



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

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

**Date:** Wednesday, 5 March 2025

**Time:** 5.30 pm

**Venue:** West Offices

**A G E N D A**

**1. Apologies for Absence**

To receive and note apologies for absence.

**2. Declarations of Interest**

(Pages 7 - 8)

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

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

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

**3. Minutes**

(Pages 9 - 28)

To approve and sign the minutes of the meetings held on 4 November 2024 and 6 February 2025.

**4. Public Participation**

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

**Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Monday 3 March 2025.**

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

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

## **5. Licensing Act 2003 - Cumulative Impact Assessment and Statement of Licensing Policy** (Pages 29 - 156)

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 of 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.

**6. Taxi Licensing - Unmet Demand Survey** (Pages 157 - 180)

This report seeks Members' approval to undertake an unmet demand survey in relation to hackney carriage provision within the authority area.

**7. Programme of Work**

To consider the Committee's programme of work for the 2024-25 municipal year.

**8. Urgent Business**

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

Democracy Officer:

Contact details:

Angela Bielby

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

### Declarations of Interest – guidance for Members

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

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

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

## City of York Council

## Committee Minutes

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

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

**[See also under Part B]**

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

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

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

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

**69. Minutes (5.35pm)**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Option 1:

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

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

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

Resolved:

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

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

[Cllr Kilbane left the meeting at 6.12pm].

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

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

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

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

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

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

Resolved: That the update report be noted.

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

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

[Cllr Kilbane rejoined the meeting at 6.50pm].

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

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

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

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

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

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

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

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

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

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

Resolved: That;

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

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

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

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

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

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

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

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

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

**[See also under Part A]**

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

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

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

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

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

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

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

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

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

Resolved: That;

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

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

Cllr Melly, Chair

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



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Meeting	Licensing and Regulatory Committee
Date	6 February 2025
Present	Councillors Melly (Chair), Cuthbertson (Vice-Chair), Baxter, Clarke, Hook, Knight, Mason, D Myers, Nicholls, Ravilious, Smalley, Widdowson, Warters and Wilson
Apologies	Councillor Kilbane

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**75. Apologies for Absence (5.35pm)**

Apologies for absence were received and noted for Cllr Kilbane.

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

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. There were no declarations of interest.

**77. Public Participation (5.35pm)**

It was reported that there had been seven registrations to speak and one written representation for Agenda item 7 Street Trading Policy update. The written representation had been submitted by Make it York (MiY) and had been published as a supplement to the published report for the item.

Margaret Rush explained that she and her husband were Directors of Graham's Ices and she thanked everyone involved in the work of street trading and she welcomed the formation of the working group. She noted concern regarding Cllr Kilbane as a member of the Board of MiY. She noted a number of safety issues with the Christmas Market. She noted problems with option 2 in the published report and added that the preference of the Street Trading Association was for option 1, adding that no changes should be made until the consultation had finished.

Dan Zoccolan noted that he had run a street trading business for over 30 years with multiple sites across the city. He noted

that the St Sampson's Square and Parliament Street information was misleading. He explained that his pitch in Kings Square was impacted by big structures like the carousel. He asked the committee to choose option 1 to provide security for jobs and families.

As a street trading consent holder Andrea Piette asked the committee to vote for option 1 and explained her concerns regarding option 2. She noted that street traders had regular customers and she explained how essential the location of their pitches were. She added that street traders were regularly displaced for other period other than the Christmas Market and that street traders should be able to trade on their pitches all year round.

Rob Collins expressed disappointment that the quality and professionalism of street traders was not included in the report. He noted that if the committee voted for option 2, they would not be able to go back on it. He added that if option 2 was chosen, he may have to relocate to another pitch near diesel generators and that option 2 allowed for street traders to be moved anywhere. He noted that option 1 was the only fair option.

Ian Burgess noted that he made candles and had a pitch in Kings Square. He explained that the Christmas period paid for January, February and March. He noted that option 1 brought stability and option 2 gave MiY a blank sheet of paper to do whatever they wanted. He asked who made the decision who about who moved where and how much they will pay.

Hannah Sherwood, wife of Tom Jackson and owner of Jacksons of York stated that the principle of integrity must apply. She explained that the MiY sample size of the survey on the Christmas Market was not representative. She noted that option 2 put profits over people. She added that street traders had a petition on backing local traders with over 2000 signature and that street traders were experiencing unacceptable anxiety. She noted that the committee must choose option 1 and she saw no evidence that relocating street traders affected access. She thought that there was a veiled power grab by MiY.

Tom Jackson made a number of comments on option 2 and noted that option 1 provided stability and viability for businesses and implementation of that option allowed MiY to plan with confidence. He noted that 2 would move businesses to a quiet

side of York which would be disastrous. He explained the impact of option 2 on employees. He added that his mortgage relied on trade and asked the committee to support option 1.

**78. Minutes (5.59pm)**

Following queries on the third from last bullet point of the Street Trading Consent Policy Update agenda item regarding whether reference was made to the Leader or Deputy Leader, and the second of option 1 in the Gambling Act 2005 - Statements of Licensing Policy agenda item it was:

Resolved: That the Democracy Officer check the webcast of the meeting on 4 November 2024 to clarify whether reference the third from last bullet point of the Street Trading Consent Policy Update agenda item referred to the Leader or Deputy Leader, and the second of option 1 in the Gambling Act 2005 - Statements of Licensing Policy agenda item and update the minutes accordingly.

Reason: In order to ensure that the minutes of the meeting held on 4 November 2024 were an accurate record of the meeting.

**79. Street Trading Policy Update (6.01pm)**

Following a request at the meeting held on 4 November 2024, Members considered a report updating them on the current position regarding a Street Trading Policy. The report also asked Members to determine arrangements for city centre street trading consent holder trading pitches for the 2025 Christmas Market event.

The Head of Public Protection made a new recommendation to the Committee. He explained that things had been evolving and the MiY plans for the Christmas Market were nearing completion. It was recommended that the determination of the arrangements for city centre street trading consent holder trading pitches for the 2025 Christmas Market be deferred until the next meeting in March.

In response a Member question, the Chair advised that new information from MiY was needed on the Christmas Market. Cllr Cuthbertson proposed and Cllr Baxter seconded the new

recommendation to defer the decision until the next meeting in March. During debate a number of views were expressed. The Licensing Manager explained that the decision would need to be made at the March meeting as the street trading consent holder trading pitches would expire in March. She added that if there was an emergency, street traders could be moved under their consents. She explained that officers had not seen the MiY plans for the Christmas Market and added that there was one street trader in St Sampson's Square who worked evenings would need to be moved during the Christmas Market. The Head of Public Protection added that MiY wanted to make the Christmas Market more accessible.

Following a vote on the new recommendation to defer, six Members voted in favour and eight Members voted in abstention. The motion fell.

The Licensing Manager outlined the report noting that MiY had been asked by the Council to make the Christmas Market more accessible. She noted that at the 4 November Committee it had been agreed that a working group would be formed and had met on Tuesday 4 February. It was evident from the working group that a number of things were needed in the policy. She outlined the options available to Members noting that option 2 would require one street trader to be moved during the Christmas Market. She noted the officer recommendation to approve option 2.

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

- With reference to whether option 1 would guarantee street traders' current pitches, their locations were known but it was their consents that they may have to be moved slightly or may need to be moved for other reasons such as a gas leak. If their sites were available, they would be available to those traders.
- Regarding whether option 1 having implications other than the Christmas Market, the option only applied to MiY organised events.
- The late night trader on St Sampson's Square always had to be relocated during the Christmas Market and he had always been found a separate pitch.
- Option 1 would mean that MiY would have to design the Christmas Market around the street traders and they would

have to look at how to make the Christmas Market more accessible around the street trading pitches.

- A map of where the street trader pitches were located could be provided to Members.
- Regarding the Christmas Markets being accessible over the last ten years, the plans for them had changed as a result of feedback, for example the Christmas Market had changed over the past two years.
- Concerning whether there had been any complaints about street traders causing issues with accessibility, officers did not get feedback regarding the position of the street trading pitches. It was confirmed there had been no complaints regarding street trading positions.

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

Option 1 –

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

Option 2 –

- a. Note that a working group has been formed to consider the policy; and
- b. Determine that street trading consents will be renewed\* from the 1 April 2025 for a 12-month period (or such lesser period agreed when the consent was granted);
  - i. that consented street traders will/could be relocated during the 2025 Christmas Market event (to assist MIY in planning the layout of the event, to make the event more accessible);
  - ii. that MIY guarantees a pitch within the Christmas Market event footprint at no additional cost to consent holder;

- iii. if the consent holder would like an alternative pitch within the 2025 Christmas Market event, they must make this request to MIY, any additional charge payable will be agreed between MIY and the consented street trader; and
- iv. for safety and good order consented street traders will following reasonable instructions from MIY Officers.

Option 3 –

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

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

Cllr Smalley proposed option 1. This was seconded by Cllr Myers. A Member asked for an update on the street trading working group and policy at the next meeting. The Licensing Manager was asked and confirmed that there would be changes to the Street Trading Policy following consultation.

[Cllr Smalley left the meeting at 6.39pm]

During debate, the Licensing Manager explained that it was it was a condition of every street trader's consent that if they needed to be moved for a reason they could be moved. It was acknowledged that street traders could be moved by a few metres so that were still in the same area. The Licensing Manager noted that during last 18 months during the installation of the HVM bollards, some of the street traders needed to be moved a few metres or quite a few metres to accommodate keeping the street traders trading but taking into account that the bollard work needed to be done and MiY had events on organised for Parliament Street. She added that it depended on

the situation the street trader needed to be moved for.

Clarification was given on the condition regarding moving street traders and it was confirmed that street traders could be moved and noted that the council did try to accommodate street traders being moved as close as possible. Following a question from a Member, the Licensing Manager noted that the fees would be before Members at Budget Council. On option 1 being put to the vote, there were nine votes in favour, two votes against and two abstentions. It was therefore:

Resolved: That approval be given to Option 1 to

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

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

Reason: To give consent holders the certainty that their consents are being renewed for a period of 12 months (unless there are grounds to refuse to renew), as consents holders have previously told the Council that they must order stock to cover the Christmas period late summer. It also gives consent holders the reassurance that they will not be relocated from their trading pitch.

80. **Renewal of a Sex Establishment Licence for First Floor of Ziggy's (Known As Club 55), 53-55 Micklegate, York, Yo1 6LJ [CYC019257] (6.48pm)**

Members considered a report seeking determination of an application to renew a Sex Establishment Licence for a Sexual Entertainment Venue (SEV) which had 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.

The Licensing Manager outlined the report and annexes, noting that all conditions had been complied with following the inspection of the establishment. She added that the Police had withdrawn their objection as the conditions had been complied with. The Licensing Manager was asked and confirmed that the that the condition breaches were on both the Premises Licence and Sex Establishment Licence.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee had the following options available to them in making their decision:

Option 1 Grant a renewal of the licence as requested.

Option 2 Renew the licence with modified/additional conditions imposed by the licensing committee.

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

Cllr Mason then moved and Cllr Baxter seconded approval of Option 1 to grant a renewal of the licence as requested. On being put to the vote with a unanimous vote in favour, it was;

Resolved: That, in accordance with Option 1, Members approved the grant of the renewal of the licence as requested.

Reason: To consider renewal of the sex establishment licence as required by the legislation.



Members considered a report requesting approval of the amended Local Area Profile at Annex 2 of the published report.

The Licensing Manager gave an overview of the report noting the inclusion of information on special schools, private schools and colleges at Annex 2 of the published report. She noted the recommendation to approve Option 3, to authorise officers to publish the amended Local Area Profile found at Annex 2, which provided details of the actual number of schools in each Ward and details of the Wards where special and private schools, and the colleges that under 18 year olds attend were located.

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

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

Cllr Widdowson moved and Cllr Mason seconded the recommendation as detailed in Option 3. On being put to the vote it was unanimously;

Resolved: That approval be given to Option 3, to authorise officers to publish the amended Local Area Profile that can be found at Annex 2, which provided details of the actual number of schools in each Ward and details of the Wards where special and private schools, and the colleges that under 18 year olds attend are located.

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

**82. Work Plan (6.57pm)**

The Chair reported that it was not known when the Street Trading Policy would come to Committee for approval. A Member requested a street trading group working group update at future meetings. The Chair invited all Members to join the different working groups.

Resolved: That the work plan be approved as presented with the published agenda.

Reason: In order to keep the work plan updated.

Cllr Melly, Chair

[The meeting started at 5.34 pm and finished at 6.59 pm].



## Agenda Item

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### Licensing & Regulatory Committee

5 March 2025

Report from the Director – Environment, Transport and Planning

### **Licensing Act 2003 – Cumulative Impact Assessment and Statement of Licensing Policy**

#### **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 of 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. That Members approve Option 1 and recommend to Council that the revised Statement of Licensing Policy and Cumulative Impact Assessment, set out at Annex 1 and 2, be adopted.

**Reason:** To meet the legislative requirements of the Licensing Act 2005.

#### **Background**

5. In April 2024 a working group including members of this Committee, officers from Licensing, Public Health, Children's Services, Community Safety and North Yorkshire Police, was formed to review the Statement of Licensing Policy (Policy) and the Cumulative Impact Assessment (CIA).

### Statement of Licensing Policy

6. 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.
7. 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
8. A full review of the Policy has taken place, in line with the review of the CIA.
9. 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

10. 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.
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. The Council published its first CIA in March 2019; a reviewed CIA was published in March 2022.
13. 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.
14. 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
15. The CIA relates to applications for the grant and/or variation of premises licences, club premises certificates or the issue of provisional statements.
16. 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.
17. 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.
18. 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.

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

20. The full report received from the Police can be found at Annex 3.

### **Consultation**

21. A consultation took place from 5 December 2024 to 2 February 2025 on the Policy and CIA. The process for the consultation involved direct mailing and use of the Council's website.

22. The Council consulted over 50 organisations/individuals and all licensed premises within the authority area as part of the consultation process. A list of consultees can be found at Annex 4.

23. Five responses were received to the consultation, they can be found at Annex 5.

24. Consultation responses have been taken into consideration, and where required, the draft Policy and CIA have been amended accordingly.

### **Options**

25. Option 1 – Recommendation to Council that the draft Policy and CIA are adopted.

26. Option 2 – Recommendation to Council that the draft Policy and/or CIA is amended with alternative wording agreed by members.

### **Analysis**

27. 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.

28. 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.

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 and disorder. Following the review of the CIA there are no proposed changes to the cumulative impact area.

#### Currently Licences and Certificates in Force

30. 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
31. There are currently 4100 personal licences (3711 in 2022) currently in force.

#### Number of Applications, Suspension, Lapsed and Surrendered Licences

32. 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.

## **Council Priorities**

33. 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'.

## **Implications**

34. The implications arising from this report are:

- **Financial:** There are no financial implications associated with this report.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** A full Equalities Impact Assessment can be found at Annex 6 which shows positive impacts from several protected characteristics.
- **Legal:** The adoption of any policy opens the Council to risk of judicial review. There are no other legal implication other than those referred in the body of this report.
- **Crime and Disorder:** There are no crime and disorder implications. The Policy and the CIA promotes the licence objective 'the prevention of crime and disorder'. The Police are a named responsible authority under the 2003 Act, who have produced the evidence base for the CIA.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

## **Risk Management**

35. Legal action could be taken against the Council if it fails to comply with the requirements of the 2003 Act.

## **Contact Details**

**Author:**

**Chief Officer Responsible for the report:**



**Lesley Cooke**  
Licensing Manager  
Phone: 551515

**James Gilchrist**  
Director (Environment, Transport and  
Planning)

**Report  
Approved**



**Date** 21/02/2025

**Specialist Officer Implications: None**  
**Wards Affected:**

**All**



**Background Papers:**

[Licensing Act 2003](#)

[Section 182 Guidance](#) for Licensing Authorities

[Statement of Licensing Policy 2022-2027](#)

[Cumulative Impact Assessment 2022 - 2025](#)

**Annexes**

Annex 1: Revised Statement of Licensing Policy 2025

Annex 2: Revised Cumulative Impact Assessment

Annex 3: North Yorkshire Police CIA Report

Annex 4: Consultees

Annex 5: Consultation Responses

Annex 6: Equalities Impact Assessment

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# **Statement of Licensing Policy 2025 – 2030**

## **Licensing Act 2003**

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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 the Council on 26 March 2025.
- 1.4 The Act specifies that any decisions taken by the Licensing Authority in regard to the 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;
  - creating a leisure environment that supports York residents' health free from alcohol-related issues;
  - 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 children and young people 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.

## 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 (Police)
  - North Yorkshire Fire and Rescues Service
  - City of York Council - Public Protection Environmental Protection
  - City of York Council - Public Protection Environmental Health (H&S)
  - City of York Council - Public Protection Trading Standards
  - City of York Council - Planning & Development Services
  - 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).



balancing the requirements of residents against the economic benefits that tourism can bring.

- 3.7 Historically York was known for having one public house for each day of the year. This is no longer the case, but there are 886 premises of various types licensed to sell alcohol in the authority area.
- 3.8 As an historical centre the city has many historical buildings and museums. The authority area 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/bars, and York Racecourse and York Community Stadium which offer sporting activities as well as conferencing and hospitality facilities. In addition, there are a significant number of retail premises across the authority selling alcohol, including the large supermarkets, off-licences and small convenience shops.

## 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.

### Council Plan

- 4.2 The Council's decision making, and work plans are underpinned by a set of policies, strategies and plans.

In particular the '[Council Plan 2023 to 2027](#) One City For All' which sets the core commitments and priorities for the Council, which are as follows:

#### Core Commitments

- Equalities and Human Rights – equality of opportunity
- Affordability – tackling the cost-of-living crisis
- Climate – environment and the climate emergency
- Health – health and wellbeing

#### Priorities

- Health and wellbeing: a health generating city, for children and adults.
- Education and skills: high quality skills and learning for all.
- Economy and good employment: a fair, thriving, green economy for all.
- Transport: sustainable accessible transport for all.
- Housing: increasing the supply of affordable housing.
- Sustainability: cutting carbon, enhancing the environment for our future.
- How the council operates.

These are supported by the Health and Wellbeing Strategy, York Economic Strategy and the Children and Young People's 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 Tourism Strategy 'A vision for tourism in York: 2032', prepared by York Tourism Advisory Board with partners and stakeholders, including the Council. The Strategy is focused on five Key Priorities with specific ambitions for the city:

1. A Regenerative Visitor Economy: York is a responsible, robust and

- profitable destination with a regenerative visitor economy.
2. Green York: Our businesses and visitors' commitment proactively contributes to York's transition to net zero carbon emissions by 2030.
  3. Culture: York is renowned for its heritage, culture and cutting-edge approach to creativity, which attracts cultural tourists and supports the city's regenerative visitor economy.
  4. Residents and Localhood: Local people experience the very best of their city alongside its visitors, with tourism contributing to the quality of life in York and beyond.
  5. Skills and recruitment: The visitor economy is a first-choice career for school leavers and graduates, businesses invest in upskilling, training and career development, and commitment to equality, diversity and inclusion.

### **The Our City Centre York Vision**

- 4.4 The Council are currently developing [The Our City Centre York Vision](#). The themes covered by the vision are:
- a family friendly and affordable city centre
  - an attractive and active city centre
  - making tourism work for York
  - embracing our riverside
  - a safe city centre which is welcoming and accessible to all
  - thriving businesses and productive buildings
  - celebrating heritage and making modern history

### **Joint Health and Wellbeing Strategy 2022 – 2032**

- 4.5 The York Health and Wellbeing Board has published a joint [Strategy](#) because they believe health is precious, and they want more of it for the 200,000 people who live within our wonderful city of York.

### **York Climate Change Strategy**

- 4.6 City of York is known nationally as an authority area that floods, residential properties and businesses (including licensed premises) in close proximity to the rivers flood at least once a year. Applicants and licence holders should be aware of the Council's [Climate Change Strategy](#) and the Yorkshire and Humber [Climate Action Plan](#) and consider climate related

matters such as emissions and waste, for example:

- make sure boilers and gas appliances are serviced regularly – look at switching from gas and fossil fuels;
- buy food/drink locally;
- recycle;
- reduce waste and litter:
  - don't use single use\* plastic such as straws and drink stirrers;
  - don't use single use\* plastic/papers cups.

\*Applicants and licence holders must be aware of [The Environmental Protection \(Plastic Plates etc. and Polystyrene Containers etc.\) \(England\) Regulations 2023](#), and the penalties in place for failing to comply with the regulations. The Department for Environment, Food and Rural Affairs has published guidance on the [single-use plastics bans and restrictions](#).

## Crime and Disorder

- 4.7 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 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. Information relating to crime is available via the Police UK Crime Map for [York Outer](#) and [York Inner](#), which provides interactive maps showing crimes and statistics.
- 4.8 The Council will consider matters contained in Safer York Partnerships [Community Safety Strategy](#) in relation to the four licensing objectives.

## Counter Terrorism

- 4.9 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 ([ProtectUK](#)) has produced guidance to operators of crowded places giving advice on how to reduce the threat of attack. The [Terrorism \(Protection of Premises\) Bill](#), known as Martyn's Law, received its first reading in Parliament on 12 September 2024, the Bill outlines mandatory terrorism protection training, risk assessments, and the development of security plans that will be required.
- 4.10 As the city attracts over 8.9 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 times, 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.

4.11 Applicants and licence holders are encouraged to implement the requirements of Martyn's Law, and guidance provided by ProtectUK with regards to operation of their premises and/or events.

4.12 When planning an event/festival, organisers must always consider counter terrorism and the measure that they need to put in place.

4.13 [See, Check and Notify](#) (SCaN) also aims to help businesses and organisations maximise safety and security using their existing resources.

### Night-time Safety

4.14 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 this into consideration, especially as reports of violence against women and girls (the Home Office published the national strategy on tackling this matter on 21 July 2021) are on the increase.

4.15 York and North Yorkshires Office for Police, Fire, Crime and Commission, in conjunction with partners, has published a Strategic Needs Assessment with regards to the [Serious Violence Duty](#) for York and North Yorkshire.

4.16 According to data from the National Police Chiefs' Council, most spiking incidents, 80%, happen in public places, especially places where people go to enjoy themselves at night:

- almost half of reported incidents happened in a bar;
- after that, nightclubs were the most common location.

The Government has produced a [spiking factsheet](#) which provides further information.

The police response to spiking is Operation Lester which has clear investigative strategy and works with licensed premises on initiatives to keep people safe. Police.UK has produced further [information on spiking](#).

4.17 Hate crimes (if a person has demonstrated or been motivated by hostility based on race, religion, disability, sexual orientation, or transgender identity

or perception thereof), although York's levels of hate crime are below that of the national average, the Council and Police are aware of a pattern of racial hate crime linked to the night-time economy. Some incidents are directed to those who work in support, e.g. door staff, bar staff and taxi drivers. The multi-agency York Hate Partnership is working to deter this behaviour and encourage reporting, through initiatives such as the Choose Respect Not Regret campaign. All hate crime incidents are reviewed by the Police. The Home Office published official statistics on [Hate Crime, England and Wales, Year Ending March 2024](#) on the 10 October 2024.

4.18 Applicants and licence holders are encouraged to engage in national and local schemes that promote customer safety, such as:

- joining Safer York Business Partnership and using the Pubwatch radio;
- joining Pubwatch;
- using Sentrysis;
- promoting 'Ask for Angela' in your venues;
- national and local initiative tackling violence against women and girls;
- register with Community Messenger to receive updates on policing matters relevant to the local community and nighttime economy;
- ensure staff and customers are aware of and adhere to the city's Code of Conduct;
- engage with Police operations (which may also include partners) that are in place to tackle alcohol related issues, such as violence, ASB, street drinking and thefts.
- engage with York BID rangers, Street Angels and if your premises is in close proximity to the river York Recuse Boat volunteers;
- engage with/promote local and national campaigns such as 'Choose Respect Not Regret' and the 'Walk Away Campaign', and any crime reduction initiatives supported by the Police to keep people safe;
- engage with the work of the York Drug and Alcohol Partnership;
- engage with the University of York, York St John University, York College and Askham Bryan College with regards to their 'All About Respect' initiative if your premises offer dedicated student nights, or promotions to encourage students into your premises. This initiative relates to the importance of healthy relationships, addressing issues such as sexual harassment, sexual violence, domestic abuse and hate crime;
- if you are planning/organising an event engage with York's Events Safety Advisory Group.



4.19 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 customers appear vulnerable (drunk or under the influence of drugs);
  - 2) unwanted contact (touching) between customers (on speaking to women news reports have identify that women are regularly touch without their consent, in some cases inappropriately, when walking through busy licensed premises);
  - 3) drink and needle spiking – the police receive several allegations each year that customers in licensed premises have been spiked.
  - 4) hate crimes – all hate crime incidents are reviewed by the Police.
- 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 ranks and bus stops that offer an evening/late night services, 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;
- h) as staff working in licensed premises can finish work late at night and/or into the early hours of the morning, consideration should be given to having arrangements in place to make sure they get home safely, such as providing free transport and offering appropriate additional training. Following concerns raised by workers, especially women, Unite launched the [Get Me Home Safely](#) campaign, which City of York Council [fully support](#).

4.20 With regards to paragraph 4.19 (a) the Police advocate The WAVE (Welfare and Vulnerability Engagement) training. This training explores what

vulnerability is, how to identify it and appropriate interventions. The Police will provide this training on request –

[NYPLicensing@northyorkshire.police.uk](mailto:NYPLicensing@northyorkshire.police.uk)

## **Engagement**

4.21 The Council and Police understand the importance of engaging with the licensed trade to offer help or guidance, update on new legislation and national/local schemes, discuss issues/concerns and share best practice. We do this via meeting with applicants prior to submitting an application, having one to one meetings with licensed premises, or holding meetings where a majority of the licence trade can attend.

## **Pubwatch**

4.22 The Council and 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.

## **York Drug and Alcohol Partnership**

4.23 York Drug and Alcohol Partnership provides a single setting for Council departments, Police, Probation, education partners, health providers and other community groups to work together to reduce drug and alcohol related harm.

4.24 The Partnerships work in York will reduce alcohol harms by shaping the key factors which ultimately drive alcohol-related harms, including ease of purchase (availability), pricing/promotion and the social norms around alcohol, recognising that availability may also impact pricing and cues around drinking alcohol. Prevention of underage sales sits within this. Partners also work together to improve access to support for people wanting help to reduce the amount of alcohol they drink or needing specialist treatment and support for alcohol dependence, including through challenging stigma around alcohol use disorder and making recovery from substance use disorders visible in the city.

## **Purple Flag**

4.25 Purple Flag standard is an accreditation process similar to the Green Flag

aware 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.

4.26 The Council applied for [Purple Flag](#) accreditation in autumn 2021, the city achieved Purple Flag status in March 2022. York BID, with support from the Council, the Police and other partners, applied to renew this accreditation in March 2024, the city achieved Purple Flag status for the second time in May 2024.

### **Public Space Protection Orders**

4.27 The Council has made a Public Space Protection Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, in relation to an area incorporating York city centre and The Groves. Full details of the [Order](#) and the area map are available on the Council website.

### **Equalities Act 2010**

4.28 Applicants and licence holders 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.

4.29 The Council must have regards to its public sector duty under the Equality Act.

### **Regulators' Code 2014**

4.30 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, Jorvik 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;
  - office spaces;
  - transport hubs;
  - short term holidays lets; 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 The area outside of the City Walls is made up of:
- four retail parks – Monks Cross, Vangarde, Clifton Moor and Designer Outlet – featuring nationally known high street stores and cafes/restaurants. Clifton Moor also offers leisure/entertainment facilities such as gyms, a cinema and bowling;
  - York Community Stadium complex is the home on York City Football Club and York City Knights, also featuring cafes/restaurants and leisure/entertainment facilities such as a gym, swimming pool, a cinema and bowling;
  - shopping areas in Haxby and Acomb featuring nationally and local independent stores, cafes/restaurants and pubs/bars;
  - residential areas, with smaller nationally known and local independent stores and pubs/bars;
  - a number of hotels featuring nationally known operators and local independent operators;
  - short term holiday lets.
- 5.4 Over the last 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.

**5.5 Over the last five years we have seen an increase in pubs and bars:**

- offering 'bottomless brunches'; and/or
- having staff walking round venues offering/selling shots; and/or
- asking customers to download apps or scan QR codes, requesting that they place their food/drink orders via these means, so they do not have to go to the bar.

The Police and the Council have had to engage with some licensed premises following incidents that have arisen due to customers partaking in one or more of the above, which has led to customers consuming large quantities of alcohol.

**5.6 Within the last year across the city centre and the suburbs of York there has been a:**

- 2% decrease in anti-social behaviour;
- 15.6% increase in anti-social behaviour in the city centre alcohol restriction zone;
- 0.7% increase in crime; and
- 9.4% decrease in crime in the city centre alcohol restriction zone.

76.53% of 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. 25.53% of residents also identified that people being drunk or rowdy in public places is a problem in their local area.

**5.7 Alcohol-related harm is a particular matter of concern in York, with a higher than average rate of alcohol related hospital admissions and mortality, and concerning rates of hospital admissions and mortality related to alcohol more broadly, which are all only the tip of the iceberg of alcohol-related harm<sup>1</sup>. Collaborative action on reducing alcohol harm is urgently needed. There were already national increases in alcohol related hospital admissions and death before the Covid-19 pandemic, and modelling suggests that pandemic-era changes in alcohol consumption are likely to have a significant negative impact on public health inequalities, even under optimistic assumptions<sup>2</sup>.**

<sup>1</sup> [Alcohol Profile - Data | Fingertips | Department of Health and Social Care \(phe.org.uk\)](#)

<sup>2</sup> Angus, Henney and Price (2024) [Modelling the longer-term health and health inequality impacts of changes in alcohol consumption during the COVID-19 pandemic in England](#)

- 5.8 Hospital admissions for York residents where an alcohol related conditions is either the primary reason or a contributory factor for admission were 1,908 per 100,000 in 2022/23, which is significantly higher than the England wide rate for the same period<sup>3</sup>.
- 5.9 York's alcohol specific admission rate has also consistently been significantly worse than the national average in recent years, with the latest rate (2022/23) being 731 per 100,000, which is 11.4% higher than in 2016/17. Across the same period, the England rates have differed by 4.1% (with rates of 558 per 100,000 in 2016/17 and 581 per 100,000 in 2022/23)<sup>4</sup>.
- 5.10 In 2022 alone, 89 people died in York of conditions which are wholly or partially caused by alcohol<sup>5</sup>.
- 5.11 21.4% of York adults report drinking above the low risk level of up to 14 units per week<sup>6</sup>. This means that 21.4% of York adults are at an increased risk of alcohol-related disease and other long-term harm.
- 5.12 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)<sup>7</sup>. This population are at an increased risk of experiencing acute alcohol related harm.
- 5.13 Alcohol alone is not considered to be a cause of domestic abuse but there are many ways in which alcohol and domestic abuse are related. Local Police records indicate that alcohol consumption was one of the main vulnerabilities associated with domestic abuse crime across North Yorkshire, recorded in 30% of domestic abuse cases<sup>8</sup>, which tallies with national records but is likely to be an underestimate of the involvement in alcohol in domestic abuse crimes due to varied recording methods. The reporting of domestic abuse incidents increases around the time of major sporting events; an increase in alcohol consumption have been one of the factors linked to this. Making sure staff have undertaken the WAVE training and having 'Ask for Angela' in place, may aid staff in identifying signs of domestic abuse and offer victims a chance to seek help. The Council

<sup>3</sup> Admission episodes for alcohol-related conditions (Broad) (2022/23) [Alcohol Profile - Data | Fingertips | Department of Health and Social Care \(phe.org.uk\)](#)

<sup>4</sup> Admission episodes for alcohol-specific conditions (2016/17-2022/23) [Alcohol Profile - Data | Fingertips | Department of Health and Social Care \(phe.org.uk\)](#)

<sup>5</sup> Alcohol-related mortality (2022) [Alcohol Profile - Data | Fingertips | Department of Health and Social Care \(phe.org.uk\)](#)

<sup>6</sup> % 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 \(phe.org.uk\)](#)

<sup>7</sup> % 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](#)

<sup>8</sup> North Yorkshire Police Operational Problem Profile Domestic Abuse 2024 Annual Report, supplied to CYC Public Health



provide further information about [domestic abuse](#), and how victims can get help and support.

- 5.14 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 restaurants<sup>9</sup>. 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.
- 5.15 Those drinking at the highest, and therefore most harmful, levels are more likely to consume the majority of alcohol at home<sup>10</sup>. This supports 2018 analysis that revealed people drinking at harmful levels account for 32% of alcohol-related revenue in the off-trade, compared with 17% of revenue in the on-trade<sup>11</sup>. Given that drinking habits polarised in the Covid 19 pandemic, with heavier drinkers drinking more and lighter drinkers drinking less, people drinking at harmful levels are likely to account for an even greater share of revenue than this pre-pandemic analysis.
- 5.16 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<sup>12</sup>. High strength, cheaper products are therefore likely to be associated with the greatest harms.
- 5.17 The sale/supply of cheap alcohol can increase consumption which can undermine the licensing objectives. Alcohol can be cheap due to price and due to its strength. The Council, where appropriate, may impose conditions to control the sale of certain types of 'super strength' alcohol products.
- 5.18 The availability of high strength alcohol products, such as high strength lager and cider, from the off trade, usually favoured by people drinking on the street 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. Consideration should be given by licence holders to sign post customers known to be alcohol dependent or those known to be homeless to support services:
- [Alcohol and drugs help in York](#)
  - [Rough sleeping in York](#)

<sup>9</sup> Foster, J.H. & Ferguson, C.S. (2012). [Home Drinking in the UK: Trends and Causes](#)

<sup>10</sup> Public Health England (2017) [Local Alcohol Consumption Survey National Report \(publishing.service.gov.uk\)](#) See Figure 8.

<sup>11</sup> Bhattacharya, A. et al. (2018). [How dependent is the alcohol industry on heavy drinking in England?](#)

<sup>12</sup> Griffith, O'Connell and Smith (2017). [Tax design in the alcohol market.](#)

- 5.19 The 2023-24 York Secondary School Health and Wellbeing Survey found that 65.6% of the pupils aged 11-17 years surveyed said that they have tried or drink alcohol, and 30.5% said that the alcohol was given to them and a further 8.3% said someone had bought it for them with their money. Just over three percent of the pupils surveyed responded 'I buy it in a shop' to the question 'How do you get alcohol?'<sup>13</sup>
- 5.20 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.
- 5.21 Due to the factors highlighted above, the Council encourages licence holders to recognise the importance of their approach to alcohol sales in York. This could include the price (the sale of cheap alcohol can increase consumption, and therefore undermine the licensing objectives), the availability of low and/or alcohol free alternatives (making sure they are competitively priced relative to their alcohol equivalents), and the way alcohol is advertised/promoted as well as ensuring high quality practices in relation to all legal requirements for alcohol sales. Consideration should be giving to offering promotions on low or non-alcoholic drinks, which would be welcomed by consumers, especially as they are often not available.
- 5.22 The Council strongly encourage licence holders to consider how they market/promote alcohol inside and outside their premises. Alcohol should not be promoted in such a way as to encourage people to drink more than they would ordinarily do, or in a manner that does not promote the licensing objectives, for example quantity based discounts, displays and promotion of alcohol products visible from outside the premises, at entrances or in multiple positions in a premises (especially at premises near schools), or in venues attended by children. Promotions of alcohol-free alternatives that share branding with alcohol products should not appeal to children. Consideration should also be given with regards to the advertising of alcohol on signage on barriers around and umbrellas within pavement cafes / outdoor drinking areas (beer gardens), and drink promotions boards outside pubs/bars.
- 5.23 The ordering of alcohol online and via an App has become more prevalent over recent years with off-licences and take-ways, as well as some pubs and restaurants undertaking home delivering or collection services, licence holders offering such services must have measures in place to make sure

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<sup>13</sup> [Summary of the Secondary/Sixth-Form School Health and Wellbeing Survey in York 2023-24](#)



the person purchasing the alcohol is 18 or over, and that staff members (including an agent acting on their behalf) do not hand alcohol over to someone who is under 18 or drunk. Pubs, bars and restaurants that encourage customers to scan a QR code or download an App to make their order and provide table service, must also have these measures in place.

5.24 The Police have seen an increase in the reports of thefts from premises across the authority area, especially in the city centre. A number of these reports relate to the theft of alcohol from the large supermarkets and the smaller stores, alcohol is stolen several times a week (sometimes daily) from some licensed premises. To help prevent alcohol theft it is recommended that when premises licence holders considering the layout of stores, especially smaller stores, that alcohol is positioned in locations that are clearly visible to staff and are covered by CCTV. Consideration should also be given to placing high value alcohol behind the checkouts so that customers must engage with staff to purchase. Premises licence holders should deter from placing displays of alcohol products adjacent to entry/exit doors.

5.25 Due to complaints received the location of premises, such as takeaways, wanting to offer late night refreshment will be a consideration, due to noise and anti-social behaviour that can be associated with such premises, for example noise from extraction fans, customers and delivery drivers/vehicles late at night and into the early hours of the morning. Such premises can also be a place for people to gather.

## 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. **Information relating to**

pavement café licences can be found on the Council's website.

- **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 by contacting the Licensing Section.
- 6.9 Members of the public who wish to submit a representation in regard 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 (representors personal

details will not be published on the Councils website). 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 resident's 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.

## 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 31 days.

- Door Supervisors - Where appropriate an adequate number of door supervisors should be provided at premises, city centre licensed venues should consider using door supervisors at peak times, such as Friday evening, Saturday afternoon and evening, Sundays prior to a bank holiday Monday and days when race meetings take place in York. 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 (Pubwatch radios), provided by Safer York Business Partnership. This radio link covers both the daytime 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, 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 person or a few people 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, additional consideration should be given with regards to the operating hours of any outside area and the activities that take place in these areas.
- Customer management:
  - queuing outside premises – supervision of queues by door supervisors, CCTV covering queues, queues not blocking the public highway;
  - 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, provide litter bins, clean smoking areas located on the public highway during (if needed) and at the end of trading to manage waste associated with your premises, smokers not blocking the public highway;
  - 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 online [Noise from Pubs, Clubs and Licensed Premises](#).

- Litter – excessive litter is generated from licensed premises in various forms, particularly takeaway food wrappers and event/venue promotion leaflets (flyers) and cigarette butts, providing litter bins and clean the public highway during (if needed) and at the end of trading to manage waste associated with your premises.
- Outdoor Music Events – further information is available in the [Code of Practice](#).

## Protection of Children from 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, the Council recommends that this policy should be 'Challenge 25'.

7.17 The Council will carefully consider the effects of alcohol sales and alcohol marketing on children, young people and family life, including concerns around:

- Any normalisation of being drunk when responsible for children.
- Any normalisation of drinking alcohol around children and young people under 18.
- Any normalisation of drinking alcohol during pregnancy.
- Any normalisation of drinking alcohol in new settings/contexts where people would traditionally not expect to purchase alcohol, particularly venues that are oriented to families and children.
- Exposure of children and young people to alcohol marketing which can increase the likelihood of an earlier age of consumption and associated risks relating to alcohol later in life.

7.18 The Council will also carefully consider the need to alcohol been sold/supplied at premises that are predominately used for activities targeted at children, for example soft play.

## 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, the Licensing Committee is not bound by decisions made by Planning Committee, and vice versa. If

there are circumstances where a terminal hour is a conditions of planning permission and this is different to the terminal of the licence, the applicant must observe the earlier closing time.

- 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 control approval.

### **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 and/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 **duty manager / senior staff member, with knowledge of the operation of the premises and the requirements of the licence**, 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. **The Council would also normally regard it as appropriate for the duty manager / senior staff member to hold a personal licence.**

## 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 4.14 above. Licence holders should ask the 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.

## **Disabled People or People with other Additional Needs**

- 8.23 Consideration must be given to the access needs of disabled people and people with other additional needs. Staff training should include awareness so they can provide support where needed. Where possible, premises should be accessible, this should include been step free by having suitable ramps or lifts, providing an accessible toilet(s), providing menus with large print and assistance in serving where requested. The Councils Access

Team can provide free advice – email: [cycaccessteam@york.gov.uk](mailto:cycaccessteam@york.gov.uk). The [Purple Pound](#) provides information on the value of being inclusive as this not only enables the disabled person to use your services, but also their friends and family will likely use them too. The site explains the loss of income to businesses when disabled people who walk away due to lack of accessibility.

- 8.25 Premises providing live and recorded music, and/or premises that can be very busy, should consider providing a 'quiet zone' for customer who may be more sensitive to loud music/spaces and busy spaces. Consideration should also be given to people who live in the vicinity of premises that provide live and recorded music, that may be more sensitive to loud music.

### **Waste Collection**

- 8.26 All businesses have a legal responsibility to care for the rubbish they produce, store, transport or dispose of, and to ensure that it does not harm the environment. This is called their duty of care. Commercial bags or containers placed out on the public highway must be presented in the correct way at the correct time and must not cause a nuisance or be detrimental to the visual amenity.
- 8.27 We appreciate that some late night traders may leave waste presented overnight for an early morning collection but the Council may take enforcement action if this begins to cause a problem, e.g. bags being kicked around or ripped open by pests or late night revellers. In some circumstances this may constitute a duty of care or fly-tipping offences.
- 8.28 The timings that waste is collected is also an important factor due to the noise waste collections can create, consideration should be given to make sure waste is not collected during the night-time hours of between 11:00pm and 7:00am.

## 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. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 9.2 Section 5A of the Act 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. Relevant authorisations means:
- premises licence
  - club premises certificate
- 9.3 Prior to the introduction of Section 5A of the Act, the Council included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. The Council published its first Cumulative Impact Assessment (assessment) in March 2019, following a review the second assessment was published in March 2022.

### Cumulative Impact Assessment

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

### **Cumulative Impact Area**

- 9.8 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
- 9.9 The 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).

### **Applications within the Cumulative Impact Area**

- 9.10 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 to promote the licensing objectives, 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.
- 9.11 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. Applicants should also have regard to the guidance issued by the Home Office under Section 182 of the Act.



- 9.12 The assessment does not relieve the responsible authorities or any other person the need to make relevant representations where they consider the licensing objectives would be undermined by if the application was granted. Anyone making a representation may base their evidence on the published assessment, or the fact that an assessment has been published for the area. As with all licensing applications under the Act, if no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
- 9.13 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. 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. If the Council decides that an application should be refused, reasons for the refusing the application will be given to the applicant and all parties who made a relevant representation.
- 9.14 Application 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 if:
- the application relates to the 'on-sale' of alcohol, 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.
  - the application relates to the 'off-sale' of alcohol, that the premises does not:
    - do drinks promotions;
    - offer single cans of –
      - beer

- lager
- cider
- spirits with a mixer
- wine
- offer small bottles of wine (200ml or less);
- offer small bottles of spirit (50ml or less);
- high strength (above 5% ABV) beer/lager/cider;
- promote alcohol outside or inside the premises;
- display alcohol near entrance doors.

## 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.

## 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.

## 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 residents and businesses.
- 13.2 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 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 31 March 2025, 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 operate 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 its 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.
- [\*\*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.
- [\*\*Modern Slavery Act 2015\*\*](#) – premises licence holders should have regards to the provisions of this Act and the common forms of slavery identified – licensed premises might be unwitting hosts to modern slavery by allowing victims and their traffickers to use the licensed establishment as a place to meet. The Act imposes a statutory duty on City of York Council, as a public body, to cooperate with the Independent Anti-Slavery Commissioner. The offences set out in this Act would undermine the crime and disorder licensing objective of the Licensing Act 2003.

- [Immigration Act 2016](#) – premises and personal licence applicants and holders, and the local authorities should have regards to the provisions of this Act with regards to rights to work requirements and offences, and the implications of immigrations requirements and offences within the Licensing Act 2003. The offences would undermine the crime and disorder licensing objective.
- [National Minimum Wage and National Living Wage Rates](#) – as an employer premises licence holders should be aware of the legal requirements of the national minimum levels, been mindful of employees who are under 21 and how obligations to younger employees change over time, and the offences that are in place for failing to meet these requirements. Employers may also want to consider the [Real Living Wage](#), which is the wage rate based on the cost of living.

### Information and Guidance Documents

- [Licensing Act 2003](#)
- [S182 Guidance](#)
- [Guidance on Persistently Selling Alcohol to Children](#)
- [Tackling Violence Against Women & Girls](#)
- [HSE - Purple Guide](#)
- [HSE - Running an Event Safely](#)
- [HSE - Managing Risk & Risk Assessments](#)
- [Controlling Noise](#)
- [Reducing Litter](#)

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## Cumulative Impact Assessment 2024

### 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.
6. 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. 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. If the Council decides that an application should be refused, reasons for the refusing the application will be given to the applicant and all parties who made a relevant representation.

7. Where no relevant representations are received an application will be granted in terms consistent with the operating schedule.
8. An applicant wishing to obtain a new licence or vary a licence 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 to promote the licensing objectives, 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. 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. Applicants should also have regard to the guidance issued by the Home Office under Section 182 of the Act.

### **Cumulative Impact – York City Centre**

10. 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.
11. The Council first assessment was produced in 2018, and published in March 2019, this was reviewed in 2021, and published in March 2022.

## Cumulative Impact Assessment – York City Centre 2024 Review

12. As required by the Act the Council has reviewed the cumulative impact area (CIA). 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 third draft assessment in relation to an area that has been identified in York city centre.
13. This CIA 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 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.
15. 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

16. The key findings from Public Protection (noise) were:
  - That noise complaints within the CIA:
    - Increased in 2021/22 compared to 2020/21. Nine complaints were received in 2020/21 (the COVID 19 pandemic restricted the operation of several businesses), and 42 were received in 2021/22.
    - Increased further in 2022/23, 47 complaints were received.
    - Reduced 2023/24, 26 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	2021/22	2022/23	2023/24	2024*
Blossom St / The Crescent	4	2	0	2
Micklegate / Bridge St	8	16	3	2
George Hudson St / Rougier St Tanner Row	7	2	4	1
Low / High Ousegate / Church Lane	2	8	7	0
Parliament St / St Sampsons Sq / Church St / Patrick Pool	2	1	1	1
Fossgate	3	4	1	0
Goodramgate	4	2	0	3
Low/High Petergate	2	3	0	0
Lendal / Museum St / Duncombe Pl	3	2	3	2
Swinegate / Grape Lane / Little Stonegate	3	2	1	0
Coppergate Centre / Castlegate	3	0	1	0
Pavement / Piccadilly / Whip-Ma-Whop-Ma-Gate / Colliergate	0	3	2	1
Coney St / New St	1	1	2	1
Blake St	0	1	1	0

\*up to 30 October 2024

17. The key findings from the Police were:

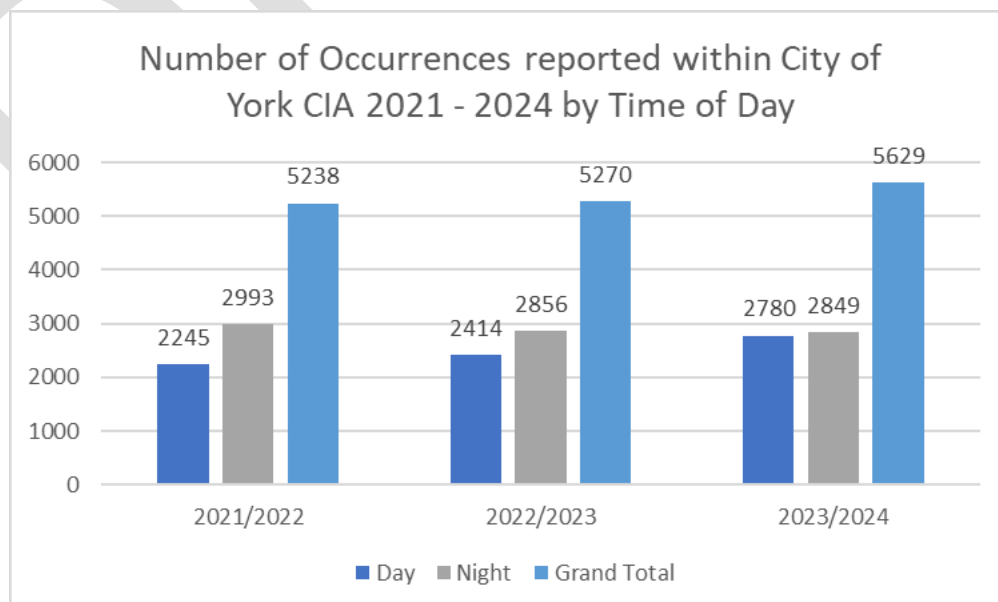
- Overall the crimes and occurrences continue to follow a similar pattern to those highlighted in the report covering 2018/19-2020/21. The CIA encapsulates the majority of crimes / anti-social behaviour (ASB) and public safety and welfare (PSW) incidents in the centre of York.
- 2019/20 data:
  - There are similar levels of reporting in the daytime and night-time economy.
  - The peak reporting time is between 14:00-18:00, which is a shift from 2020/21 where the peak was between 23:00-01:00.
  - There is a substantial rise in reporting on a weekend, in particular on Saturdays, which accounts for 22% of the total.
  - August is the month which sees the most reports.

- Crime Violence\* is the top crime type, followed closely by Crime Theft General, and then ASB Nuisance. This is a change from the 2018-2021 CIA (ASB Nuisance).
- The top five streets reflect previous years (with the order slightly changed).
- Piccadilly has seen a significant increase in reporting.
- ASB Nuisance accounts for 61% of Dispersals issued.
- Coney Street saw the most Dispersals issued (17% of the total).
- Coney Street is the location with the most Crime Theft General, and PSW Abandoned Call reports.
- Blake Street is the location with the most Crime Theft General, and PSW Abandoned Call reports.

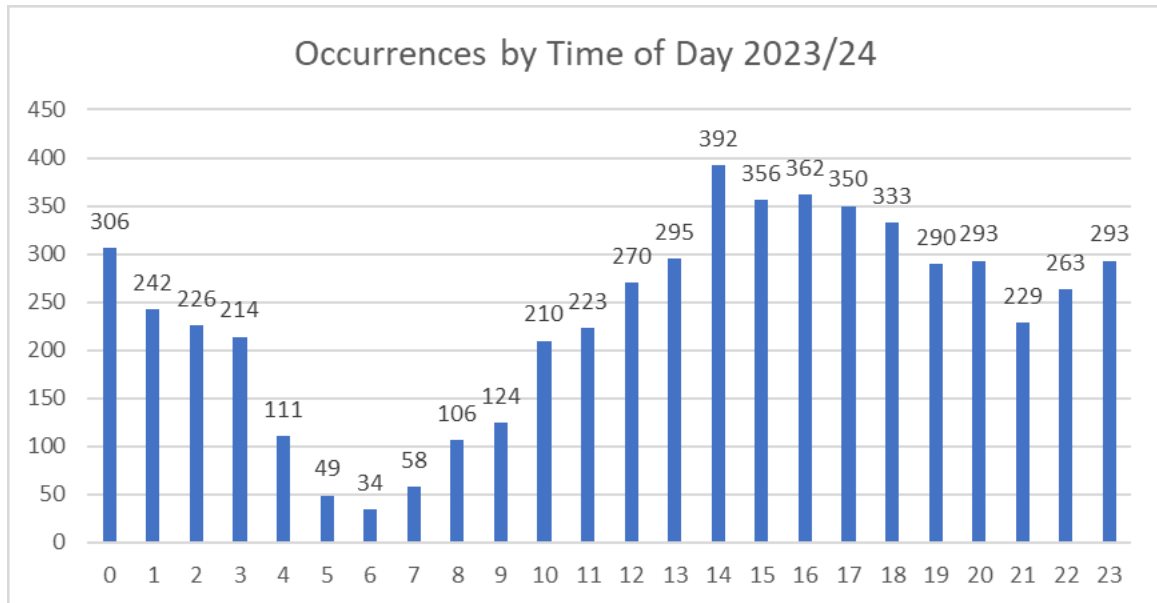
\*Examples of crime violence are – violence against the person which is assault with or without injury, public order offences, stalking, malicious communications, racially aggravated assault, harassment, controlling and coercive behaviour.

## Occurrences

18. There are more incidents reported within the City of York CIA during the night-time economy period (NTE), however this has levelled off in the period 2023 – 2024 with just over half (51%) reported in the NTE.

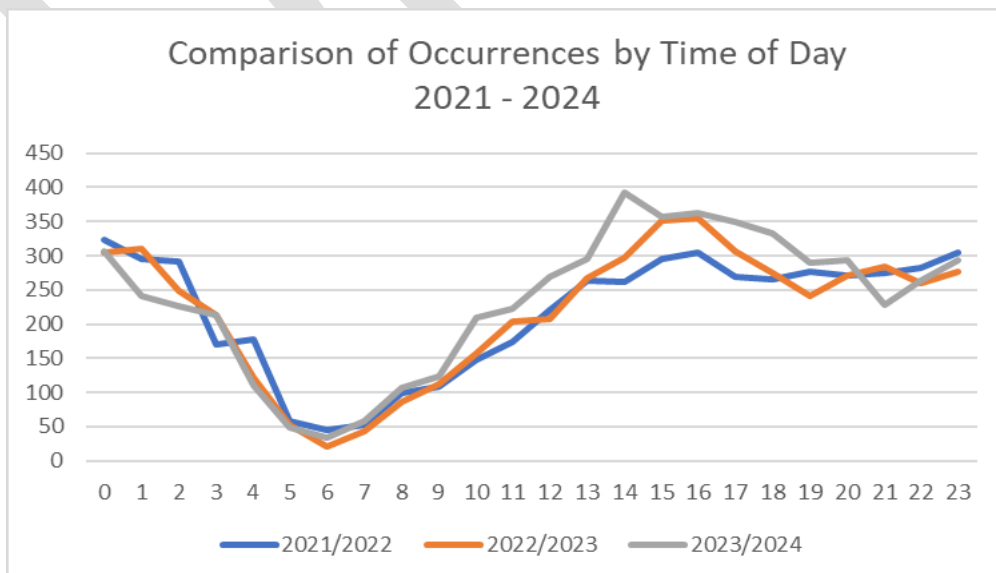


19. For the period 2023/24 there is a peak in reporting between 14:00-18:00. There is another smaller peak between 23:00-01:00.

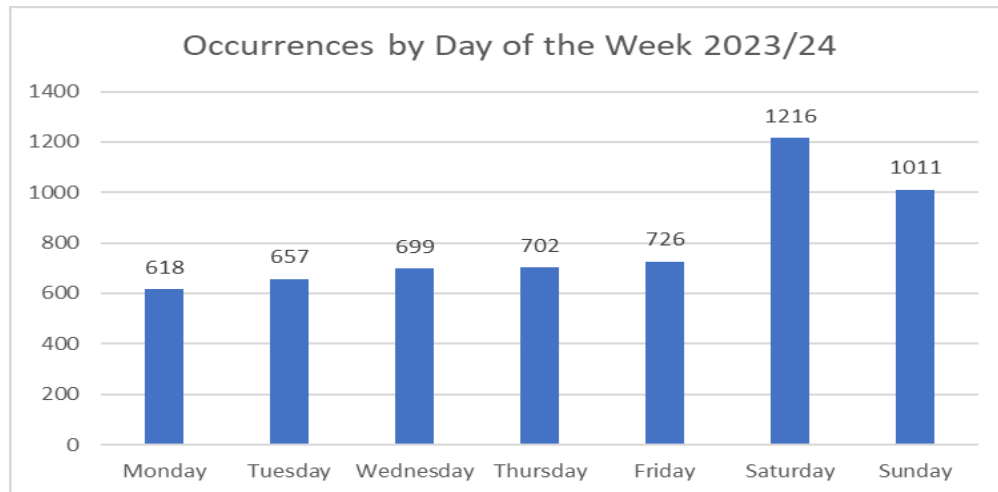


20. By comparison with 2021/22 and 2022/23, the peaks in reporting times are:
- 2021/22 the peak is between 23:00 – 01:00, with a smaller peak between 15:00 – 17:00
  - 2022/23 the peak is between 15:00 – 17:00, with a smaller peak between 00:00 – 02:00.

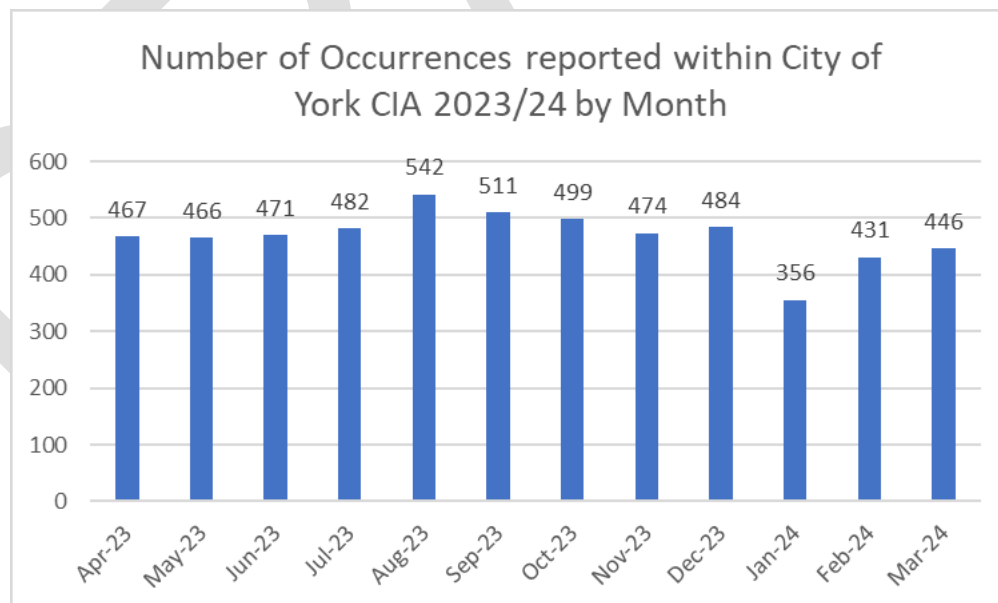
This shows a move towards increased reporting in the daytime economy over the years.



21. Incidents are reported throughout the week, with a substantial rise seen on a Saturday which accounts for 22% of the total in the period 2023/24, with Sunday accounting for 18%. This pattern is also seen in data for the period 2021/22 and 2022/23.



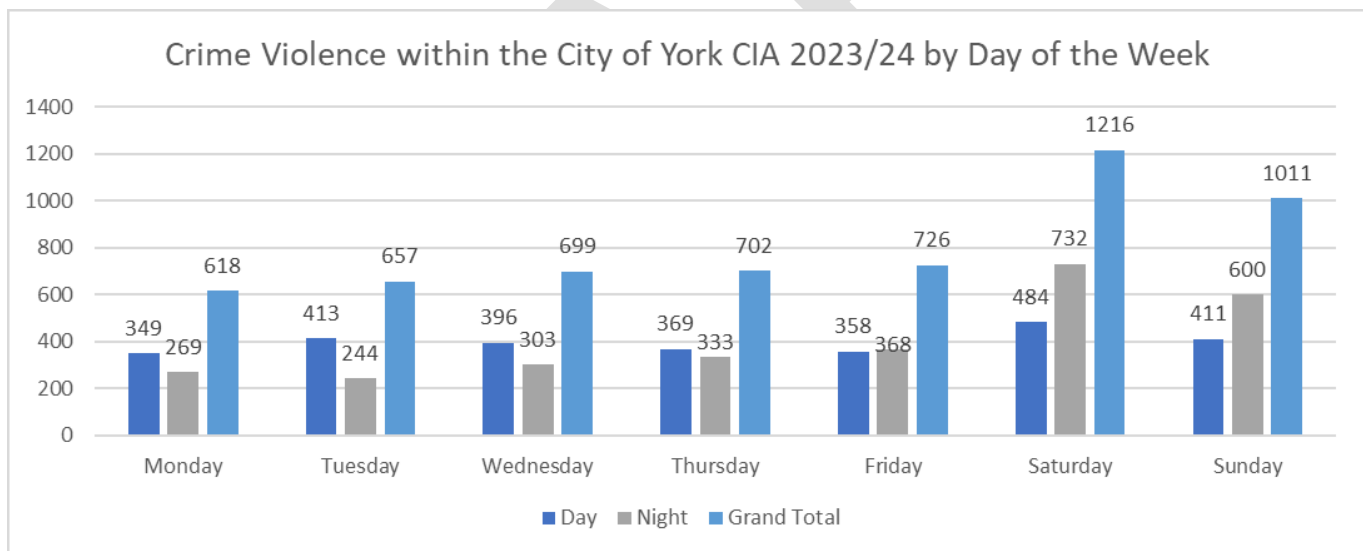
22. Reporting remains high throughout the year, with the peak in August and a decline in January.



23. 5629 occurrences (within the parameters have been reported within the CIA in 2023/24. The top occurrence types are shown within the table below by year.

Occurrence Type	2021/22	2022/23	2023/24
Crime Violence	1025	1027	1005
Crime Theft General	736	851	937
ASB Nuisance	747	559	748
PSW Abandoned Call	451	530	674
PSW Concern for Safety/Collapse/Injury/Illness/Trapped	541	555	549

24. Crime Violence is the most prevalent crime type across all three financial years, accounting for 18% in the CIA 2023/24, 66% of which were reported in the night-time economy, and 50% were reported across the weekend<sup>1</sup>. Report of Crime Violence across the time periods is stable with a slight decline in 2023/24; with at least 55% of Crime Violence reporting is believed to be linked to alcohol<sup>2</sup>.



25. Crime Violence accounts for 41% of crime types in the CIA 2023/24. There is a noticeable decline in Crime Sexual Offence and Crime Robbery reports for 2023/24.

<sup>1</sup> Saturday and Sunday

<sup>2</sup> NICL closure class contains alcohol

Crime Type	2021/22	2022/23	2023/24
Crime Violence	1025	1027	1005
Crime Theft General	736	851	937
Crime Other Offences	240	187	164
Crime Criminal Damage	137	112	111
Crime Related Incident	67	70	87
Crime Sexual Offence	76	81	58
Crime Drugs	58	44	57
Crime Fraud & Forgery	35	47	33
Crime Robbery	24	12	13

26. Crime Sexual Offence is covered in more details in a recent report under Op Vigilant. Op Vigilant is an operation employed by North Yorkshire Police which uses specially trained officers to identify potential perpetrators of sexual offences operating in the night-time economy. The operation has been adopted from Thames Valley Police, where plain clothed officers observed individuals of concern, passing the details to uniformed officers to engage with the subjects and deter any offending.

The data analysed in the report covered the period April 2023 – March 2024, and focussed on the night-time economy in York city centre (rather than the CIA). Extract as follows:

- i) 72% of offences occurred between Friday night and the early hours of Sunday morning (28 out of 39 offences).  
The highest level of offending occurred on Saturday nights into Sunday mornings (18 offences, 46% of the total).  
There was a slight peak in offences in the early hours of Wednesday morning (5 offences). Three of the victims were aged between 17 and 21. Two victims' home address suggest that they could be students. One of the victims was walking home after working as a member of bar staff at a city centre bar. There were no repeat locations for midweek offences.
- ii) Number of offences:
  - George Hudson Street, York, YO1 6JL – 7
  - Tanner Row, York, YO1 6JB – 5
  - Swinegate, York, YO1 8AZ – 4
  - Clifford Street, York, YO1 9RD – 2
  - King Street, York, YO1 9SP – 2



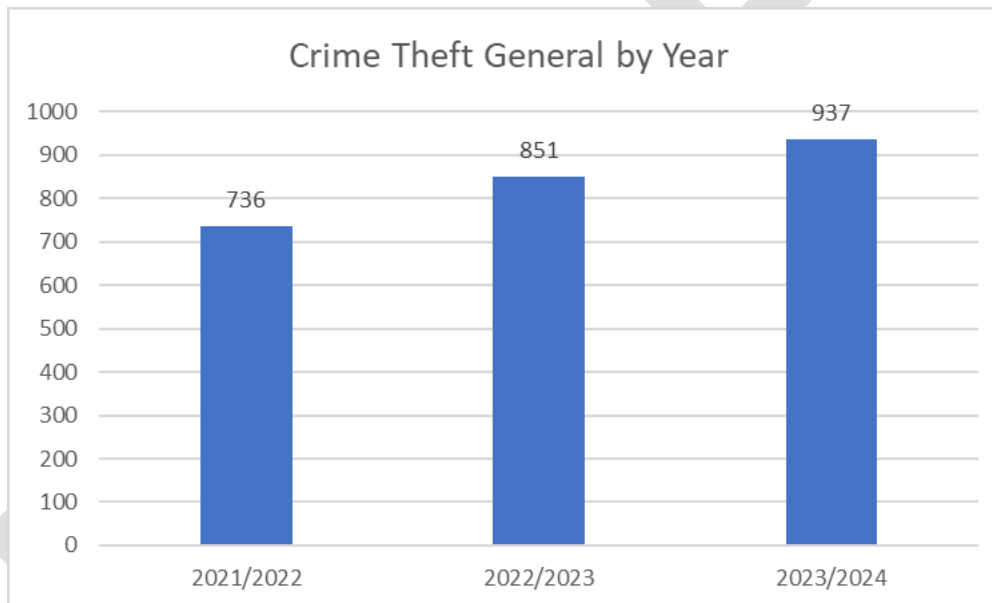
The top three repeat premises were located on:

- George Hudson Street
- Tanner Row
- Swinegate

These venues collectively accounted for 14 offences (36% of the total).

Of the offences which occurred on the street, no street saw more than one offence.

27. Crime Theft General has seen an increase in reporting year on year, accounting for 38% of the crime types in the CIA 2023/24. Out of the 937 Crime Theft General, 543 crimes have property listed as stolen, alcohol was stolen in 61 of the total offences (6.5%)<sup>3</sup>.



28. ASB Nuisance saw a reduction in 2022/23, with similar levels seen in 2021/22 and 2023/24. ASB Personal has seen a slight reduction between 2021/22 and 2023/24, with ASB Environmental seeing a significant reduction in 2022/23 and then again in 2023/24.

<sup>3</sup> Evidence from the Commercial Victimisation Survey (CVS), 2021 indicates that some types of retail premises experienced notably higher prevalence of theft by a customer. For example 77% of supermarkets experienced customer theft according to the CVS, 2021 which is much higher than the wider Wholesale and retail sector (25%). The two most commonly stolen items by customer theft were 'food or groceries' and 'alcohol' (an estimated 39% and 25%, respectively) (Source: ONS October 2023).

Occurrence Type	2021/22	2022/23	2023/24
ASB Nuisance	747	559	748
ASB Personal	61	34	44
ASB Environmental	71	25	15

29. Dispersals Notices<sup>4</sup> were issued across nine occurrence types, ASB Nuisance accounting for 61% of Dispersals in 2023/24. 2022/23 saw a decrease in Dispersals issued (35) overall, the number of Dispersals issued between 2021 – 2024 remains low.

Occurrence Type	2021/22	2022/23	2023/24
ASB Nuisance	51	18	43
Admin Police Generated Resource Activity	4	7	10
Crime Violence	4	2	4
Crime Theft General		2	7
Crime Other Offences	1	1	5
PSW Concern for Safety/Collapse/Injury/Illness/Trapped		4	
Crime Related Incident	1		1
ASB Environmental			1
Crime Drugs		1	
Grand Total	61	35	71

30. The top ten areas where Dispersal Notices were issued for the period 2023/24, shows Coney Street as the top locations (17%), this was also seen in 2022/23.

St Saviourgate is a new location seen in 2023/24 with six Dispersal Notices issued, compared to 2022/23 and 2021/22 where none were issued.

Similarly, Station Road has seen four Dispersal Notices used whereas in 2022/23 and 2021/22 none were issued.

In 2023/24 75% of the Dispersals were issued in the daytime economy.

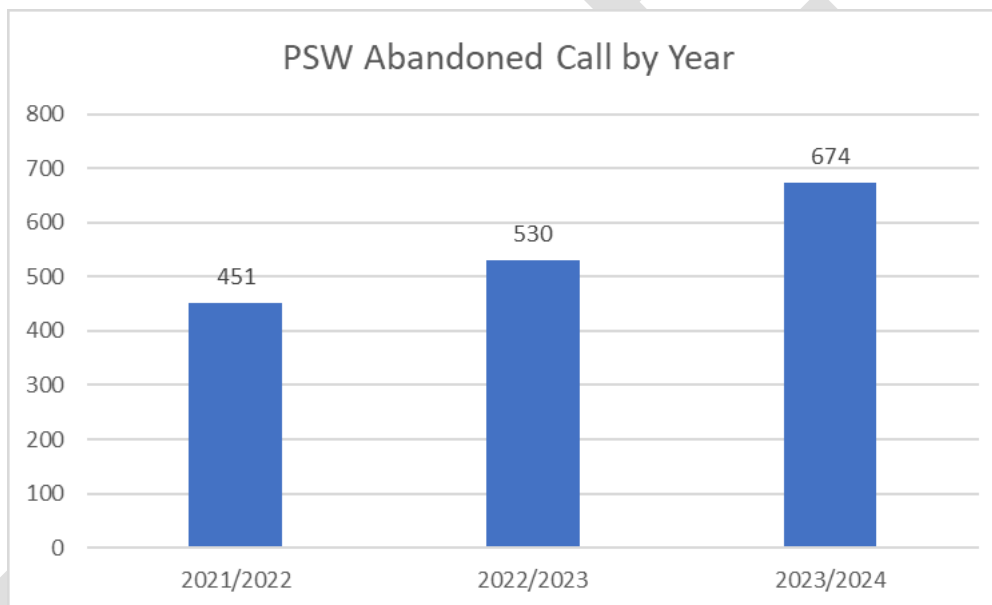
<sup>4</sup> Under the Anti-Social Behaviour, Crime and Policing Act 2014, Officers can disperse people who they believe are likely to commit crime or disorder, or behave anti-socially.

Street Address	2021/22
High Ousegate	6
St Helens Sq	5
Coney St	4
Parliament St	4
Low Ousegate	4
Lendal	4
Little Stonegate	3
Davygate	3
Stonegate	3
Blake St	2

Street Address	2022/23
Coney St	9
Blake St	7
Parliament St	4
Low Ousegate	3
St Helens Sq	2
Davygate	2
Pavement	1
Little Stonegate	1
Stonegate	1
Duncombe Pl	1

Street Address	2023/24
Coney St	12
Blake St	7
St Saviourgate	6
Low Ousegate	6
Parliament St	5
Piccadilly	5
Station Rd	4
Low Petergate	3
Stonegate	2
Pavement	2

31. PSW Abandoned Call has seen a steady increase in reporting between 2021 and 2024.



32. PSW Concern for Safety/Collapse/Injury/Illness/Trapped is also recorded within the top tier of occurrences. Levels remain relatively stable between 2021 and 2024.

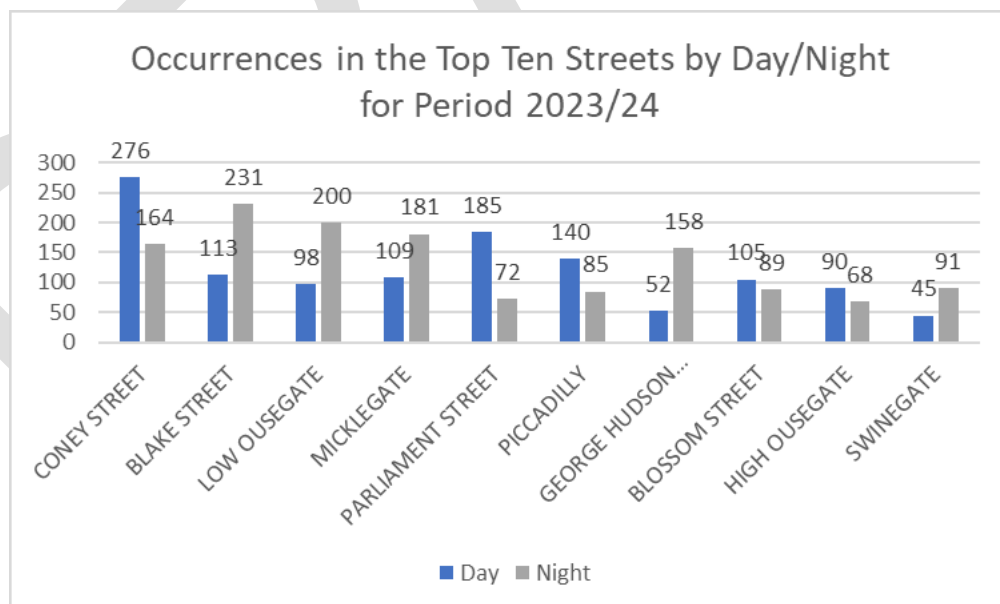
## Locations

33. The 'Top Ten Tier Streets', within the CIA, which record the highest level of occurrences and crimes, are evidenced within the table below. Coney Street, Blake Street and Micklegate, feature highly across the 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. Piccadilly has seen the biggest increase in reporting in 2023/24 compared with previous years, followed by Low Ousegate.

Street Address	2021/22	2022/23	2023/24	% Change 22/23-23/24
Coney St	370	386	440	↑ 12%
Blake St	284	301	344	↑ 13%
Low Ousegate	219	218	298	↑ 27%
Micklegate	335	318	290	↓ 10%
Parliament St	254	300	257	↓ 17%
Piccadilly	125	132	225	↑ 41%
George Hudson St	240	228	210	↓ 9%
Blossom St	196	195	194	↓ 1%
High Ousegate	93	138	158	↑ 13%
Swinegate	128	108	136	↑ 21%

34. NTE reporting is more prevalent in Blake Street, Low Ousegate, Micklegate, George Hudson Street and Swinegate.



35. The top five tier streets (2023-24) are listed below against the top five occurrence and crime types.

- Coney Street reports predominately Crime Theft General, followed by

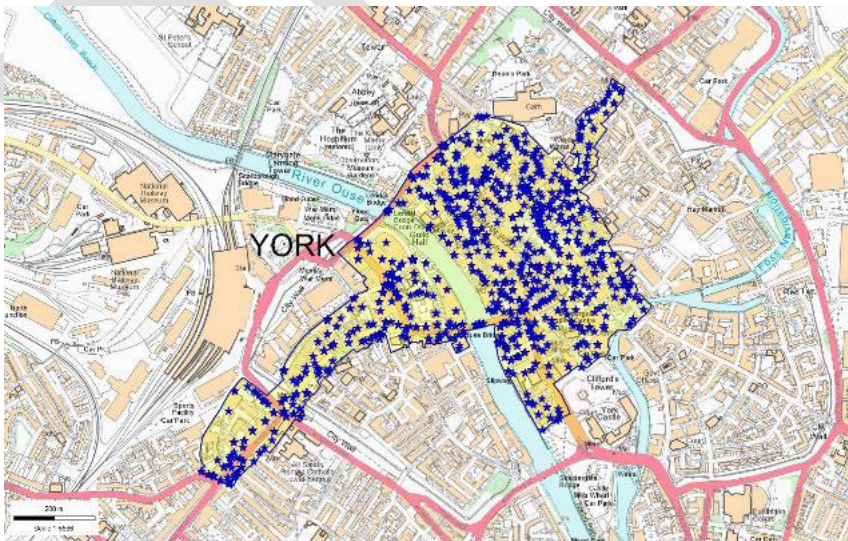
## PSW Abandoned Call.

- Blake Street reports predominantly ASB Nuisance, closely followed by Crime Violence.
- Low Ousegate reports predominantly PSW Concern for Safety closely followed by Crime Violence.
- Micklegate reports are predominantly Crime Violence.
- Parliament Street reports are predominantly Crime Theft General.

Street Address	ASB Nuisance	Crime Theft General	Crime Violence	PSW Abandoned Call	PSW Concern - Safety/Collapse/ Injury/Illness/ Trapped
Coney St	48	110	56	74	28
Blake St	100	28	88	25	19
Low Ousegate	35	42	63	11	67
Micklegate	34	27	63	33	25
Parliament St	33	81	17	12	26

## Maps

36. 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 stars) committed within the CIA between 01/04/2021 and 31/03/2022.

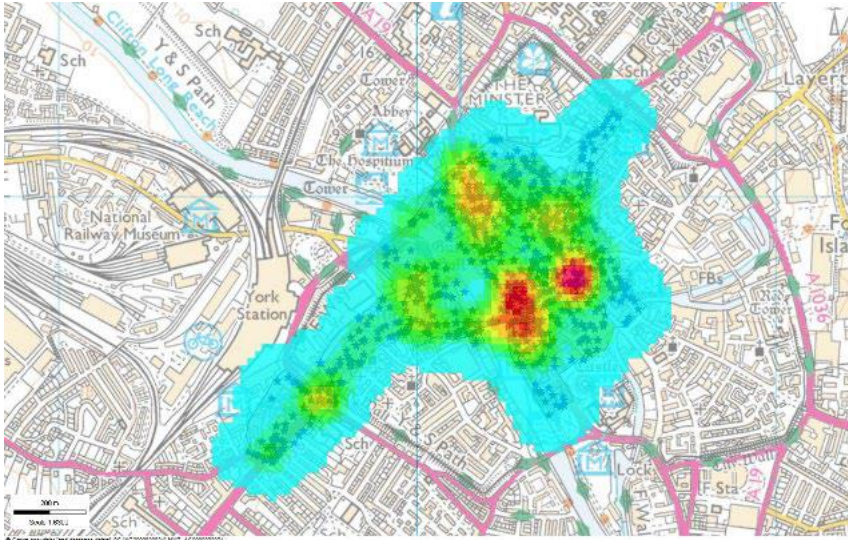




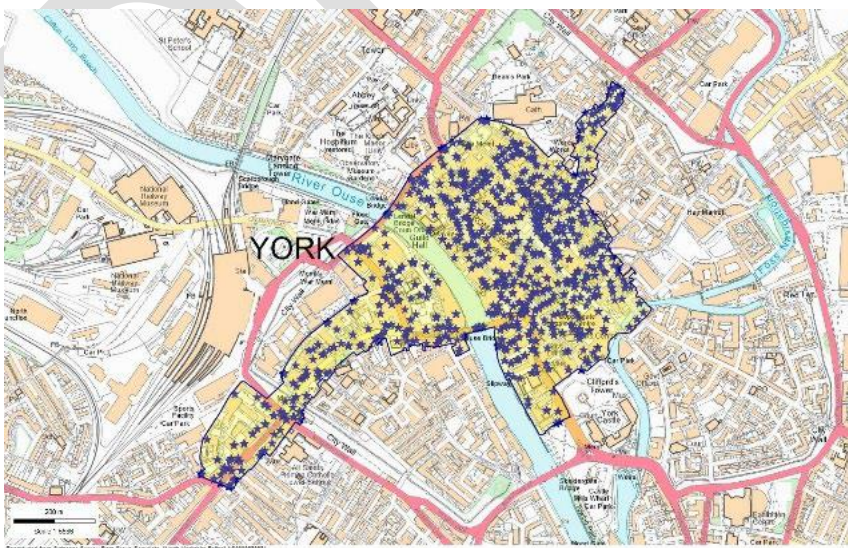
## Hot Spot Map

Area 1 – Parliament Street/Piccadilly/Pavement area

Area 2 – Coney Street/Spurriergate/Low Ousegate area



37. 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 stars) committed within the CIA between 01/04/2022 and 31/03/2023.



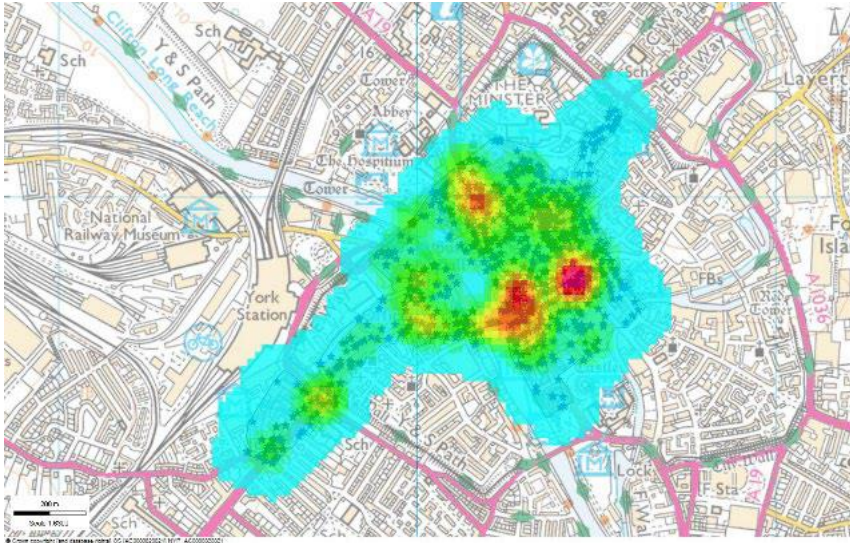


## Hot Spot Map

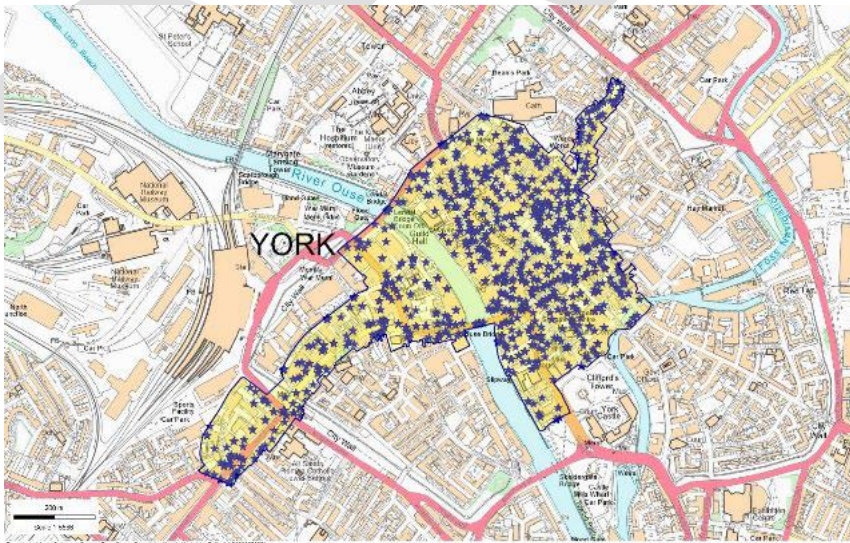
Area 1 – Parliament Street/Piccadilly/Pavement area

Area 2 – Spurriergate/Low Ousegate area

Area 3 – Blake Street area



38. 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 stars) committed within the CIA between 01/04/2023 and 31/03/2024.

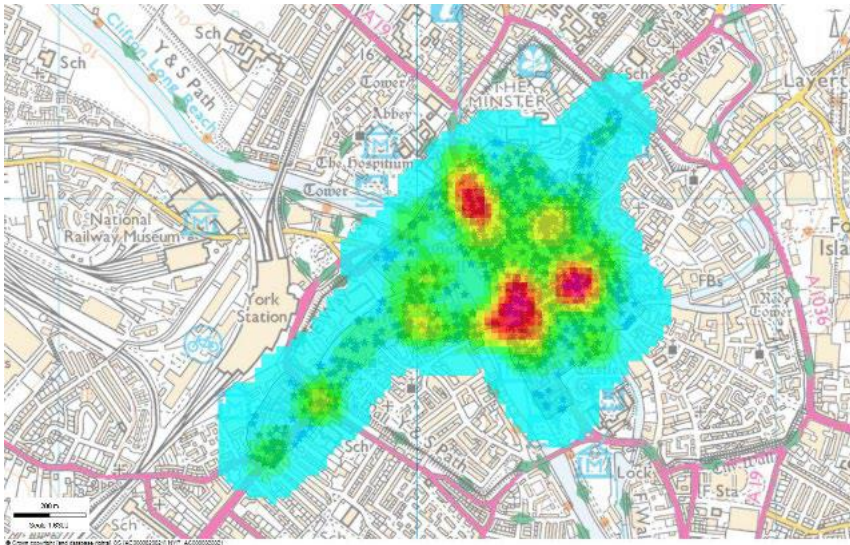


## Hot Spot Map

Area 1 – Coney Street/ Low Ousegate/ area

Area 2 – Parliament Street/Piccadilly area

Area 3 – Blake Street area

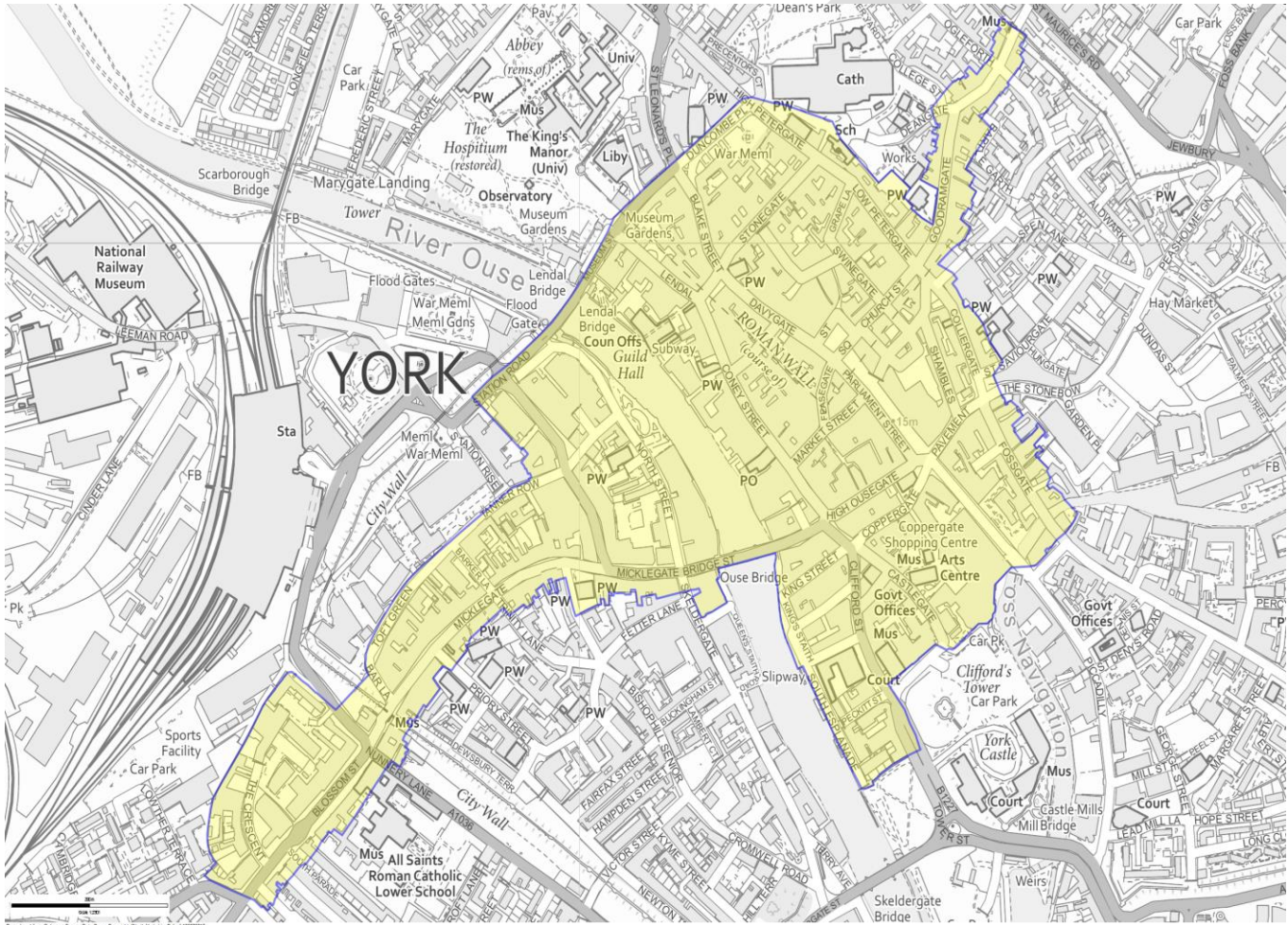


## Conclusion

39. 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 authorisations 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.
40. Based on the statistical data evidence above and the hot spot maps, the Council has determined that an area of the city centre should remain as a cumulative impact area.
41. The area has not been altered it is in line with top ten areas where Dispersal Notices have been issued and the 'Top Ten Tier Streets' highlighted within the 2021 Assessment, as detailed at paragraph 33 and the area identified on the hot spot maps at paragraphs 36, 37 and 38.
42. The area also includes locations highlighted within paragraph 26 where Crime Sexual Offence have been reported.



43. Goodramgate is no longer included within the 'Top Ten Areas' where Dispersal Notices were issued, or within the 'Top Ten Tier Streets'. The Council has, however determined that Goodramgate should remain within the cumulative impact area due to the number of occurrences and crimes reported in this area as identified on the maps at paragraphs 36, 37 and 38.
44. The cumulative impact area is defined in the map below (this area no longer includes defined zones):



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Intelligence Analysis



## Crime Pattern Analysis

# Alcohol Related Crime, ASB and PSW Occurrences within the City of York CIA

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<b>Requested By</b>	PS133 Booth - Licensing
<b>Last Updated</b>	07/08/2024
<b>Version</b>	3

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## 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: 01/04/2023 to 31/03/2024. Activity will be compared with data from the previous financial years (2022/23 and 2021/22). The data is based on reported time, which may not always be the same as the time at which the incident occurred.

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 is between 1800 and 0600.

## Key Findings

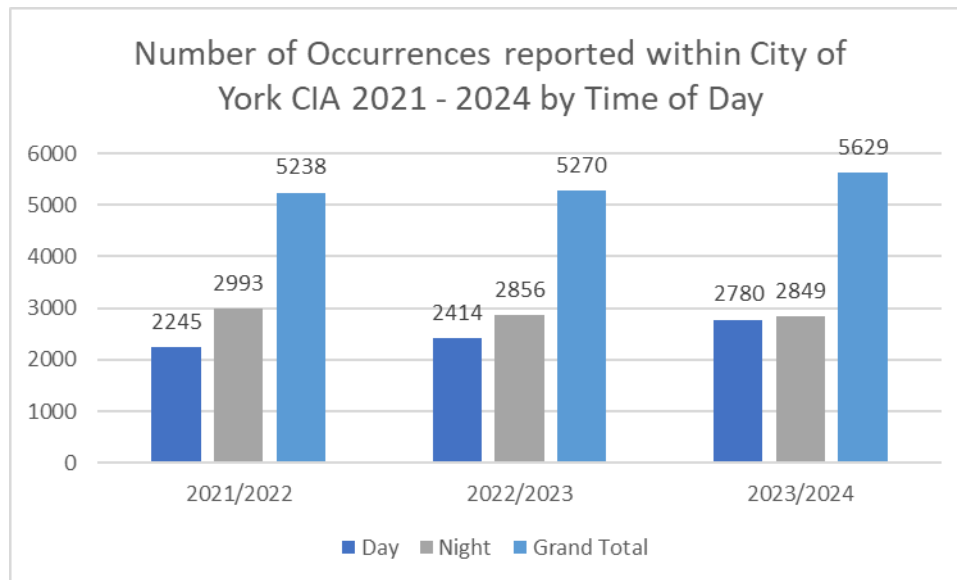
Overall the crime and occurrences continue to follow a similar pattern to those highlighted in the York CIA report covering 2018/19-2020/21. The Cumulative Impact Area (CIA) encapsulates the majority of Crimes / ASB and PSW incidents in the centre of York.

### 2023/24 Data

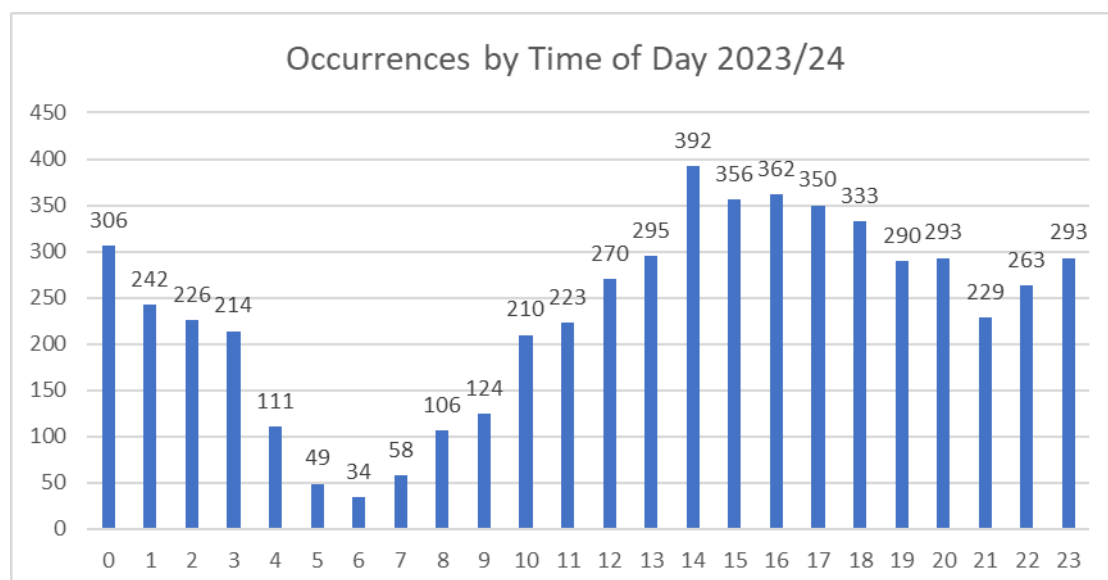
- There are similar levels of reporting in the daytime and night-time economy
- The peak reporting time is between 14:00 – 18:00, which is a shift from 2020/21 where the peak was between 23:00 – 01:00
- There is a substantial rise in reporting on a weekend, in particular on Saturdays, which accounts for 22% of the total
- August is the month which sees the most reports
- Crime Violence is the top crime type, followed closely by Crime Theft General, and then ASB Nuisance. This is a change from the 2018-2021 CIA (ASB Nuisance).
- The top five streets reflect previous years (with the order slightly changed)
- Piccadilly has seen a significant increase in reporting
- ASB Nuisance accounts for 61% of Dispersals issued
- Coney Street saw the most Dispersals issued (17% of the total)
- Coney Street is the location with the most Crime Theft General, and PSW Abandoned Call reports
- Blake Street is the location with the most ASB Nuisance and Crime Violence reports

## Occurrences

- There are more incidents reported within the City of York Cumulative Impact Area (CIA) during the Night-time Economy period (NTE), however this has levelled off in the period 2023 – 2024 with just over half (51%) reported in the NTE.

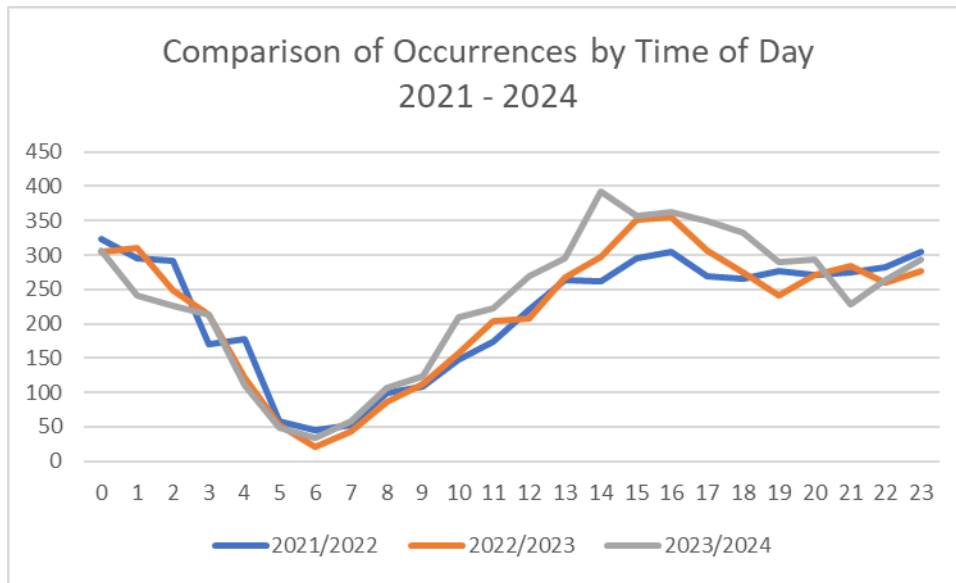


- For the period 2023/24 there is a peak in reporting between 14:00 – 18:00. There is another smaller peak between 23:00 – 01:00

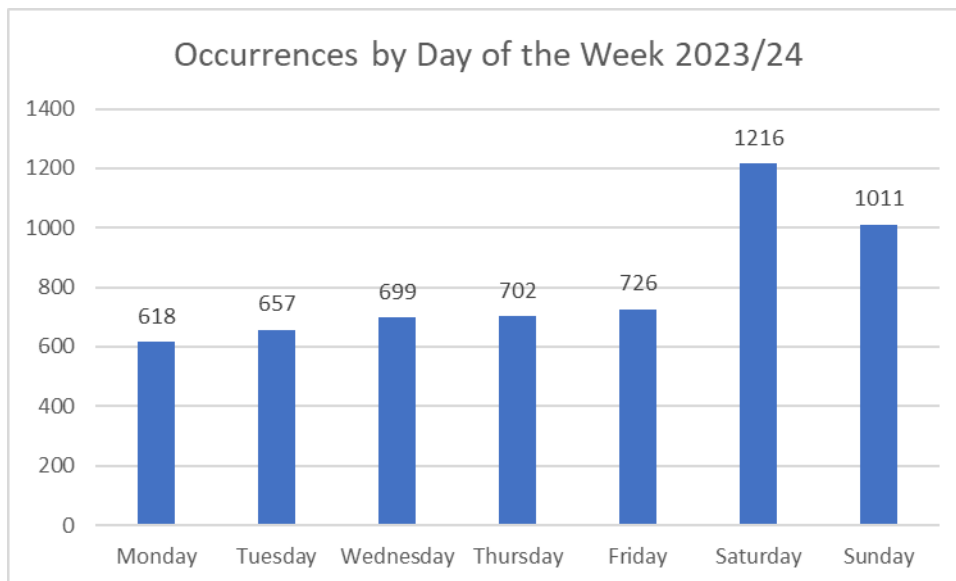


- By comparison with 2021/22 and 2022/23, the peaks in reporting times are:  
 2021/22 the peak is between 23:00 – 01:00, with a smaller peak between 15:00 – 17:00  
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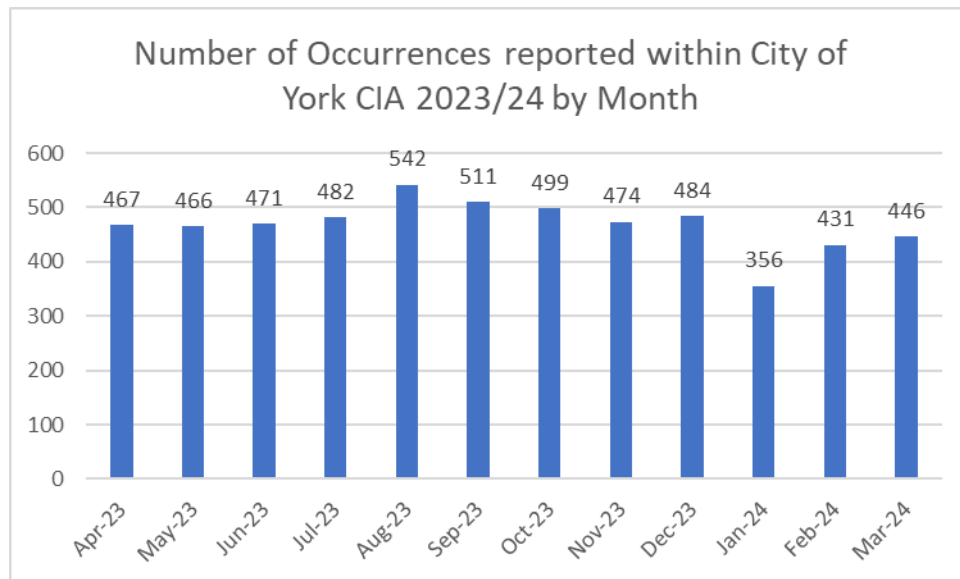
This shows a move towards increased reporting in the Daytime Economy over the years.



4. Incidents are reported throughout the week, with a substantial rise seen on a Saturday which accounts for 22% of the total in the period 2023/24, with Sunday accounting for 18%. This pattern is also seen in the data for the period 2021/2 and 2022/3.



5. Reporting remains high throughout the year, with the peak in August and a decline in January.



6. 5629 occurrences (within the parameters) have been reported within the CIA in 2023/24. The top occurrence types are shown within the table below, by year.

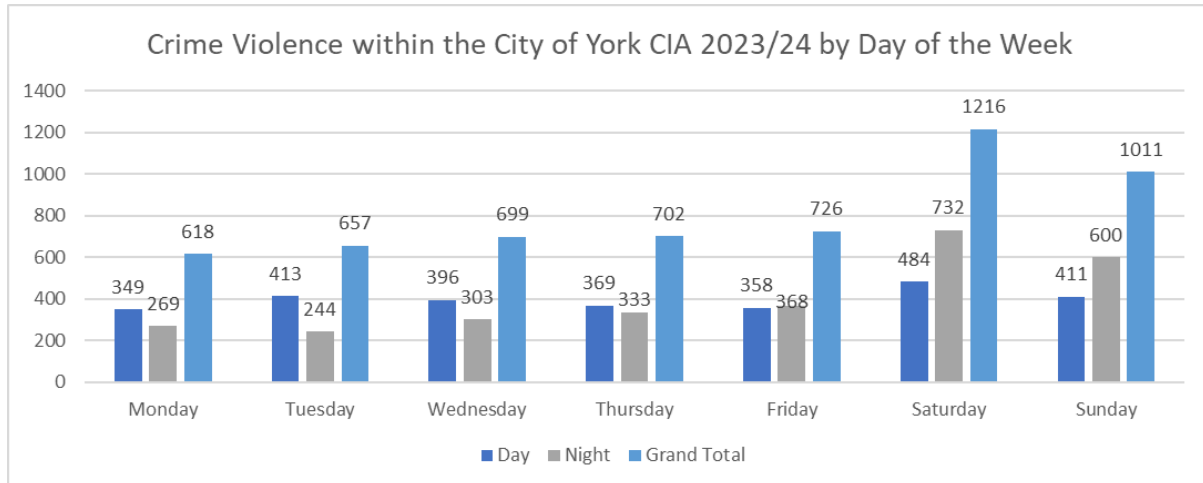
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7. Crime Violence is the most prevalent crime type across all three financial years, accounting for 18% in the CIA 2023/24, 66% of which were reported in the night-time economy, and 50% were reported across the weekend<sup>1</sup>. Reporting of Crime Violence across the time periods is stable with a slight decline in 2023/24; with at least 55% of Crime Violence reporting is believed to be linked to alcohol.<sup>2</sup>

<sup>1</sup> Saturday and Sunday

<sup>2</sup> NICL closure class contains alcohol





8. Crime Violence accounts for 41% of crime types in the CIA 2023/24. There is a noticeable decline in Crime Sexual Offence and Crime Robbery reports for 2023/24.

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Crime Fraud & Forgery	35	47	33
Crime Robbery	24	12	13

9. Crime Sexual Offence is covered in more detail in a recent report under Op Vigilant. Op Vigilant is an operation employed by North Yorkshire Police which uses specially trained officers to identify potential perpetrators of sexual offences operating in the night-time economy. The operation has been adopted from Thames Valley Police, where plain clothed officers observed individuals of concern, passing the details to uniformed officers in order to engage with the subjects and deter any offending).

The data analysed in this report covered the period April 2023 – March 2024, and focussed on the Night-time Economy in York City Centre (rather than the CIA).

Extract as follows:

- i) *Seventy two percent of offences occurred between Friday night and the early hours of Sunday morning (28 out of 39 offences). The highest level of offending occurred on Saturday nights into Sunday mornings (18 offences, 46% of the total). There was a slight peak in offences in the early hours of Wednesday mornings (5 offences). Three of the victims were aged between 17 and 21. Two victims' home addresses suggest that they could be students. One of the victims was walking home*



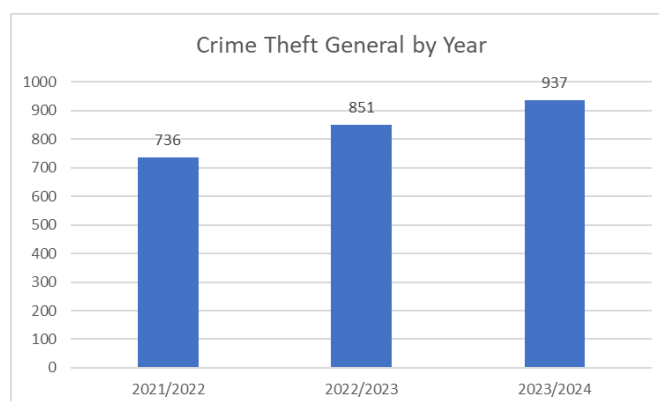
*after working as a member of bar staff at a city centre bar. There were no repeat locations for midweek offences.*

- ii) *Number of offences:*  
*GEORGE HUDSON STREET YORK YO16JL - 7*  
*TANNER ROW YORK YO16JB - 5*  
*SWINEGATE YORK YO18AZ - 4*  
*CLIFFORD STREET YORK YO19RD - 2*  
*KING STREET YORK YO19SP - 2*

*The top three repeat premises were located on:*  
*George Hudson Street, Tanner Row and Swinegate.*  
*These venues collectively accounted for 14 offences (36% of the total).*

*Of the offences which occurred on the street, no street saw more than one offence.*

10. Crime Theft General has seen an increase in reporting year on year, accounting for 38% of the crime types in the CIA 2023/24.  
 Out of the 937 Crime Theft General, 543 crimes have property listed as stolen, alcohol was stolen in 61 of the total offences (6.5%)<sup>3</sup>.



11. ASB Nuisance saw a reduction in 2022/23, with similar levels seen in 2021/22 and 2023/24.  
 ASB Personal has seen a slight reduction between 2021/22 and 2023/24, with ASB Environmental seeing a significant reduction in 2022/23 and then again in 2023/24.

Occurrence Type	2021/2022	2022/2023	2023/2024
ASB Nuisance	747	559	748
ASB Personal	61	34	44
ASB Environmental	71	25	15

<sup>3</sup> Evidence from the Commercial Victimization Survey (CVS), 2021 indicates that some types of retail premises experienced notably higher prevalence of theft by a customer. For example 77% of supermarkets experienced customer theft according to the CVS, 2021 which is much higher than the wider Wholesale and retail sector (25%). The two most commonly stolen items by customer theft were 'food or groceries' and 'alcohol' (an estimated 39% and 25%, respectively) (Source: ONS October 2023)

12. Dispersals Notices<sup>4</sup> were issued across nine occurrence types, ASB Nuisance accounting for 61% of Dispersals in 2023/24.  
2022/23 saw a decrease in Dispersals issued (35), overall the number of Dispersals issued between 2021 – 2024 remains low.

Occurrence Type	2021/2022	2022/2023	2023/2024
ASB Nuisance	51	18	43
Admin Police Generated Resource Activity	4	7	10
Crime Violence	4	2	4
Crime Theft General		2	7
Crime Other Offences	1	1	5
PSW Concern for Safety/Collapse/Injury/Illness/Trapped		4	
Crime Crime related incident	1		1
ASB Environmental			1
Crime Drugs		1	
<b>Grand Total</b>	<b>61</b>	<b>35</b>	<b>71</b>

13. The top ten areas where Dispersal Notices were issued for the period 2023/24, shows Coney Street as the top location (17%), this was also seen in 2022/23.  
St Saviourgate is a new location seen in 2023-24 with six Dispersal Notices issued, compared to 2022/23 and 2021/22 where none were issued. Similarly, Station Road has seen four Dispersal Notices used, whereas in 2022/23 and 2021/22 none were issued.  
In 2023/24 75% of the Dispersals were issued in the Daytime Economy.

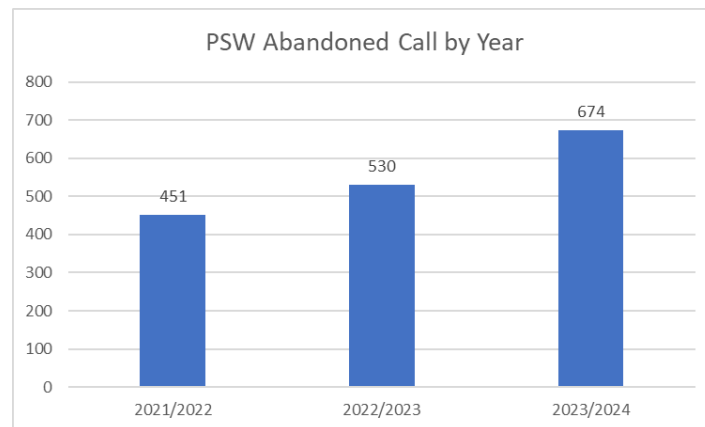
Street Address	2021/2022
HIGH OUSEGATE	6
ST HELENS SQUARE	5
CONEY STREET	4
PARLIAMENT STREET	4
LOW OUSEGATE	4
LENDAL	4
LITTLE STONEGATE	3
DAVYGATE	3
STONEGATE	3
BLAKE STREET	2

Street Address	2022/2023
CONEY STREET	9
BLAKE STREET	7
PARLIAMENT STREET	4
LOW OUSEGATE	3
ST HELENS SQUARE	2
DAVYGATE	2
PAVEMENT	1
LITTLE STONEGATE	1
STONEGATE	1
DUNCOMBE PLACE	1

Street Address	2023/2024
CONEY STREET	12
BLAKE STREET	7
<b>ST SAVIOURGATE</b>	<b>6</b>
LOW OUSEGATE	6
PARLIAMENT STREET	5
PICCADILLY	5
<b>STATION ROAD</b>	<b>4</b>
LOW PETERGATE	3
STONEGATE	2
PAVEMENT	2

<sup>4</sup> 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.

14. PSW Abandoned Call has seen a steady increase in reporting between 2021 and 2024.



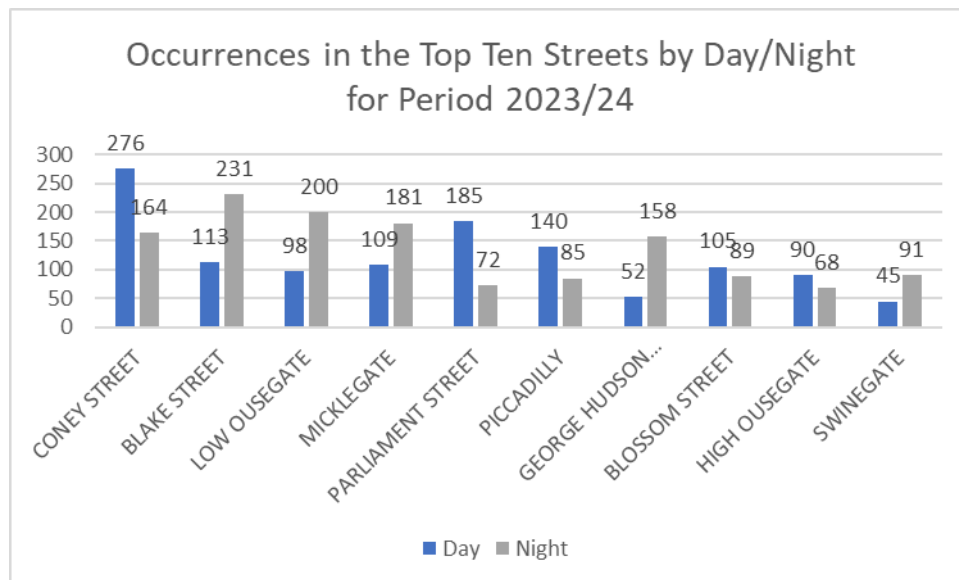
15. PSW Concern for Safety/Collapse/ Injury/ Illness/Trapped is also recorded within the top tier of occurrences. Levels remain relatively stable between 2021 and 2024.

### Location

16. The 'Top Ten Tier Streets', within the CIA, which record the highest level of occurrences and crimes, are evidenced within the table below. Coney Street, Blake Street and Micklegate feature highly across the 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. Piccadilly has seen the biggest increase in reporting in 2023/24 compared with previous years, followed by Low Ousegate.

Street Address	2021/2022	2022/2023	2023/2024	% Change 22/23 - 23/24
CONEY STREET	370	386	440	↑ 12%
BLAKE STREET	284	301	344	↑ 13%
LOW OUSEGATE	219	218	298	↑ 27%
MICKLEGATE	335	318	290	↓ 10%
PARLIAMENT STREET	254	300	257	↓ 17%
PICCADILLY	125	132	225	↑ 41%
GEORGE HUDSON STREET	240	228	210	↓ 9%
BLOSSOM STREET	196	195	194	↓ 1%
HIGH OUSEGATE	93	138	158	↑ 13%
SWINEGATE	128	108	136	↑ 21%

17. Night-time Economy reporting is more prevalent in Blake Street, Low Ousegate, Micklegate, George Hudson Street and Swinegate.



18. The top five tier streets (2023-24) are listed below against the top five occurrence and crime types.

- Coney Street reports predominantly Crime Theft General, followed by PSW Abandoned Call
- Blake Street reports predominantly ASB Nuisance, closely followed by Crime Violence
- Low Ousegate reports predominantly PSW Concern for Safety closely followed by Crime Violence
- Micklegate reports are predominantly Crime Violence
- Parliament Street reports are predominantly Crime Theft General

Street Address	ASB Nuisance	Crime Theft General	Crime Violence	PSW Abandoned Call	PSW Concern for Safety/Collapse/ Injury/ Illness/Trapped
CONEY STREET	48	110	56	74	28
BLAKE STREET	100	28	88	25	19
LOW OUSEGATE	35	42	63	11	67
MICKLEGATE	34	27	63	33	25
PARLIAMENT STREET	33	81	17	12	26

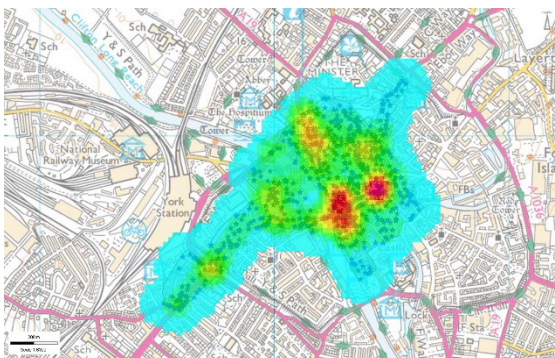
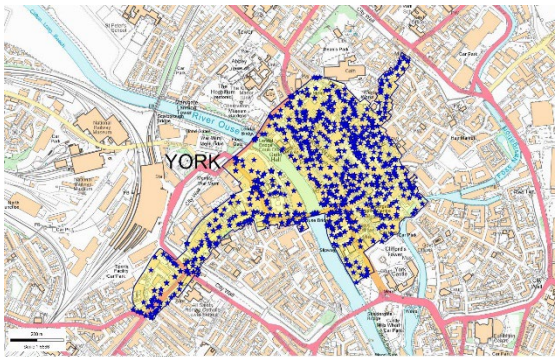


## 19. 2021/2022

Hot Spot Map showing the concentration of occurrences within the City of York CIA between **01/04/2021 and 31/03/2022**.

Area One – Parliament Street/Piccadilly/Pavement area

Area Two – Coney Street/ Spurriergate/Low Ousegate area



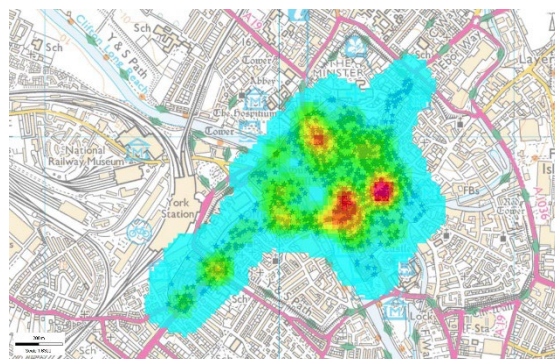
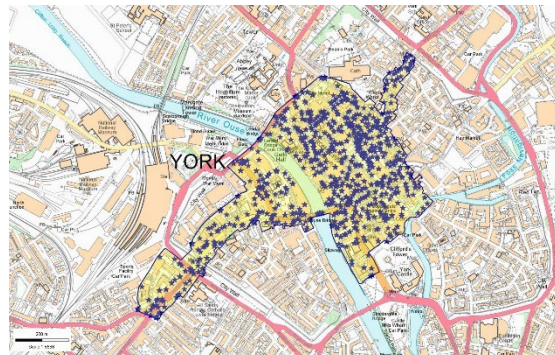
## 20. 2022/2023

Hot Spot Map showing the concentration of occurrences within the City of York CIA between **01/04/2022 and 31/03/2023**.

Area One – Parliament Street/Piccadilly/Pavement area

Area Two – Spurriergate/Low Ousegate area

Area Three – Blake Street area



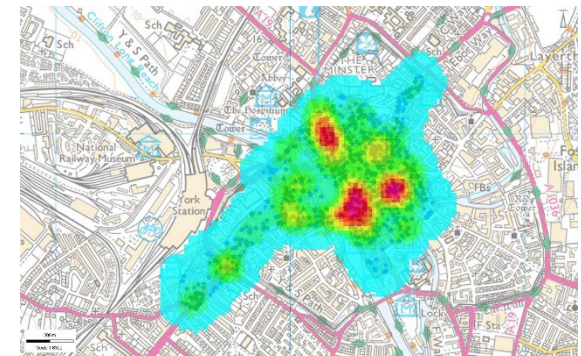
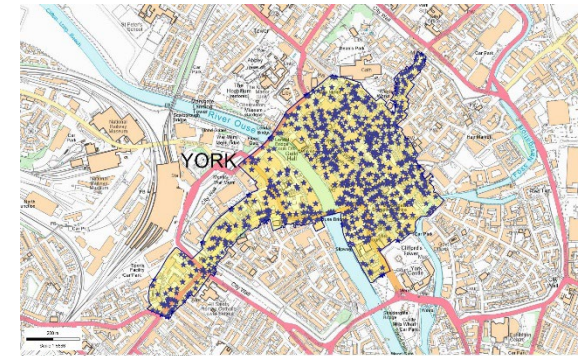
## 21. 2023/2024

Hot Spot Map showing the concentration of occurrences within the City of York CIA between **01/04/2023 and 31/03/2024**.

Area One – Coney Street/ Low Ousegate area

Area Three – Parliament Street/ Piccadilly area

Area Two – Blake Street area



*Pink shading indicates highest density and graduating orange/ yellow/ green/ blue shading showing lowest density of occurrences.*

**Acknowledgments:** Data provided by Jonny Quinlan, Business Insight, June 2024

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**Licensing Policy Consultees**

British Institute of Innkeeping  
British Beer & Pub Association  
Federation Of Licensed Victuallers Associations  
CAMRA York  
Club and Institute Union (CIU)  
Make it York  
York BID  
Street Angels  
York Rescue Boat  
Chief Superintendent, North Yorkshire Police  
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  
Safer York Business Partnership  
Pubwatch  
Coppergate Centre  
Vangarde York  
Monks Cross Shopping Outlet  
York Designer Outlet  
York & North Yorkshire Chamber of Commerce  
York Retailers Forum  
Federation of Small Businesses  
York Professionals  
Citizens Advice Bureaux  
York CVS  
Older Citizens' Advocacy York  
York Age Concern  
York Older Peoples Assembly  
York & North Yorkshire Combined Authority  
Police, Fire, Crime and Commissioning  
CYC Chief Executive Officer  
CYC Corporate Director Children's and Education  
CYC Director Children's Services Safeguarding  
CYC Assistant Director, Education and Skills  
CYC Corporate Director Adults and Integration  
CYC Assistant Director, Adult Safeguarding  
CYC Director of Public Health  
CYC Public Health Specialist Practitioner

CYC Director Governance  
CYC Director of Communities and Housing  
CYC Assistant Director Customers and Communities  
CYC Head of Communities  
CYC Property Manager Commercial  
CYC Head of Economic Growth  
CYC Director of Environment, Transport and Planning  
CYC Head of Development Services  
CYC Head of Public Protection  
CYC Public Protection Manager  
CYC Public Protection Manager  
CYC Head of Community Safety  
CYC Community Safety Manager  
CYC Head of Highways and Transport  
CYC Director of Finance  
Community Engagement Gatekeepers  
Ward Councillors  
Parish Councils  
Local MPs  
Premises licence holders



**Consultation Responses**

Ref :	Name & Address	Comments
1	Premises Licence Holder	<p>Tokyo Industries are a highly experienced Late Night Operator with over 47 sites around the UK and 19 Internationally - we know and understand the benefit that a Late Night Economy brings to any city. In York we operated Fibbers for over a decade before the building had to be sold - we still operate Impossible, The Impossible Motel, Pink and Forage in York City Centre and the City is a fraction of what it once was.</p> <p>Please accept as a formal observation and query as to the new CIA. The late night and licensing landscape has changed substantially since the introduction of the CIA many years ago, it is no longer fit for purpose.</p> <p>There has been a massive contraction in the number of visitors to York post COVID and Licensed hospitality is a fraction of the occupation it once was. We have lost a number of significant venues Fibbers etc in recent years and the late night leisure in York CC is now at a fraction of its previous trading levels.</p> <p>Hospitality needs the support of new entries into the market place - new independents who create culture and drive the late night economy - which in turn fuels taxis, hotels and retail. A city is only successful with all components work together - I plead with the council's licensing team to drop the notion of a CIA need entirely and open up for barriers to entry of new and exciting business that we help keep York ahead of its failing rival cities locally.</p> <p>We can keep our City controlled with usual 'Licensing' Standards - the 'Absolute' no of a CIA stifles new business and impacts our Cities economy.</p>

		<p>There have been many examples nationally of Cities dropping CIAs to all but positive response - we urge York CC to consider dropping the CIA entirely. It's dated and no longer relevant - Licensing Policy does exactly the same controls with the 'Absolute No' of a CIA.</p> <p><i>Officer Comments:</i>  <i>The CIA is not an absolute 'no' to applications for new licensed premises within the city centre, each application has to be considered, by the council and responsible authorities, on its own merits, applicants for a new licensed premises and varying the licence of an existing licensed premises must demonstrate through the operating schedule within the application form, how granting their licence will not add to the cumulative impact.</i></p>
2	Premises Licence Holder	<p>I just received a letter from York city council for review license for the area it's a night club and hotel district, but it's only a night club it's here it's salvation it's only open 3 days a week it's Wednesday and Friday and Saturday. From 15 December to 30 January just open a day in week which it's Saturday, and every year from middle of June to middle September just open A days in week this situation brings this area to a Ghost Town. Popworld and Flares are a regular pub not a night club. My opinion its Salvation have to be open more days in week or city council released a new night club for this area to back to live and support local business.</p> <p><i>Officer Comments:</i>  <i>It is for the owner/operator of Club Salvation to determine the days/hours the premises open.</i></p> <p><i>The council does not release new nightclub licences, the council, and responsible authorities, must consider every application for a new premises licence on its own merits.</i></p>
3	York Publican	<p>York over the past 10 Years has increasingly become known for its party vibe and nightlife culture however the council and police services are not effectively managing this situation. Lots of tourists on a weekend particularly are not visiting York for the history; they are visiting to get drunk. This within itself is not a problem and indeed it keeps our licensed venues ticking over;</p>

		<p>but it's poorly managed. If we are to attract even more of this clientele (and or retain this nightlife culture of which business and the city economically benefit from) then the council must wake up and address this to make it safer for visitors.</p> <p><i>Officer Comments:</i>  <i>Sections 4.18 &amp; 4.19 of the Policy encourages applicants and licence holders to promote customer safety, asking them to engage with Police and partner operations to tackle issues – the Police and Council can't do this without having the support of the licence trade.</i></p> <p>In the city centre and slight outskirts licensees are seeing more &amp; more issues related to excessive drunkenness including violence. Of course, this to some extent is inevitable, the more people visiting the higher the possibility of crime... but it could be handled much better.</p> <p>- The lack of Taxi ranks and lack of Marshalls to ensure getting a taxi is efficient and orderly for people wanting to go home when they have had enough to drink. People are loitering after leaving pubs in the City centre for too long and causing nuisance. Licensees are left to deal with this despite these people maybe never frequenting our establishments that evening.</p> <p><i>Officer Comments:</i>  <i>York BID, with the help of some partners, funds the provision of Marshals at Duncombe Place and St Saviourgate taxi ranks on Friday and Saturday, and some Bank Holiday Sunday, evenings at the busier time of the year.</i></p> <p>- A shocking lack of police presence on Friday/Saturday nights. Not only are the police a deterrent for crime occurrences they provide safety to members of the public in need and safety to the licensed establishments by being readily available and present until the early hours.</p> <p><i>Officer Comments:</i>  <i>This comment has been shared with North Yorkshire Police.</i></p>
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- As a landlady on Blossom Street, we see a lot of racegoers frequenting the course on race days. These are probably one of the biggest public events in the York Calendar. Yes, Door security is advisable however, what about the people on the street walking around full of ale that they have brought from home or the local shop who are behaving unpleasantly; we may not have served them the alcohol yet we are left to deal with it due to the lack of Policing. Racegoers are being served a lot alcohol at the racecourse then leaving the course full of beer and being nuisances/violent and we are left to 'deal' with alone despite the race course having the largest slice of the pie in a financial sense.

Why should we have to foot the bill for extra security when we are not being met half way by our own police force? We are business rates and tax payers just as much as York racecourse is yet the surrounding pubs in the heavy footfall on route to and back from the course are left high and dry to deal with this alone. A stronger police presence, similar to those at football matches (whereby the racecourse can attract the same numbers as stadiums can with football fans) must be present in this immediate area from the course to the city centre. I would suggest in a 1.5-2 mile radius must be applied.

- I believe all pubs in a 1-2 mile vicinity on major race meets should be enforced to use plastic glassware to reduce the risk of harm to the public-helping us ensure we are upholding our licensing obligations correctly. I would even stretch this to late night bars/establishments in the city centre during busy periods (Saturday nights/events) in the same way as other large 'party' cities have done.

*Officer Comments:*

*This comment has been shared with North Yorkshire Police.*

*On most race-days (this is risked assessed), especially the larger days, Police resources are at the Racecourse.*

		<p><i>On most race-days (this is risked assessed) the Police have resources in place to monitor/tackle any issues on the route from the Racecourse to the City Centre. The police continue to work with partners and deploy resources into the City Centre.</i></p> <p>-Fake Id. We have seen increasing numbers of under age people producing fake ID. These Id's are often very very good and can easily catch publicans and staff out. Where does York Licensing stand on supporting publicans who have been victims to this scam despite having good due diligence in their establishment? Is it fair to assume we are serving young people underage carelessly when we are checking their ID and with the access we have to 'UV lights' and basic checking equipment these are on face value- genuine?</p> <p><i>Officer Comments:</i></p> <p><i>If premises licence holders deem there is a safety risk, so that the licensing objective 'public safety' is not undermined, they should implement the use of polycarbonates or plastic.</i></p> <p><i>If reports of underage sales are received by the Council and/or Police, depending on the nature of the report, a stage approached to enforcement would be undertaken, meeting with the premises licence holder and/or designated premises supervisor would be undertaken to ascertain the due diligence that is in place, for example records of ID checks and refusals.</i></p> <p>I believe York Licensing board and North Yorkshire police are falling far behind the measures that are applied in other cities where nightlife is particularly popular. Perhaps it would be worth engaging with councils/police forces from Manchester/ Leeds/ Newcastle etc to see how they are better managing their late night economy. We have a thriving student population and a reputation in the city of good pubs and licensed premises with locals and visitors alike. But I fear if this situation is not better controlled, we will lose this and I do not hope it will take a very bad incident for the council to then wake up and deal with it as the city centre on a weekend is</p>
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		<p>not always a pleasant place to be. Indeed, many 'locals' do not frequent the town at all on these days and this is really not the attitude the good people of York should be holding.</p> <p><i>Officer Comments:</i>  <i>Council and Police Officers do engage with and share best practice with other authorities / forces.</i></p> <p><i>The Council and Police are aware that York is a popular city for day trippers and weekend visitors, due to our excellent rail links, who come to the city to visit the pubs and bars which can create an increase in ASB. We have worked with Partners and the licence trade to tackle the issues associated with these, such as introducing the 'Code of Conduct'.</i></p>
4	Premises Licence Holder	<p>Thank you for inviting feedback as part of the review of York's Cumulative Impact Assessment. As a licensee in York for over 50 years, I have witnessed significant changes in the city's hospitality landscape and feel compelled to share my observations and concerns regarding the current trends and their potential impact on York's unique character, public safety, and resources.</p> <p>Recent trends in weekend hospitality have shifted significantly towards the concept of 'all-day bars.' These establishments combine alcohol sales with food offerings (such as bottomless brunches)) screened sports events, and music. Many of them transform into dance floors and party spaces in the evening, functioning as small-scale nightclubs.</p> <p>Operators like NEOS Hospitality, which has absorbed much of the former Rekom nightclub portfolio, have <a href="#">publicly stated</a> their shift away from traditional nightclubs toward this 'party bar' model. While such venues may be popular in city centres, they often bring with them a brash and loud atmosphere that detracts from the historic and cultural appeal of York's city centre.</p> <p>This shift seems to be a response to the decline of the traditional nighttime economy. Former nightclubs and late-night bars have increasingly transitioned to operating extended hours—12-</p>

hour trading periods on Saturdays (e.g., 12:00 pm to 2:00 am) are now commonplace. The emergence of party bars operating throughout the day and into the early hours reflects a concerning trend, particularly as these venues are often run by large operators with a focus on volume rather than quality. This raises questions about York's reputation as a destination that offers something distinct and refined compared to other cities.

Nightclubs, in particular, are increasingly the preserve of under-25s, most of whom are students. Students continue to enjoy nights dancing and socialising with peers of their own age and tend to have some disposable income, albeit modest. The number of students living in the city centre is rising significantly due to the considerable building projects aimed at university students. It is important that this demographic is catered to with relevant and safe venues that provide a welcoming and secure environment for their nighttime activities.

In addition, the proliferation of late-night venues across the city, often serving all customer bases in all areas, has created challenges for policing and resource allocation. What was once a more localised late-night economy, contained to specific streets or districts, has become dispersed. This expansion stretches enforcement resources and makes it harder to manage public safety effectively.

*Officer Comments:*

*The introduction of the Licensing Act 2003 removed the restrictions regarding operating hours and classifications of pubs, restaurants and nightclubs that were in place under the Licensing Act 1964.*

*Since the introduction of the 2003 Act nightclubs are no longer the only venues customers can frequent after 11pm, as pubs/bars now have and can apply for licences into the early hours of the morning, with styles of trading changing throughout the operating hours – the 2003 Act allows applicants for apply for 24 hour licences 7 days a week.*

		<p><i>Each application for a grant or variation of a premises licence must be considered on its own merit, applications for premises within the CIA must demonstrate through the operating schedule how the granting of the licence will not add to the cumulative impact.</i></p> <p>One way to address this issue is through clearer distinctions in the licensed hours of restaurants, bars, and nightclubs. Such distinctions would help localise trade, ensuring specific areas of the city remain tailored to particular hospitality offerings. Localisation would make it easier to allocate resources effectively, concentrating policing and public services in key areas during peak hours, rather than spreading them thinly across the entire city.</p> <p><i>Officers Comment:</i>  <i>The 2003 Act has removed these distinctions. If they wish, an applicant can give a clear distinction through the operating schedule and/or, while considering the application on its own merits, responsible authorities can do this by agreeing licensing conditions or the licensing authority can do this if relevant representations are received.</i></p> <p>I sincerely hope York does not invite this kind of ‘all-day party bar’ culture—offering breakfast through to last orders at 2:00 am—resembling destinations like Magaluf. York’s charm lies in its historic appeal, unique character, and vibrant but balanced nightlife. Allowing the proliferation of such venues risks undermining these qualities and creating long-term issues for both residents and visitors.</p>
5	Professor University of York	<p><b>Section 16. Noise Complaints</b></p> <p>Increases in noise complaints relating to hospitality have increased nationwide since Covid. Anecdotal evidence reported in the Morning Advertiser<sup>1</sup> suggests that these are related to new residents (either moving into an area during the hospitality covid closures or new properties or conversions during this period) or residents who became used to less noise during covid. It</p>

<sup>1</sup> Maurice-Jones, A. (2023) Why are noise complaints shutting down music venues? The Morning Advertiser, 10th february 2023, available at: <https://www.morningadvertiser.co.uk/Article/2023/02/10/Rise-in-noise-complaints-threatens-late-night-sector/>



		<p>would be useful to see this impact noted in the policy.</p> <p><i>Officers Comments:</i>  <i>Reference to Covid has been added to paragraph 16 of the CIA.</i></p> <p>Occurrences (sections 18-32)  This section outlines occurrences of various types of crime. However, there is no evidence provided which shows these are directly related to licenced (and related) venues.  This section relies on correlation (a crime occurred in the area where there are many licenced/off-licence premises) rather than examining causation (whether the licenced premises, or people visiting them were the cause of the crime). This may mean that more crime is attributed to licensed premises etc, and those visiting them than is actually the case.  A stronger evidence base, or a deeper analysis of the evidence base, is required to examine how these crimes/issues relate specifically to venues.  These assumptions continue within the section on 'Location' where correlation is relied upon.</p> <p><i>Officers Comments</i>  <i>The CIA data gives an overview of the crimes within the area, and the locations that have the highest levels of these crimes – specific licensed premises are not identified. Each application would be considered on its own merits, any specific crime pertinent to the application would be discussed with the applicant.</i></p> <p><b><i>Comments on Statement of Licensing Policy 2025 – 2030</i></b></p> <p>Section 3.3  This section notes the number of rail passengers each year at over 10 million. Is this 10 million who pass through on the rail line or visitors? How does this 10 million, or a subset of it relate to York specifically?</p>
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		<p><i>Officer Comments:</i>  <i>This information was taken from Rail Strategy documentation. As York attracts 8.9 million visitors a year, and people come to York to work, for businesses meetings and conferences, millions of people come to the city each year by train.</i></p> <p>Section 4.17  As with other sub sections in section 4 would it be possible to include facts/figures on levels of hate crimes to provide a baseline for future reporting.</p> <p><i>Officer Comments:</i>  <i>A link to the Home Office official statistics has been added.</i></p> <p>Section 4.18  See also comment on occurrences above. This section asks applicants/licence holders to “engage with Police operations (which may also include partners) that are in place to tackle alcohol related issues, such as violence, ASB, street drinking and thefts.” Could evidence be provided (or linked to) as to which specific issues are related to licenced premises.</p> <p>This section also asks applicants/licence holders to “engage with York BID rangers, Street Angels and if your premises is in close proximity to the river York Rescue Boat volunteers” can it be made more clear how close proximity can be understood as all of the centre of York is relatively close to the river?</p> <p><i>Officer Comments:</i>  <i>Section 4.18 encourages applicants and licence holders to engage in national and local schemes to promote customer safety – therefore it is for the applicant or licence holder to determine in their premises is in close proximity to the river.</i></p> <p>Section 5.4</p>
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This section notes that ‘drinking behaviour has changed in the last ten years’. How has this been recorded/evidenced or is this anecdotal?

*Officer Comments:*

*The licence trader, police, public health and council officers have noted these changes.*

Section 5.13

“Local Police records indicate that alcohol consumption was one of the main vulnerabilities associated with domestic abuse crime across North Yorkshire, recorded in 30% of domestic abuse cases, [...]” is there a distinction between on and off trade alcohol consumption which might affect this?

*Officer Comments:*

*Statistics just state that ‘alcohol was a factor’.*

*We are aware that some domestic abuse incidents taking place in on-trade venues may be recorded as violent incidents but not specifically flagged as domestic abuse crimes, so our understanding could still be incomplete.*

Section 5.15

This section notes that “with heavier drinkers drinking more and lighter drinkers drinking less”. Where is the evidence for this? And again was there a split between on vs off trade?

*Officer Comments:*

*Various reports and publications have observed the impact of the Covid 19 pandemic on alcohol consumption being ‘heavier drinkers drinking more and lighter drinkers drinking less’, including:*

- [\*Modelling the longer-term health and health inequality impacts of changes in alcohol consumption during the COVID-19 pandemic in England | Journal of Public Health | Oxford Academic\*](#)
- [\*The-COVID-Hangover-report-July-2022.pdf\*](#)

- [Monitoring alcohol consumption and harm during the COVID-19 pandemic: summary - GOV.UK](#)

A key source of data for these reports was the Alcohol Toolkit Study: [Monthly Tracking KPI - Graphs - Alcohol in England](#)

Angus, Henney and Pryce (2024) analysis of the Alcohol Toolkit data states “Across all population subgroups, lower-risk drinkers (AUDIT score of <5) reduced their drinking during the pandemic, whereas risky drinkers (AUDIT score of 5+) increased theirs.” This did not examine where people purchased their alcohol.

If the pre-pandemic trend still holds true, it is likely that people drinking at harmful levels account for a higher proportion of alcohol-related revenue in the off-trade compared to the on-trade, but the lead researcher, Aveek Bhattacharya, who conducted this analysis has not conducted and was not aware of an update of their work when we made contact in August 2024.

#### Section 5.18

This section notes that high strength lager and cider is “favoured by people drinking on the street”. Where is the evidence for this?

#### Officer Comments:

This has been noted from the evidence (empty cans/bottles) left in known street drinker locations, and from information provided by officers who try to tackle/address street drinking issues.

### Section 5.21

This section highlights the importance of alcohol sales and notes the inclusion of low and/or alcohol free versions. The section rightly suggests that this should be competitively priced but the literature<sup>2</sup> also suggests that (and could be further inclusions):

- Consumers would welcome price promotions on nolo products (as these are often not available);
- Consumers would welcome more visibility of nolo products (i.e. on bar tops, clearly marked in fridges, and availability on tap, potential online promotion);
- Licenses welcome nolo products so they are available for staff members (given that publicans and hospitality staff are at high risk of developing alcohol problems<sup>3</sup>).

*Officer Comments:*

*Additional line added to 5.21.*

### Section 5.22

This section states that “Promotions of alcohol-free alternatives that share branding with alcohol products should not appeal to children”. Could this be further explained/evidenced. There is no robust evidence that nolo products are a gateway to alcoholic products and therefore this requires further explanation.

*Officer Comments:*

*Advertising alcohol-free alternatives that share branding with alcohol products by their nature*

<sup>2</sup> Waehning N., Wells V., Sohn F. (2024) The impact of nudges to increase alcohol free beer/reduce regular beer sale in bars and publica houses: A field trial. *Work in progress*.

Wells, V and Waehning, N. (2024). Alcoholic Beer (NAB) Consumption- A Q-Methodological Analysis. *Work in progress*.

Waehning, N and Wells, V.K. (2024) Product, Individual and Environmental factors impacting the consumption of no and low alcoholic drinks: A Systematic Review and Future Research Agenda, *Food Quality and Preference*, 117, 105163

<sup>3</sup> Thompson, A., Pirmohamed, M. Associations between occupation and heavy alcohol consumption in UK adults aged 40–69 years: a cross-sectional study using the UK Biobank. *BMC Public Health* 21, 190 (2021).

*contribute to awareness and salience of the core (alcoholic) brand; it is therefore inappropriate for such marketing to appeal to minors.*

*In addition to this, a more general point that is not only relevant for no/low drinks that share a brand with an alcohol product, but relates to all no/low drinks, is that the government is clear that alcohol substitute drinks are intended for consumption by adults and should not be sold or supplied to children, and is working with alcohol producers, retailers and trade bodies to ask that they reflect this position in codes and guidelines (see [Updating labelling guidance for no and low-alcohol alternatives: consultation - GOV.UK](#)). It is therefore appropriate that marketing practices should align with this.*

#### Section 5.23

Licenses could be encouraged to list no/low drinks earlier in the app to ensure visibility and convenience which studies show is sought by consumers.

#### *Officer Comments:*

*This section relates to the safe sale of alcohol with regards to under 18 year olds.*

#### Section 9.14

This section states that for an application in the CIA to be considered more favourably that the application should be primarily food led, with no vertical drinking and with table service only. This suggests that traditional pub environments which are often wet led with bar service and provide important community spaces will not be looked on as favourably. This is in contrast to the earlier statement in section 6.4 which states “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”. By making it harder for traditional venues (which are often largely wet lead and bar service operations) to get and maintain licences goes against this stated objective. While the document highlights that diversity of operations should be welcomed (see section 6.4 - “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”), these considerations mean it is harder for the diversity (and especially more traditional venues and pub prices) to actually take place.

*Officer Comments:*

*The section relates to an area within York city centre which has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area adversely affect the promotion of the licensing objectives.*

*Applicants for the grant of a new premises licence or variation of an existing premises licence must demonstrate through the operating schedule how the granting of the licence will not add to the cumulative impact.*

*Each application must be considered on its own merits.*

Jed Meers (University of York) highlights<sup>4</sup> issues relating to the focus on dry led venues and reducing vertical ‘civilised drinking’ and a heavily classed process which goes against more traditional venues.

Waehning, N and Wells, V.K. (2024) Product, Individual and Environmental factors impacting the consumption of no and low alcoholic drinks: A Systematic Review and Future Research Agenda, *Food Quality and Preference*, 117, 105163

<sup>4</sup>Meers, J. (2021) From “wet led” to “dry led”: Food and the contested framing of alcohol establishments, In D.Clarke, V. Ellis, H.Patrick and D.Weir (eds) *Researching Craft Beer*, Emerald.

Meers, J. (2023) “Vertical drinking” in the night-time economy: alcohol licencing and proxies for “uncivilised” drinking bodies, *Leisure Studies*, 43(5), 722-738

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# City of York Council Equalities Impact Assessment

### Who is submitting the proposal?

<b>Directorate:</b>		Environment, Transport and Planning	
<b>Service Area:</b>		Public Protection (Licensing)	
<b>Name of the proposal:</b>		Statement of Policy and Cumulative Impact Assessment (Licensing Act 2003)	
<b>Lead officer:</b>		Lesley Cooke	
<b>Date assessment completed:</b>		20 February 2025	
<b>Names of those who contributed to the assessment:</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>

## **Step 1 – Aims and intended outcomes**

1.1	<p><b>What is the purpose of the proposal?</b></p> <p>Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>Under Section 5 of the Licensing Act 2003 local authorities are responsible for issuing premises licences, club premises certificates, personal licences and temporary event notices (TENs) in relation to the following licensable activities:</p> <ul style="list-style-type: none"> <li>• sale/supply of alcohol</li> <li>• provision of regulated entertainment</li> <li>• provision of late night refreshment</li> </ul> <p>There are currently 1081 premises and 4100 personal licences, and 44 club premises certificates in force. The council receives approx. 200-300 TENs annually.</p> <p>The council are required to adopt and review a Statement of Licensing Policy (a policy) at least every five years, but it can be reviewed at any time. It was last reviewed and implemented in March 2022.</p> <p>Section 5A of the Licensing Act 2003 provides that a licensing authority may, in appropriate circumstances, publish a document, at 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.</p> <p>A CIA must be reviewed at least every three years.</p> <p>The Council published its first CIA in March 2019, a reviewed CIA was published in March 2022.</p>

<b>1.2</b>	<b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)
	<p>Licensing Act 2003 (the Act) Section 182 Guidance for Local Authorities (last updated January 2024)</p> <p>In exercising their functions under the Act, the licensing authority must have regard to the licensing objectives as set out in Section 4 of the Act. The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• the prevention of crime and disorder;</li> <li>• public safety;</li> <li>• the prevention of public nuisance; and</li> <li>• the protection of children from harm.</li> </ul> <p>Mandatory licence conditions are also in place with regards to:</p> <ul style="list-style-type: none"> <li>• the supply of alcohol;</li> <li>• alcohol pricing;</li> <li>• exhibition of films; and</li> <li>• door supervision.</li> </ul>
<b>1.3</b>	<b>Who are the stakeholders and what are their interests?</b>
	<p>Generally speaking, the stakeholders are licence holders, responsible authorities, other parties including York BID, Make It York, residents and visitors to the city who share a common interest in that York is safe, vibrant and an inclusive city.</p>

<b>1.4</b>	<b>What results/outcomes do we want to achieve and for whom?</b> 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>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.</p> <p>The current CIA and Policy were published in 2022, both documents have been reviewed.</p> <p>The implementation of a Policy and CIA will support the council's plan 'One City For All'.</p>

## Step 2 – Gathering the information and feedback

<b>2.1</b>	<b>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?</b> 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.
<b>Source of data/supporting evidence</b>	<b>Reason for using</b>
Licensing Act 2003 and Section 182 Guidance	<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"> <li>• Prevention of crime and disorder</li> </ul>

	<ul style="list-style-type: none"> <li>• Public safety</li> <li>• Prevention of public nuisance</li> <li>• Protection of children from harm</li> </ul>
North Yorkshire Police provided the evidence for the CIA.	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 is evidence of crime, disorder and ASB associated with the consumption of alcohol.
Information gained from attending Op Safari, Erase and Vault meetings	CYC officers attend and work jointly with colleagues from the Police, Fire Authority, YAS, BTP, York BID, Make it York, rescue boats, universities, street angels, YBAC, Pubwatch. Through the Policy we can tackle some issues identified through these meetings and working together.
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 affecting the city in relation to alcohol, for example the numbers of alcohol related hospital admissions.
York Open Data	<p>To provide relevant local information for the Policy under the section 'Local Factors'.</p> <p>York Open Data is a platform created by the City of York Council which holds over 1000 different datasets, all of which are related to the City itself. All of the information is available for the public to access and manipulate.</p>
An 8-week consultation was undertaken, as part of the review of the Policy and CIA.	<p>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.</p> <p>The following were invited to participate in the consultation:</p>

	BII • British Beer & Pub Association • Federation of Licensed Victuallers Association • CAMRA York • Club and Institute Union • Street Angels • Rescue Boat • York CVS • York & North Yorkshire Chamber of Commerce • York Citizens Advice Bureau • Older Citizens' Advocacy York • York Age Concern • York Older Peoples Assembly • Clifton Moor Business Association • Vangarde Shopping Park • York Designer Outlet • Coppergate Centre • Federation of Small Businesses • York Professionals • York District Hospital • Make it York • Pubwatch • York High Street Forum • York BID • North Yorkshire Police • British Transport 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 • Community Engagement Gatekeepers • Ward Councillors • Parish Councils • York & North Yorkshire Combined Authority • Police, Fire & Crime Commissioner • Yorks MPs • Premises Licence Holders
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### Step 3 – Gaps in data and knowledge

<b>3.1</b>	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>	
<b>Gaps in data or knowledge</b>		<b>Action to deal with this</b>
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.

<b>4.1</b>	<b>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.</b>		
<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b>	<b>Positive (+) Negative (-) Neutral (0)</b>	<b>High (H) Medium (M) Low (L)</b>
<b>Age</b>	The 2023-24 York Secondary School Health and Wellbeing Survey found that 65.6% of the pupils aged 11-17 years said they have tried or drink alcohol, and 30.5% said that the alcohol was given to them and a further 8.3% said someone had bought it for them with their money. The policy recommends that the age verifications policy, operated by premises licensed to sell alcohol, is 'Challenge 25'.	Positive	Low



	<p>The policy also advises that the council will carefully consider the effects of alcohol sale and alcohol marketing on children, young people and family life. As well as carefully considering the need to alcohol been sold/supplied at premises that are predominately used for activities targeted at children.</p> <p>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> <p>Alcohol related harm and hospital admissions where alcohol related conditions are either the primary reason or a contributory factor for admission, in relation to adults, are highlighted within the policy.</p> <p>Through the Policy we encourage a diverse city, with offerings for all age groups.</p> <p>Even though under 18's are not allowed to purchase and 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.</p> <p>The policy encourages a variety and mix of high qualify 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.</p>		
<b>Disability</b>	<p>Through the Policy we encourage a diverse city with offerings for everyone.</p> <p>The policy encourages a variety and mix of high qualify licensed premises that will appeal to a broad spectrum of</p>	Positive	Low

	<p>people, including a well-used city centre, day and night, that is safe and accessible to all.</p> <p>Through the Policy we encourage consideration for disabled people or people with other additional needs.</p> <p>The Purple Pound provides information on the value of being inclusive and explains the loss of income to businesses when disabled people walk away due to lack of accessibility.</p>		
<b>Gender</b>	<p>Through the Policy we encourage a diverse city with offerings for everyone.</p> <p>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.</p>	Positive	Low
<b>Gender Reassignment</b>	<p>Through the Policy we encourage a diverse city with offerings for everyone.</p> <p>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.</p> <p>Paragraph 4.17 of the policy references hate crimes, levels of which in York are below the national average. York Hate Crime Partnership is working to deter this behaviour and encourage reporting.</p> <p>CYC Licensing and Community Safety, with partners launch the 'Choose Respect Not Regret' campaign in 2024. The policy encourages that applicants and licence holders engage with local schemes such as this campaign, and national schemes such as 'Ask for Angela' and violent against women and girls. The Police advocate The WAVE</p>	Positive	Low

	(Welfare and Vulnerability Engagement) training, which they provide for free.		
<b>Marriage and civil partnership</b>	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 people, including a well-used city centre, day and night, that is safe and accessible to all.	Positive	Low
<b>Pregnancy and maternity</b>	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 people, including a well-used city centre, day and night, that is safe and accessible to all.	Positive	Low
<b>Race</b>	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 people, including a well-used city centre, day and night, that is safe and accessible to all. Paragraph 4.17 of the policy references hate crimes, levels of which in York are below the national average. The Council and Police are aware of a pattern of racial hate crime linked to the night-time economy, some incidents are directed to those who work in support, e.g. door staff, bar staff and taxi drivers. York Hate Crime Partnership is working to deter this behaviour and encourage reporting. CYC Licensing and Community Safety, with partners launch the 'Choose Respect Not Regret' campaign in 2024. The	Positive	Low

	policy encourages that applicants and licence holders engage with local schemes such as this campaign, and national schemes such as 'Ask for Angela' and violent against women and girls. The Police advocate The WAVE (Welfare and Vulnerability Engagement) training, which they provide for free.		
<b>Religion and belief</b>	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 people, including a well-used city centre, day and night, that is safe and accessible to all. Paragraph 4.17 of the policy references hate crimes, levels of which in York are below the national average. York Hate Crime Partnership is working to deter this behaviour and encourage reporting. CYC Licensing and Community Safety, with partners launch the 'Choose Respect Not Regret' campaign in 2024. The policy encourages that applicants and licence holders engage with local schemes such as this campaign, and national schemes such as 'Ask for Angela' and violent against women and girls. The Police advocate The WAVE (Welfare and Vulnerability Engagement) training, which they provide for free.	Positive	Low
<b>Sexual orientation</b>	As above	Positive	Low
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		

<b>Carer</b>	There are no known findings/impacts specific to this group	Positive	Low
<b>Low income groups</b>	There are no known findings/impacts specific to this group	Positive	Low
<b>Veterans, Armed Forces Community</b>	There are no known findings/impacts specific to this group	Positive	Low
<b>Other</b>	There are no known findings/impacts specific to this group		
<b>Impact on human rights:</b>			
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.

<b>High impact</b> (The proposal or process is very equality relevant)	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.
<b>Medium impact</b> (The proposal or process is somewhat equality relevant)	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
<b>Low impact</b> (The proposal or process might be equality relevant)	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

## Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<b>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?</b>
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	<b>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:</b>
<ul style="list-style-type: none"> <li>- <b>No major change to the proposal</b> – 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.</li> </ul>	

- **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

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

## Step 8 - Monitor, review and improve

<b>8. 1</b>	<b>How will the impact of your proposal be monitored and improved upon going forward?</b> 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?
	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.

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5 March 2025

## **Licensing & Regulatory Committee**

Report from the Director – Environment, Transport and Planning

### **Taxi Licensing – Unmet Demand Survey**

#### **Summary**

1. This report seeks Members' approval to undertake an unmet demand survey in relation to hackney carriage provision within the authority area.

#### **Recommendations**

2. Given the two remaining Hackney Carriage Vehicle (HCV) licences have been allocated to applicants, officers recommend Members choose option one in this report.

**Reason:** This will allow the Council to undertake an unmet demand survey, with the allocation of the two remaining Hackney Carriage licences (due to be in operation prior to the commencement of the survey), it will enable Members to consider the impact of the additional licences before determining firstly whether or not to continue to restrict the number of Hackney Carriage Vehicle licences, and/or the number and type of vehicle they should be issued to.

#### **Background**

#### **Legal Requirements and Department for Transport Best Practice Guidance**

3. Provisions within Section 16 of the Transport Act 1985 allow local authorities to set quantity restrictions on the number of licences issued in relation to hackney carriage vehicles (taxis), but only if it is satisfied that there is no significant unmet demand for taxi services in its area.

4. City of York Council (the Council) currently restricts (regulates) the number of taxi licences issued. At this time there are 190 licensed vehicles, (including the licence that has been allocated) of which 55 are wheelchair accessible (by condition of licence).
5. Due to regulating the number of licences the Council operates a waiting list for those who wish to obtain a new taxi licence, should any be issued in the future. The nature of the market means a vehicle licence has never been surrendered.
6. Department for Transport (DfT) Best Practice Guidance, initially issued in March 2010, and further updated on 17 November 2023, advises that local licensing authorities do not impose quantity restrictions; and they regard this as best practice. The guidance recommends that where restrictions are in place, authorities regularly reconsider this matter. The guidance asks local licensing authorities to consider the benefits or disadvantages to the travelling public (users of taxis) from having quantity restrictions in place; and what the benefits or disadvantages would result for the public if the quantity restrictions were removed.
7. The 2010 DfT Best Practice Guidance recommended that where quantity restrictions are in place, an 'unmet demand survey' is conducted at least every three years. However, the 2023 update to the guidance amended the time period to at least every five years.
8. The Council's adopted an updated Taxi Licensing Policy in November 2024 and in the policy the unmet demand survey timescale has now been revised to this five-year guidance.

## **Unmet Demand**

9. The Council last undertook an unmet demand survey in February 2022. The survey includes analysis of the availability of taxis at the ranks, including demand and supply to disabled customers, as well as consultation with key stakeholders including user groups and the trade.
10. The results of the 2022 unmet demand survey suggested that there was an unmet demand. Members followed the recommendations of the

survey issuing seven new hackney carriage Wheelchair Accessible Vehicle (WAV) licences. Three existing licences which had been retained by the Council were also re-offered with the same additional vehicle conditions as the seven new licences.

11. Currently eight vehicle licences have been issued and the vehicles are in operation, the remaining two licences have been allocated to prospective vehicle proprietors.
12. With the Council being in the transitional position of issuing the new licences whilst the DFT updated the Best Practice Guidance, officers recommend that an unmet demand survey is conducted following the 2010 timescales which will allow the council to review the impact of the newly issued licences, and then after this is completed, the Council conduct the surveys every five years.
13. Due to the complex nature of assessing unmet demand a specialist company with expertise in this area would need to be procured to conduct an independent survey. The results of the survey will be brought before this Committee.
14. A refusal to grant a taxi vehicle licence, on the grounds of the numbers of taxis within the area, can only be justified if the Council can demonstrate that there is no significant demand, which remains unmet. If the result of the survey identifies that there is no evidence of significant unmet demand, this will strengthen the Council's position in the event of a legal challenge against having a policy in place that no new taxi licences will be issued in principle or against claims from individuals who may be refused licences. It will also provide members with factual information to determine whether they want to continue restricting the number of licences.

## **Options.**

15. Members are invited to consider the following options:
16. Option 1 – Authorise officers to engage a transport consultancy to undertake an unmet demand survey, and once completed bring the

results of the survey to this committee for this issue to be considered further.

Option 2 – Wait a further two years (this being 5 years since the last survey) before undertaking an unmet demand survey and therefore following the updated 2023 DFT best practice guidance.

Option 3 – Take no action at this time (this could leave the Council at risk of legal challenge)

### **Consultation**

17. No consultation has been undertaken at this stage. Public consultation with key stakeholders including taxi users and the trade is part of the unmet demand survey.

### **Analysis.**

18. Option one, will meet the council's previous policy and superseded 2010 Best Practice Guidance. Due to the council being in a policy transition period whilst issuing the new hackney carriage vehicle licences, this option will provide an up-to-date analysis of the current trade and demand position.
19. Option two, will ensure that the survey is conducted, but in accordance with the maximum period recommended in the updated 2023 Best Practice Guidance. This option will now meet the council's current policy requirement.
20. Option three, taking no action at this time could leave the Council at risk of legal challenge, the council needs to demonstrate that there is no significant unmet demand in order to impose quantity restrictions.

### **Council Plan.**

21. The decision taken contribute towards the Council Plan priorities to provide 'a fair, thriving and green economy for all' and 'sustainable accessible transport for all'.

## Implications.

22. The implications arising from the report are as follows:

- **Financial** – The cost of consultation will be met from existing budgets.
- **Human Resources (HR)** – There are no HR implications.
- **Equalities** – It is recognised that licensed taxis and private hire vehicles are a particularly important method of transport for people with disabilities and other vulnerable passengers including school children because of the door-door service they provide. An equalities impact assessment accompanies this report.
- **Legal** - Section 16 of the Transport Act 1985 gives local authorities the power to limit the number of taxi licences provided that the local authority is satisfied that there is no significant demand for taxis which is unmet in its area. 2023 DfT best practice guidance requires that local authorities which retain quantity controls carry out unmet demand surveys at least every five years to establish if there is any level of unmet demand. Should the Council carry out an unmet demand survey and find no significant unmet demand then it could lawfully retain quantity controls. The Council could be at risk of legal challenge if it does not follow the best practice guidance issued by the DfT and undertake an unmet demand survey at least once every five years, so long as it wishes to restrict the number of hackney carriage vehicle licences issued. In the event of a challenge to a decision to refuse a licence, the Council would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand. The Council may, exceptionally, decide to deviate from its own policy if appropriate or reasonable to do so.
- **Crime and Disorder** – There are no direct crime and disorder implications arising from the report.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.

- **Other** – There are no other implications.

### **Risk Management.**

23. The report sets out proposals to undertake the next unmet demand survey, the current policy states that a survey should be undertaken every five years, 2010 Best Practice Guidance recommends at least every three years. The last one was February 2022. 2023 Best Practice Guidance now recommends at least every five years. The report asks members to instruct officers of its approach to the survey. By undertaking an unmet demand survey, in line with best practice guidance, will mitigate the risk of legal challenge.

### **Contact Details.**

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>			
David Cowley Taxi Licensing Manager Ext 2422	James Gilchrist Director Environment, Transport & Planning			
	<b>Report Approved</b>	√	<b>Date</b>	24/02/2024

<b>Wards Affected:</b> All.
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### **Background Papers**

**Licensing & Regulatory Committee Report and printed minutes (7 June 2022)**

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&MId=13445&Ver=4>

**Licensing & Regulatory Committee Report and printed minutes (2 September 2024)**

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&MId=14895&Ver=4>



## **Annexes**

### Annex 1 – Equalities Impact Assessment

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**City of York Council**  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>		Environment, Transport and Planning	
<b>Service Area:</b>		Public Protection (Licensing)	
<b>Name of the proposal :</b>		Unmet Demand Survey	
<b>Lead officer:</b>		David Cowley	
<b>Date assessment completed:</b>		12 August 2024	
<b>Names of those who contributed to the assessment :</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Iain MacDonald	Proprietor	LVSA (Licensed Vehicle Surveys and Assessment)	Consultation – including taxi users

David Smith	Access Officer	City of York Council	Accessibility and Disability Groups Consultation
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## Step 1 – Aims and intended outcomes

<b>1.1</b>	<b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.
	<i>The proposal to issue the three outstanding Hackney Carriage licences prior to undertaking a survey will ensure that the forthcoming unmet demand survey (used to control the appropriate number of taxis where demand matches supply) can be undertaken in the market conditions that the current policy is intended to create. The survey will also include public consultation.</i>

<b>1.2</b>	<b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)
	<p><i>Under Section 16 of the Transport Act 1985, Local Authorities may set quantity restrictions on the number of hackney carriage licences they issue, but only if it is satisfied that there is no significant 'unmet demand' in its area. City of York Council, like many others in the surrounding region, currently restricts the number of hackney carriage vehicle licences it issues. At the current time, the council has provision for 190 licences of which 55 have to be 'wheelchair accessible' by condition of licence, this includes the three electric/plug in electric hybrid vehicles that are available.</i></p> <p><i>Please note, there is currently no provision in law to restrict the number of private hire vehicle licences issued or the ability to specify that they are wheelchair accessible. There are currently 443 licensed private hire vehicle, 49 (11%) of which are wheelchair accessible.</i></p>

1.3	<p><b>Who are the stakeholders and what are their interests?</b></p> <p><i>Taxi passengers – residents and visitors to York including passengers with a disability who often rely on the ‘door to door’ service for everyday transportation that taxis provide. Residents and visitors also rely on taxis for leisure purposes, to get to hospital/medical appointments and to take people to/from work and school amongst other things. Passengers with a disability expressed particular concern in the last unmet demand consultation about i) the availability of suitable taxis and ii) the drivers’ understanding of their needs. Such concerns continue to be raised by public speakers at Licensing and Regulatory Committee meetings.</i></p> <p><i>Businesses – rely on taxis to transport their staff and customers</i></p> <p><i>Taxi drivers – Hackney carriage and private hire. Some are owners of the vehicles, some rent them from vehicle owners and there are other arrangements. There was a reduction in the number of drivers following the covid pandemic, however a recent recruitment campaign is seeing increasing numbers of people apply for licences again. Twenty drivers have passed the Knowledge and Safeguarding test – the pre-cursor to the application – in the two months prior to writing.</i></p> <p><i>People on the waiting list for a hackney carriage licence. These are predominantly, but not all, existing taxi drivers. Feedback from those who have been offered (and declined) the available licences is that the ‘upfront cost’, and ‘reliability’ were the principal reasons for them failing to take up the offer of a licence. There are however three people currently actively seeking a vehicle and a further waiting list of five people.</i></p> <p><i>Private Hire operators – those who operate private hire companies and arrange pre-booked journeys for their customers. There is likely to be increased competition if the number of hackney carriage licences on the road is increased particularly if it is to cleaner, greener and more accessible vehicles.</i></p> <p><i>Other vulnerable members of the public – poor air quality is associated with a number of adverse health conditions which disproportionately affects some of the most vulnerable members of society, particularly those with chronic breathing difficulty. Vehicle emissions are a major source of air pollution (particularly NO<sub>2</sub>).</i></p>
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*While air quality in the city is generally improving and is within legal targets in most places, there are still areas in the Air Quality Management Area (around the Inner Ring Road) in breach. The taxi drivers themselves are some of those most exposed to poor air quality.*

## Step 2 – Gathering the information and feedback

2.1	<p><b>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?</b></p> <p>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
Unmet demand survey, for City of York Council, February 2022 (LVSA)	<i>This survey, conducted by LVSA on the City of York Council's behalf - included consultation with taxi users and in particular passengers with a disability. The survey also profiled respondents in terms of gender, age and ethnicity.</i>
Draft Air Quality Status Report 2023 and monitoring review	<i>Report on air quality around the City of York, including the air quality management area (around the inner ring road).</i>
'FS13- Future of Transport – Equalities and Access to opportunity, rapid evidence review' for the Department of Transport by Mott MacDonald Ltd, 28 September 2020	<i>A 'rapid review' of reports and literature to provide 'insight into the risks and opportunity that future transport technologies and services could prevent for different sections of society... to inform the Future of Transport Regulatory Review'</i>

### 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.	
<b>Gaps in data or knowledge</b>		<b>Action to deal with this</b>
<i>The unmet demand survey was a snapshot of views in time.</i>		<i>On-line research, including the 'FS13 report,' has been undertaken to help identify any impacts which were not identified in the consultation</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.		
<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b>	<b>Positive (+) Negative (-) Neutral (0)</b>	<b>High (H) Medium (M) Low (L)</b>
<b>Age</b>	<i>Public transport, including taxis, play a crucial role in helping people to stay connected and maintain independence when they are unable to drive, and are therefore of particular significance to what the FS13 report identifies as 'older people' (over 65) and younger people (16-24).</i>	<i>Positive</i>	<i>High</i>



	<p><i>The report also identifies that ‘older people’ are more likely to have a disability or longer term health problem which sees this group facing many of the similar needs of people with a disability – see below. It also highlights that those in rural areas, which often have a higher proportions of older people, are often dependant on car journeys to travel when they want/need to. Furthermore, that aging is linked with a reduction in personal car use (and people being more reliant on taxis and ‘lifts’).</i></p> <p><i>The FS13 report identifies that although there are more younger people learning to drive, vehicle ownership tends to be lower in this group. This group relies on all forms of public transport, including taxis, for access education, training, employment as well as recreation. Children generally lack the ability to travel independently due to their age, and some rely on taxis to get to school/nursery. For them, the availability of public transport is also highlighted in the F13 report as important for extracurricular activities if parents do not have a car. The impact of pollutants from cars may also have a disproportionate impact on children because of their height, and those in pushchairs are even closer to emission sources.</i></p> <p><i>Identifying demand to control the number of hackney carriages may benefit older and younger people in particular.</i></p>		
<b>Disability</b>	<p><i>As noted, taxis are a particularly important method of transport for disabled passengers because of the door to door nature of the service. Just over one fifth of respondents</i></p>	<i>Neutral</i>	<i>High</i>

	<p><i>(21.8%) in the last unmet demand survey said that they or someone they travelled with had a mobility/visual impairment or travelled in a wheelchair. Furthermore, just under half of these respondents (48.1%) said that that this had caused difficulty when travelling. In order of decreasing popularity, the difficulties related to the following circumstances:</i></p> <ul style="list-style-type: none"> <li><i>• Lack of availability of wheelchair accessible vehicle</i></li> <li><i>• Cannot see if vehicle has arrived (visually impaired)</i></li> <li><i>• Vehicle cannot fit wheeled walker</i></li> <li><i>• Taxis cannot access all destinations, so need to walk further to reach the destination.</i></li> </ul> <p><i>The solutions were identified as a mix of more accessible taxis and improved driver awareness.</i></p> <p><i>Properly identifying demand in order to control the number of hackney carriages (including accessible vehicles) will help in relation to the former, the latter being addressed through compulsory driver refresher training. Whilst delaying an unmet demand survey may mean under supply in the short term, an over supply may decrease the number of accessible taxis in the long term (if it is not sustainable to trade). The purpose of controlling the number of hackney carriages is to ensure demand meets supply. With three licences outstanding, the current situation does not reflect the intended market conditions.</i></p>		
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<b>Gender</b>	<p><i>Taxis provide a safe method of transport for males and females alike. However, the FS13 report identifies that ‘as women are more likely than men to live on low incomes, work part-time and undertake paid work in the home and in the community, such as being carers for dependent relatives, poor quality unreliable and expensive transport has a far bigger impact on the lives of women’. The report also identified that women may not have access to a car during the day as they ‘either cannot afford one or the family car is being used by a partner’.</i></p> <p><i>The F13 report also identifies that women make greater use of taxis than men, increasing with age, where women over 70+ make double the amount of trips than men (14 trips per person per year compared to 7 trips per person per year).</i></p> <p><i>Identifying demand to control the number of hackney carriages is particularly important for female passengers who may otherwise use less safe methods such as walking alone late at night or using unlicensed vehicles.</i></p>	<i>Positive</i>	<i>High</i>
<b>Gender Reassignment</b>	<p><i>The FS13 report highlights how discrimination is part of daily life for trans people and generates ‘behaviours of avoidance’, particularly to using public transport. This can potentially reduce this group’s pool of wider employment, educational, health and recreational opportunities. Identifying demand to control the number of hackney carriages appropriately may improve confidence in travelling safely.</i></p>	<i>Positive</i>	<i>High</i>
<b>Marriage and civil partnership</b>	<p><i>There may not be a readily identifiable specific benefit to groups with this protected characteristic, but identifying</i></p>	<i>Neutral</i>	<i>Low</i>

	<i>demand for licensed taxis should make transportation safer for all.</i>		
<b>Pregnancy and maternity</b>	<p><i>Taxis are a common form of transport used to attend appointments relating to childbirth. Furthermore. the FS13 report identifies how public transport plays a vital role in supporting social inclusion for many parents with young children. Taxis can be a preferred choice of travel for parents of children under three because of the ability to use a car seat. Exposure to poor air quality is also reported to have the potential to impact foetal development, and the impact on children in pushchairs has been identified above.</i></p> <p><i>Identifying demand in order to appropriately control the number and type of hackney carriages licensed e.g cleaner and low emission may benefit this group.</i></p>	<i>Positive</i>	<i>High</i>
<b>Race</b>	<i>The FS13 report identifies that ‘people from a BAME background are less likely to have access to a private vehicle, be more reliant on public transport to access employment, and live in densely populated urban areas – increasing their exposure to air pollution’. Furthermore, ‘for many people from a BAME background having regular, affordable, clean and efficient transport is essential’. Fear of safety, from racially motivated attacks, is also reported to be a barrier to using public transport networks. Identifying demand may assist.</i>	<i>Positive</i>	<i>High</i>
<b>Religion and belief</b>	<i>The FS13 report identifies that certain groups of people, particularly Muslims, face an increasing risk of being victims of religious hate crime. For people who have a marked religious identity through clothing there is a heightened risk</i>	<i>Positive</i>	<i>High</i>

	<i>for harassment or discrimination. It is reported that this is particularly true for women who are already more vulnerable regardless of the way they dress. Taxis also transport some children to attend particular schools which accord to their religion or belief. Identifying demand may assist in this regard.</i>		
<b>Sexual orientation</b>	<i>The FS13 report identifies that as with religious and faith protected groups, safety and security (and perceptions of them) are key for lesbian, gay and bisexual people and may influence how they choose/prefer to travel. It also says that a 2018 LGBT survey pointed to public transport as the most common place where respondents avoided being open about their sexual orientation and that it may even be avoided altogether. Identifying demand may assist here.</i>	<i>Positive</i>	<i>High</i>
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>	<i>How those caring for others with protected characteristics may be affected by this proposal are dealt with above. Properly identifying demand including for accessible and easily recognisable hackney carriages is likely to assist carers.</i>	<i>Positive</i>	<i>High</i>
<b>Low income groups</b>	<i>There are no proposed changes to fares for those using the newly licensed taxis.</i>	<i>Neutral</i>	<i>Medium</i>
<b>Veterans, Armed Forces Community</b>	<i>As noted, reducing unmet demand with more licensed taxis will make transportation safer for all although there may not be a particular benefit to this specific group.</i>	<i>Neutral</i>	<i>Low</i>
<b>Other</b>	<i>The proposal that the new hackney carriage licences be issued to fully electric/plug in electric hybrid vehicles is likely</i>	<i>Positive</i>	<i>High</i>

	<i>to improve the local air quality impact from more vehicles on the road. Whilst the Air Quality Status report identifies that air quality is generally improving (excluding the results of 2020 which was an atypical year) there are still a limited number of areas around the inner ring road where levels breach air quality targets. Poor air quality has a detrimental health impact on vulnerable people including those with chronic breathing difficulties like asthma amongst other conditions.</i>		
<b>Impact on human rights:</b>			
List any human rights impacted.	<i>No negative impacts on human rights have been identified.</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><b>High impact</b> (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><b>Medium impact</b> (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><b>Low impact</b> (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?
<p><i>As noted above, only positive impacts have been identified in this assessment. In addition to providing safer methods of transport for all, properly assessing demand to ensure there is not over or under supply is aimed at ensuring the availability of suitable vehicles to passengers with protected characteristics, it will help improve local air quality (or at least not add to existing pollution levels). This is also consistent with the Council plan priorities for</i></p> <ul style="list-style-type: none"> <li>- <i>A fair, thriving, green economy for all</i></li> <li>- <i>Sustainable accessible transport for all</i></li> </ul>	

## 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:
<ul style="list-style-type: none"> <li>- <b>No major change to the proposal</b> – 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.</li> </ul>	



- **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 recommendation to review the number of hackney carriage licences when all the outstanding licenses have been issued will have a positive impact on equality with no negative impacts having been identified.</i>

## Step 7 – Summary of agreed actions resulting from the assessment

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

## Step 8 - Monitor, review and improve

<b>8. 1</b>	<b>How will the impact of your proposal be monitored and improved upon going forward?</b> 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?
	<i>The proposal is to consider unmet demand under the intended market conditions in due course.</i>