Resources (HR):** - The Head of HR contacted. There are no HR implications associated with this report.
- **Legal:** As stated in paragraph 2 above, it is a legal requirement of the Licensing Act that the Policy and CIA are reviewed. The final decision to adopt or revise the Policy and CIA under the Act must be made by Full Council. Failure to comply with these requirements could result in the Council being unable to fulfil its legal duty as the licensing authority and the Council could be open to legal challenges. The Policy must be taken into consideration when the Licensing Authority makes decisions in respect of matters relating to the Licensing Act 2003, the CIA must also be taken into consideration in respect of matters relating to premises within the identified cumulative impact area. A Statement of Licensing Policy can be subject to judicial review.
- **Procurement:** - Head of Procurement contacted. There are no procurement implications associated with this report.
- **Health and Wellbeing:** - Director of Public Health contact. Public Health has provided information/data which can be within the Policy. Information/data within the Policy relates to alcohol related harms.
- **Environment and Climate action:** - Director of Transport, Environment and Planning, and Head of Carbon Reduction contacted. There are no environment and climate actions implication associated with this report.
- **Affordability:** - Director of Customer and Communities Contacted. There are no affordability implications associated with this report.
- **Equalities and Human Rights:** - Assistant Director of Customer, Communities and Inclusion contacted. An Equalities Impact Assessment has been completed and can be found at Annex 3.
- **Data Protection and Privacy:** information.governance@york.gov.uk contacted. The data protection impact assessment (DPIAs) screening questions

were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.

- **Communications:** - Head of Communications contacted. There are no communications implications associated with this report, the Policy and CIA will be available on the Council's website in an accessible format. Communications will be available if a reactive response is required.
- **Economy:** - Head of City Development contacted. There are no economy implications associated with this report.

Risks and Mitigations

32. The Council cannot lawfully fulfil its legal duty as a licensing authority if it fails to comply with the requirements of Sections 5 and 5A of the 2003 Act, meaning the impact of a successful legal challenge is 'major' and the likelihood is 'possible'. This gives a risk score of '19' and is an orange risk on the Council's Risk Management Matrix. Complying with Sections 5 and 5A by reviewing and publishing a Statement of Licensing Policy every five years and Cumulative Impact Assessment every three years means the impact reduces to 'minor' and the likelihood reduces to 'remote', which gives a risk score of '2', and is a blue risk.

Wards Impacted

33. All wards will be impacted by the Policy.

Contact details

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Background papers

[Licensing Act 2003](#)

[Report](#) taken to Licensing and Regulatory Committee on 5 March 2025.

Annexes

Annex 1: Revised Statement of Licensing Policy 2025

Annex 2: Revised Cumulative Impact Assessment

Annex 3: Equalities Impact Assessment