

Report from the Assistant Director – Housing and Community Safety

Statement of Licensing Policy

Review of the Saturation & Cumulative Impact Zone

Summary

1. This report seeks Members' approval to formally consult on proposed changes to the Saturation and Cumulative Impact Zone (CIZ). This follows a request from North Yorkshire Police to amend the current Special Policy in relation to the CIZ to include the consideration of applications for material variations to premises licences or club premises certificates that seek to extend the licensed hours.

Background

2. It is a legal requirement of the Licensing Act 2003 that licensing authorities must publish a 'Statement of Licensing Policy'. The Council's first Policy was published in 2005 and subsequent Policies have been published in 2008, 2011 and 2014.
3. The Council's Statement of Licensing Policy includes a Special Policy on saturation and cumulative impact for parts of the city centre. Cumulative impact being defined as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. The effect of the special policy is to create a rebuttable presumption that applications for new premises or material variations will normally be refused if relevant representations to that effect are received. That is, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already experienced. Further information can be found in Section 7 of the Licensing Policy.
4. The boundaries for the first CIZ were approved by Council in April 2005 based on patterns of crime and disorder prior to that date.

5. In July 2010 the council approved changes to the boundaries for the second CIZ based on changing crime and disorder patterns.
6. In March 2014 the council approved changes to the boundaries for a third CIZ based on changing crime and disorder patterns.
7. North Yorkshire Police have now submitted a report to the Council requesting that the Special Policy be amended to include the consideration of applications for material variations to premises licences or club premises certificates that seek to extend licensed hours. In order to achieve this they request Clause 7 of the Special Policy be amended to reflect the wording of Clause 4. Their request and supporting documentation is attached at Annex 1.

8. Clause 4 of the Special Policy relating to 'Applications for the grant of a new premises licence or club premises certificate or provisional statement' states:

"Where relevant representations are received there will be a presumption against the grant of such a licence or certificate unless the applicant can rebut the presumption that granting of such a licence or certificate would undermine the licensing objectives."

9. Clause 7 relating to 'Applications to vary the hours of operation attached to a premises licence or club certificate' states:

"All applications that seek to extend the licensed hours will be considered on an individual basis. No different policy will apply in this area as opposed to the rest of the city."

10. The Police state that under the Licensing Act 2003 variations to extend licensing hours for the sale or supply of alcohol are classed as 'material variations' and can only be dealt with by way of the full variation process. This is confirmed by paragraph 8.58 of the Section 182 Guidance to the Licensing Act 2003, which states:

"Variations to the following are excluded from the minor variations process and must be treated as full variations in all cases:

- to extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23:00 and 07:00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises."

11. The police feel that extending the permitted hours at a premises or club premises within the CIZ is the scenario most likely to have a detrimental effect on cumulative impact. For example, an applicant applies for the grant of a new premises licence to operate a public house within the CIZ to operate between the hours of 11:00 to 23:00. As a new application Clause 4 is relevant meaning the applicant would have to demonstrate that the operation of the premises would not add to the cumulative impact of the area. If granted, Clause 7 would enable the applicant to vary the licence, (the next day if so wished) to extend the operating hours without triggering the special policy and the need to demonstrate the business would not have a detrimental impact on the CIZ. With Clause 7 as it currently stands it would be difficult for a responsible authority to evidence the likely cumulative impact a premises may have during the extended hours due to there being no trading history evidence.
12. To assist members in determining their request the police have submitted an up to date study of crime and disorder within the CIZ as part of their report at Annex 1. Furthermore Deputy Chief Constable Tim Madgwick, North Yorkshire Police wishes to address the full committee in relation to the report.

Consultation

13. This report seeks authority to commence consultation.
14. Should members wish to pursue this matter there is a formal process of consultation and decision making to be undertaken. The licensing authority has a duty to consult with:
 - Chief Officer of Police;
 - Chief Fire Officer;
 - Responsible Authorities;
 - Representatives of local holders of premises licences and club premises certificates;
 - Representatives of local holders of personal licences;
 - Representatives of businesses and residents in the area;
15. Consultation will also take place with local ward councillors.

16. Any decision relating to changes to the Licensing Policy must be approved by Full Council.
17. If members determine that consultation on the proposal is undertaken then it is suggested that the following timetable be adopted:
 - Consultation period April 2016 – June 2016
 - Gambling, Licensing & Regulatory Committee – July 2016
 - Full Council – July 2016

Options

18. Option 1 - Authorise officers to consult on the proposals to amend the Cumulative Impact Zone as proposed by the Police.
19. Option 2 - Authorise officers to consult on alternative proposals to amend the Cumulative Impact Zone.
20. Option 3 - Take no further action.

Analysis

21. York has for many years been held in high regard nationally for the way it manages its night-time economy.
22. Statistics shown in the report compiled by the Police Analyst show the continued reduction of alcohol related occurrences and alcohol related anti social behaviour in the CIZ. These positive results could not be achieved without the excellent partnership working of the statutory agencies with the support of the trade. In considering the request from the Police members are requested to consider the role of the licensing authority in the partnership arena in maintaining continued improvement.
23. The decision to support, or not to support this request will need to be reasoned as it will affect licence applications in the future which are subject to judicial scrutiny.
24. The request from the police has the support of Safer York Partnership through its Alcohol Violence and Night Time Economy Group.

25. Crime Patterns in this area from 2014 to 2015 show that:
- Trends for violence against the person is increasing;
 - Trends for criminal damage is increasing;
 - Trends for public order offences are increasing;
 - Trends for drug offences are increasing;
 - Trends for anti-social behaviour is decreasing;
 - Trends for anti-social behaviour recorded as involving alcohol is decreasing;
 - Trends for sex offences are decreasing;
 - Trends of theft other and theft from person is decreasing.
26. As a result of the evidence and supporting information provided by the Police, Officers support the amendment of the current Special Policy in relation to the CIZ to include the consideration of applications for material variations to premises licences or club premises certificates that seek to extend the licensed hours within the CIZ.

Council Plan

27. The Licensing Act 2003 has 4 objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
28. The promotion of the licensing objectives will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications

29. The implications arising from this report are:
- **Financial:** There are no direct financial implications associated with this report.
 - **Human Resources:** There are no Human Resources implications associated with this report.
 - **Equalities:** There are no equalities implications associated with this report.

- **Legal:** There are no legal implications arising directly from this report.
- **Crime and Disorder:** The CIZ promotes the licensing objective “the prevention of crime and disorder”.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

Risk Management

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

Recommendations

31. The Committee is asked to:

- Approve option 1 and instruct officers to consult on the proposals to amend the Cumulative Impact Zone, based on evidence and supporting information provided.

Reason: To assist with the effective implementation of the Licensing Act 2003 in the city and contribute to the reduction of alcohol related crime and disorder in the city centre.

Contact Details

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**Report
Approved**



Date 23 March 2016

Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

Statement of Licensing Policy 2014

Annexes

Annex 1: North Yorkshire Police Report