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Meeting	Licensing and Regulatory Committee
Date	2 March 2022
Present	Councillors Orrell (Chair), Melly (Vice-Chair), D'Agorne, Hook, Hunter, Looker, D Myers, Norman, Pearson and Wells
Apologies	Councillors Barker, Galvin, Mason and Warters

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

### **80. DECLARATIONS OF INTEREST**

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. Cllr Melly declared an interest in agenda item 4 Licensing Act 2003 – Statement of Licensing Policy and Cumulative Impact Assessment and undertook to withdraw from the meeting for that item. There were no further declarations of interest.

### **81. MINUTES**

Resolved: That the minutes of the meeting held on 9 November 2021 be approved and signed by the Chair as a correct record.

### **82. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme. Sgt Jackie Booth, Licensing Manager at North Yorkshire Police was welcomed to the meeting.

[Cllr Melly left the meeting at 5.32pm]

## 83. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY & CUMULATIVE IMPACT ASSESSMENT

**[See also under Part B]**

[Cllr Norman joined the meeting at 5.33pm]

In accordance with the requirements of Section 5 of the Licensing Act 2003 (the 2003 Act), Members considered a report that sought their support of the formal review of the council's Statement of Licensing Policy. The report advised of the consultation undertaken and of the amendments made. Furthermore, in accordance with the requirements of Section 5A of the 2003 Act the report also sought Members' support for the implementation of a Cumulative Impact Assessment in relation to part of the city centre and the report advised them of the consultation undertaken in respect of this. The report also sought a recommendation to Council that the revised Policy and Cumulative Impact Assessment be adopted. The Licensing Manager gave an overview of the report.

Member's comments and questions were noted as follows:

- A Member expressed concern that the red area on the Cumulative Impact Area (CIA) was being reduced and she asked if the evidence used had been impacted by Covid. The Licensing Manager acknowledged these concerns and explained that the area covered by the CIA had not changed, the changes related to the red zone are being decreased and the amber zones being introduced. She noted that the high concentration of crime areas had changed. Sgt Booth provided reassurance, advising that the police would continue to review licensing applications on their own merits. In relation to licence applications, the Licensing Manager noted that it would be for an applicant to demonstrate why a licence should be granted in the CIA, within the red zones, if relevant representation are received, an application should be refused, within the amber zones application should be refused unless they are for food led premises.
- In response to a questions about the jagged shapes delineating the zones, Sgt Booth explained that the zones were created using unique property references which encompassed the footprint of the building in the zone.
- A Member asked why nightclubs had moved into the amber zone. Sgt Booth explained that the closure of nightclubs during Covid has impacted crime rates, although the top five

streets remained the same for crime and anti-social behaviour (ASB) rates. If this increased the policy and assessment would be brought back to the Committee for review.

- The Head of Public Protection noted an error within the Equality Impact Assessment with regards to sexual orientation which would be amended.

The Chair noted the options available to Members:

Option 1 – Recommend to Full Council that the draft Policy and Cumulative Impact Assessment are adopted.

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

Cllr D'Agorne moved and Cllr Hook seconded the recommendation as detailed in Option 1 – to recommend to Full Council that the Policy and Cumulative Impact Assessment are adopted. On being put to the vote it was unanimously;

Resolved: That it be recommended to Council that the Statement of Licensing Policy and Cumulative Impact Assessment be adopted.

Reason: To meet the legislative requirements of the Licensing Act 2003.

[Sgt Booth left and Cllr Melly rejoined the meeting at 5.45pm]

**84. RENEWAL OF A SEX ESTABLISHMENT LICENCE FOR FIRST FLOOR OF ZIGGY'S (KNOWN AS CLUB 55), 53-55 MICKLEGATE, YORK, YO1 6LJ [LICENCE NUMBER CYC019257]**

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 consultation had been carried out correctly and that there had been no objections to the application. She advised that she had visited the establishment the previous week and that it had reopened in the past three weeks but was not yet fully operational. She explained that it would be called Club 55 at Ziggy's and there would be a change in signage in line with the logo on the stationary that had been circulated to Members. In response to a question from a Member she explained that regarding the operating hours there were two licences – the premises licence and the sexual establishment licence. The hours for both were clarified.

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 Melly then moved and Cllr Looker seconded approval Option 2, to renew the licence with modified/additional conditions imposed by the licensing committee, that being that the references to male and female in the conditions be changed to any gender or sex. On being put to the vote it was unanimously;

Resolved: That, in accordance with Option 2, Members grant a renewal of the licence with modified/additional conditions imposed by the licensing committee.

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

## 85. **GAMBLING ACT 2005 - STATEMENT OF LICENSING POLICY**

At the meeting of 'Council' on 16 December 2021, it was resolved to approve the recommendation of the Licensing and Regulatory Committee [namely to approve the Statement of Licensing Policy and Local Area Profile]. At that meeting, a Member raised a matters that the Statement of Licensing Policy be reviewed at the next meeting [of the Licensing and Regulatory Committee] in order to examine those matters. Members considered a report that outlined those matters and invited them to consider whether further revisions should be made to the Statement of Licensing Policy in light of them. The Licensing Manager outlined the report and the Chair detailed the options available to Members:

Option 1 – determine that further revisions to the Statement of Licensing Policy are not required.

Option 2 – determine that further revisions to the Statement of Licensing Policy are required, advise officers of the revisions to be made, and ask officers to formally consult on the revised Policy.

Cllr Melly proposed a third option; for the Committee to form a Sub-Committee/Working Group to review the policy. The Senior Solicitor advised that she would need to consult the Monitoring Officer on the setting up of this constitutionally and it would probably be a working group rather than a sub-committee. The Licensing Manager added that the Committee had had working groups to look at non statutory policies. She clarified that the policy had been approved by Council before Christmas, published in January, and could be reviewed at any time. Cllr Looker seconded the motion, noting that the formation of a working group was a sensible way to explore the policy in more detail. On being put to the vote it was unanimously;

Resolved: That Members approve Option 3 for the Committee to form a Sub-Committee/Working Group to review the policy, subject to confirmation from the Monitoring Officer.

Reason: The Council has met the legislative requirements of the Gambling Act 2005 by reviewing the Statement

of Licensing Policy in 2021, and publishing the revised Policy in January 2022.

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

**[See also under Part A]**

### **83. Licensing Act 2003 - Statement of Licensing Policy & Cumulative Impact Assessment**

[Cllr Norman joined the meeting at 5.33pm]

In accordance with the requirements of Section 5 of the Licensing Act 2003 (the 2003 Act), Members considered a report that sought their support of the formal review of the council's Statement of Licensing Policy. The report advised of the consultation undertaken and of the amendments made. Furthermore, in accordance with the requirements of Section 5A of the 2003 Act the report also sought Members' support for the implementation of a Cumulative Impact Assessment in relation to part of the city centre and the report advised them of the consultation undertaken in respect of this. The report also sought a recommendation to Council that the revised Policy and Cumulative Impact Assessment be adopted. The Licensing Manager gave an overview of the report.

Member's comments and questions were noted as follows:

- A Member expressed concern that the red area on the Cumulative Impact Area (CIA) was being reduced and she asked if the evidence used had been impacted by Covid. The Licensing Manager acknowledged these concerns and explained that the area covered by the CIA had not changed, the changes related to the red zone are being decreased and the amber zones being introduced. She noted that the high concentration of crime areas had changed. Sgt Booth provided reassurance, advising that the police would continue to review licensing applications on their own merits. In relation to licence applications, the Licensing Manager noted that it would be for an applicant to demonstrate why a licence should be granted in the CIA, within the red zones, if relevant representation are received, an application should be refused, within the amber zones application should be refused unless they are for food led premises.

- In response to a questions about the jagged shapes delineating the zones, Sgt Booth explained that the zones were created using unique property references which encompassed the footprint of the building in the zone.
- A Member asked why nightclubs had moved into the amber zone. Sgt Booth explained that the closure of nightclubs during Covid has impacted crime rates, although the top five streets remained the same for crime and anti-social behaviour (ASB) rates. If this increased the policy and assessment would be brought back to the Committee for review.
- The Head of Public Protection noted an error within the Equality Impact Assessment with regards to sexual orientation which would be amended.

The Chair noted the options available to Members:

Option 1 – Recommend to Full Council that the draft Policy and Cumulative Impact Assessment are adopted.

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

Cllr D'Agorne moved and Cllr Hook seconded the recommendation as detailed in Option 1 – to recommend to Full Council that the Policy and Cumulative Impact Assessment are adopted. On being put to the vote it was unanimously;

Resolved: That it be recommended to Council that the Statement of Licensing Policy and Cumulative Impact Assessment be adopted.

Reason: To meet the legislative requirements of the Licensing Act 2003.

[Sgt Booth left and Cllr Melly rejoined the meeting at 5.45pm]

Cllr Orrell, Chair

[The meeting started at 5.30 pm and finished at 6.02 pm].