



Draft
Statement of Licensing Policy
2014

Licensing Act 2003



Important Note

In producing this Statement of Licensing Policy the Licensing Authority is aware of the government's proposals to amend certain aspects of the Licensing Act 2003 and subordinate legislation.

Any such revisions made in the future will be incorporated into this policy which will be published on the Council's website.

Readers of paper versions of the policy are advised to check on the website to ensure they have the latest information.

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1. Licensing Vision

1.1 Licensing Vision

Vision Statement

We seek to ensure City of York Council continues 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.

The Council believes a properly balanced application of the Licensing Act 2003 offers a range of opportunities to progress the objectives of the Council by:

- improving the quality of life for local residents through a reduction in alcohol related crime and disorder, disturbance and anti-social behaviour;
- giving businesses greater freedom and flexibility to meet their customers' expectations;
- improving quality of life by bringing greater choice to residents, consumers, tourists and businesses about where, when and how they spend their leisure time;
- encouraging more family-friendly premises where younger children can be free to go with the family;
- further developing a rich culture of live music, dancing and theatre in our area;
- encouraging a variety and mix of premises that will appeal to a broad spectrum of people, including a well used city centre, day and night, that is safe and accessible to all;
- encouraging responsible retailing and consumption of alcohol and preventing alcohol related health issues.

1.2 How to Read This Policy Statement

The text of the statements in bold type indicates the Statements of Policy with the reason, where appropriate, for each policy shown immediately after in *bold italics*.

It is not intended that this statement reiterates legal requirements, however, the statement may include such matters where appropriate.

This policy is supported by a number of Appendices that provide important information aimed at helping those reading or referring to it. The information provided in the Appendices is outside the scope of the policy and may be subject to technical change in the light of the Government Guidance, from time to time. Any such changes will not invoke the procedures for revisions to the licensing policy in Section 5 of the Act.

2. Purpose and Scope of the Licensing Policy

2.1 Purpose

City of York Council is the Licensing Authority for the purposes of the Licensing Act 2003 (the Act) for the administrative area of the City of York.

The Act specifies the licensing objectives that the Council's licensing function must address and these are;

- **the prevention of crime and disorder;**
- **public safety;**
- **the prevention of public nuisance;**
- **the protection of children from harm.**

Section 5 of the Act requires the Licensing Authority to produce and publish a licensing policy in respect of each 5 year period to address the licensing objectives. The policy will be subject to interim reviews, as necessary, to ensure the statutory licensing objectives are being met and a statement of the revisions will be published. This current licensing policy, agreed by City of York Council, has been produced having regard to the Guidance issued by the Secretary of State under Section 182 of the Act (as amended), and the views of people and organisations consulted in its determination.

The purpose of this policy document is to set out the policies the City of York Council, as the Licensing Authority, will apply to meet the licensing objectives when making decisions on any licence application under the Act. This policy does not replicate the statutory requirements of the Act. The purpose behind the policy is to provide applicants for licences and all other stakeholders with details of those adoptive and discretionary matters that the Licensing Authority considers necessary to meet the aims of promoting the licensing objectives in the City of York Council area. The policy is to inform licence applicants of the parameters under which the authority will make licence decisions and how a licensed premise is likely to be able to operate within the City of York Council area. The policy is also to inform residents and businesses of the parameters under which the authority will make licence decisions and how their needs will be addressed. The policy will guide the Licensing Authority in its decision-making processes.

2.2 Scope of Policy

The Licensing Authority is responsible under the Act for the licensing of the following licensable activities:

- the "supply" of alcohol, that is the sale by retail of alcohol, in public houses, hotels, restaurants, off licences, retail shops, guest houses (**premises licence**);
- the supply of alcohol by qualifying clubs (**club premises certificate**);

- the provision of regulated entertainment (**premises licence**), including:
 - ❖ Film exhibitions;
 - ❖ Performances of a play;
 - ❖ Indoor sporting events;
 - ❖ A boxing or wrestling entertainment (indoors and outdoors);
 - ❖ A live music performance;
 - ❖ Playing of recorded music;
 - ❖ Dance performances;
- the provision of late night refreshment, that is the supply of hot food or drink to the public on or from premises between 11.00pm and 5.00am (**premises licence**);
- the permitting of certain licensable activities on a temporary basis (**temporary event notice**);
- the licensing of individuals for the retail sale of alcohol (**personal licence**);
- authorising of premises supervisors in premises supplying alcohol (who must hold a personal licence) (**designated premises supervisor**).

In general a reference in this policy to a premises licence, unless otherwise specified, will include a club premises certificate and/or a Temporary Event Notice.

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).

2.3 Duration of Policy & Review

This policy shall have effect from XX March 2014 to xx March 2019 unless otherwise reviewed by the Council and shall be in force for no more than a period of five years (or any other period subsequently specified in legislation).

The special policy referred to in paragraphs 6.2 and 6.3 was approved by Council on XX March 2014 and shall have effect until XX March 2019.

A formal review of these policies will take place towards the end of the 5 year period involving further consultation with the parties detailed in 1.4 above. The policies will be revised in line with the outcomes of the consultation, any changes in legislation and in guidance from Government.

The Licensing Authority will keep the policy statement under constant review and make such revisions it feels appropriate. Where revisions are made, the Licensing Authority will publish a statement of revisions or a revised licensing policy statement.

3. Profile of York

3.1 Profile of York

York is a nationally and internationally prominent city for a range of reasons. Not only is it an historical centre for England, it is also one of the most visited tourist destinations in the UK. York has excellent rail links across the country, is a centre of academic excellence, and is an important location for the Church of England. Each year around 22,000 higher education students make up approximately 11% of York's population in term time.

The City of York Council covers an area of 105 square miles and comprises the urban area of York which is surrounded by many small rural and semi-rural settlements covered by parish councils. Approximately 198,000 people live in the council area (2011 est.) which includes a small black and minority ethnic population (9.12%).

Tourism and leisure are important industries for York attracting 7 million visitors a year who spend £606 million annually in the city. Over £125 million a year is spent on eating out and evening entertainment. Over 20,000 jobs have been created in the tourism sector.

This level of tourism can, however, present challenges to the city in balancing the requirements of residents against the economic benefits that tourism can bring.

Historically York was known for having one public house for each day of the year. This is no longer the case, but there are 930 premises of various types licensed to sell alcohol in the city.

The city has a wide range of premises selling or supplying alcohol and providing regulated entertainment. There are many outstanding restaurants, licensed entertainment venues, including 3 cinemas and 5 theatres, numerous high quality traditional and historic public houses, and bars. Other premises, such as village and community halls and bingo halls, provide alcohol and entertainment as part of their overall activities. In addition, there are a significant number of retail premises selling alcohol, including the large supermarkets, off-licences and small convenience shops.

3.2 General Approach to Licensing

City of York Council is the Licensing Authority for the application of the Licensing Act 2003 (the Act) within its administrative area.

The Licensing Authority recognises the positive developments that have occurred in the licensed sector in the city over previous years. Many of the licensing initiatives that were generated in York are cited as good practice in the Guidance to the Act.

The Licensing Authority accepts the importance of licensed businesses to the culture, economy and vitality of the city.

The Licensing Authority is using the opportunity presented by the Act and through its

licensing policy to 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.

Under the legislation the Licensing Authority has a range of duties and functions but its prime role is to promote each of the licensing objectives by making licensing decisions and the enforcement of licensing legislation. The licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

Licensing is concerned with regulating licensable activities in licensed premises including public houses, nightclubs, theatres, cinemas, retail outlets (ie supermarkets), off-licences, qualifying clubs and other venues. Licensing covers temporary events that are providing entertainment and/or selling alcohol. Late night refreshment premises, selling hot food between 11pm and 5am, are also included within the terms of the Act. The range of activities covered by the Act is diverse and not solely restricted to businesses but also cover charitable and non-profit making activities.

The Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the individual business holding the licence or certificate. However, the Act is a key aspect of such control and the exercise of licensing functions is part of a wider approach to the management of anti-social behaviour and the night time economy with particular regard to the city centre. The Licensing Authority has a duty to do all that it reasonably can to prevent crime and disorder under Section 17 of the Crime and Disorder Act 1998. To this end this policy should be read in conjunction with the Community Safety Plan for the City of York Council area.

The Licensing Authority will apply the requirements of the Act in such a way, so far as is possible, to avoid duplication with other regulatory regimes.

Within this general framework the Licensing Authority would like to specifically address its policy in the following way:

3.2.1 Diversity

The Licensing Authority 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.

3.2.2 Use of Public Spaces

The Licensing Authority wishes to continue to promote a broad range of entertainment within the city including live music, dancing, theatre and other entertainment. To promote this policy the Council has obtained premises licences for a number of public spaces within the community. These include such spaces as city centre event areas, foot streets and several parks. This will encourage these activities in that, at these venues, performers and entertainers will not need to acquire a licence to perform but would need the permission of the licence holder (eg City of York Council as the premises licence holder). The City Council will still apply the Council policy on the prohibition of circuses involving animals. The Council will continue to assess areas which may be suitable for licensing.

3.2.3 Local Business

Through its policy the Licensing Authority will encourage the development of local businesses recognising the benefits to the local economy, by supporting local enterprise to the benefit of residents.

3.2.4 Premises Serving Food & Drink in the Open Air

The Licensing Authority 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 authority.

3.2.5 York's Licensed Heritage

The Licensing Authority 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.

3.2.6 Live Entertainment & Performing Arts

The Licensing Authority encourages the development of venues for the provision of live entertainment and performing arts, recognizing the contribution made to the vitality of the city.

3.2.7 Impact of Alcohol on York

Violent crime related to alcohol continues to decrease across the city centre and the suburbs of York. Monthly and yearly crimes of violence and criminal damage which are associated with excessive alcohol consumption are predicted to be at their lowest recorded level within the last ten years in 2012/14. 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.

Residents have identified that 'young people being drunk, rowdy, or a nuisance' as the second highest priority within the anti-social behaviour indicator set that needs to be addressed and alcohol related anti social behaviour carried out by adults and young people is a real issue for residents and businesses in certain parts of our City Centre and some of our neighbourhoods.

Alcohol is a causal factor in crime and disorder in York. We know for example that;

- 45% of offenders that are engaged with probation in York, have cited their current alcohol use as being a problem and a causal factor in committing criminal behaviour. Of these 45% over half revealed that they would like to "tackle their alcohol misuse".
- 46% of all offenders that are engaged with probation in York, admitted to engaging in "binge drinking" within the last six months and within the group of individuals who had committed a violent crime this rises to 60% of individuals.

Regularly drinking more than the recommended limits of alcohol increases the risk of a number of health problems that are strongly related to health inequalities, including liver disease, cardiovascular disease and diabetes. The excessive use of alcohol is an important public health problem in York, not only because of the health conditions associated with long term alcohol misuse, but also the immediate effects such as accidental injuries, violence, and antisocial behaviour.

The North West Public Health Observatory provides 23 statistical indicators of alcohol related harm across local authorities in England. The City of York performs better than the regional average across many indicators including alcohol specific hospital admissions. Although alcohol specific hospital admissions are lower in York than nationally, an increasing number of people in York are drinking at levels which may be harmful to their health.

An estimated 29.7% of adults in York binge drink ie drink at least twice the daily recommended amount of alcohol in a single drinking session; this is significantly higher than the national average, ranking York 320 out of 326 local authorities. Furthermore, an estimated 20.9% of adults who drink reported engaging in increasing risk drinking, which for males is between 22 and 50 units per week, and for females is between 15 and 35 units per week.

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.

Whilst York has a lower rate of alcohol specific hospital admissions compared to the national average, amongst males, admissions continue to increase year on year. In 2006/2007 there were 280.56 alcohol specific admissions per 100,000 population – this rose to 373.60 per 100,000 in 2010/2011. Amongst females the rise in hospital admissions has slowed, but the current rate of admissions remains higher than five years ago (in 2006/2007 there were 166.71 alcohol specific admissions per 100,000 compared to 2010/2011 in which there were 186.72 admissions per 100,000).

Alcohol misuse also has a significant impact on our ambulance service and emergency departments. A recent audit showed that an estimated 10% of attendances at A&E are alcohol related attendances, with this proportion likely to be higher at weekends.

Over the last 5 years drinking behaviour has changed in that more people consume alcohol in the home and purchase alcohol from supermarkets and shops. 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. 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.

As the consumption of alcohol in the home increases then the impact of alcohol is more hidden, a number of domestic violence assaults and child protection cases are related to alcohol.

The availability of high strength alcohol products, such as high strength lager and cider, usually favoured by 'street / problem drinkers' from the off-trade also has an impact on anti social behaviour, crime and disorder and public health.

3.2.8 Decision Process

The ability of the Licensing Authority to take decisions is limited either by provisions in the Act, Regulations made under the Act, or to a lesser extent by Guidance from the Home Office. The Licensing Authority may, if it considers it appropriate, deviate from the Guidance but would need justifiable reasons for doing so. This policy has taken full account of the current Guidance from the Home Office and regulations made under the Act in respect of licence applications and the hearings process.

The Licensing Authority has reviewed its constitution and scheme of delegation to officers to ensure effective implementation of the Act. Licensing Committee and Sub-Committees have been set up to deal with licensing issues and the determination of applications in certain cases, namely those where representations have been made or where premises licences require review. Full details of matters to be dealt with by the Licensing committee and subcommittee are set out in Appendix A.

Non contentious applications, ie those where no representations have been made, will be delegated to officers. All matters dealt with by officers will be reported regularly to the Licensing Committee.

3.3 Consultation on Producing City of York Council Licensing Policy

In developing City of York Council's 2014-2019 licensing policy the Licensing Authority has carried out consultation in accordance with the principles set out in the Cabinet Office Code of Practice on Consultation. The Licensing Authority has consulted a wide range of organisations and stakeholders, including statutory consultees as follows:

- Chief Officer of Police for North Yorkshire;
- Chief Fire Officer for North Yorkshire;
- Representatives of local holders of premise licences;
- Representatives of local holders of club premises certificates within the meaning of the Act;
- Representatives of local holders of personal licences;
- Representatives of businesses and residents in the area;

The Licensing Authority has also consulted a range of non-statutory consultees including:

- The Safer York Crime and Disorder Reduction Partnership;
- British Transport Police;
- Local Accident and Emergency Department;
- Yorkshire Ambulance Service;
- Bodies representing consumers eg CAMRA, Chamber of Trade;
- Officers within the City of York Council responsible for regeneration, tourism, cultural strategy, planning, transport, health and safety, trading standards, pollution control, protection of children and racial equality;
- Alcohol Task Group;
- Groups and organisations who have a stake in the leisure and hospitality industries;
- Representatives of parish councils;
- Ward committees;
- Residents associations;
- Representatives of village and community halls;
- Local bodies representing the tourist industry;
- Representatives of the hackney carriage, private hire trade and other transport providers;
- Organisations representing disabled persons;
- Elderly persons forum;
- Citizens Advice Bureau;
- CVS.

3.4 Future changes in legislation

The Licensing Authority will consult (if required) and make comment on any proposed future changes in legislation.

The Licensing Authority will notify relevant licence holders of changes in legislation, if required.

3. Links to Other Policies, Strategies, Legislation & Guidance

POLICY

The Licensing Authority will normally expect that all applicants for premises licences, club premises certificates, variations and provisional statements will, where relevant, participate in the matters set out in the following as they relate to achieving the licensing objectives.

Integration with other City of York Council adopted policies and national strategies are a key part of this policy, as elements of these contribute to achieving the licensing objectives. The Council has taken a number of initiatives to prevent anti-social behaviour, noise and degradation of the street environment often associated with late night entertainment. Using a combination of licensing and planning powers and effective management of the street environment will lead to tackling these problems. Applicants for premises licences, or substantial variations to existing licences should, therefore, consider these local policies when compiling an operating schedule.

This section sets out existing policies/strategies, locally and nationally, which link to the achievement of the licensing objectives.

Additionally, many other statutory requirements apply to licensed premises such as health and safety, fire safety, planning, building control, public health, food hygiene, and trading standards. City of York Council is committed to avoiding duplication with other regulatory regimes as far as possible. Other relevant legislation is listed in Appendix B which will be applied by the responsible enforcement authorities.

POLICY

The Licensing Authority will aim to ensure that this policy and any future revisions will refer to any strategies and policies necessary for an applicant to have regard to in meeting the licensing objectives.

Local Policy and Strategy Issues

4.1 Planning (Development Control)

The use of premises for sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will normally require planning permission or must otherwise be lawful, ie have a lawful development certificate under planning legislation. Planning permission is usually required for the establishment of new premises or change of use of premises.

While there is no obligation for an applicant to have planning permission before applying for a premises or provisional licence or for a substantial variation, it is strongly recommended that lawful planning use be obtained initially. The planning authority is a responsible authority under the Act to whom applicants are required to give notice of applications.

POLICY

Applicants need to be aware there are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Reason: To ensure that all licensed premises have lawful planning permission and that no conflicts arise between the Council acting as Planning and Licensing Authorities.

It should be noted that any decision made by the Licensing Authority does not relieve an applicant of the need to apply for building control authorisation.

4.2 Crime & Disorder

Under the Crime and Disorder Act 1998 local authorities 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 Licensing Authority will have particular regard to the likely impact of licensing on related crime and disorder in the City of York Council area, particularly when considering the location and impact of the operation and management of all new licence applications and variations to existing licences.

The Licensing Authority will take into account matters contained in York's Community Safety Plan and Anti-Social Behaviour Strategy in relation to the four main licensing objectives.

4.3 Counter Terrorism

Crowded places have been targets of act of terrorism across the world. The National Counter Terrorism Security Office has produced guidance to operators of bars, pubs, clubs, cinemas, theatres, hotels, restaurants, stadia and other entertainment venues giving advice to operators to reduce the threat of attached. This can be found at www.nactso.gov.uk/CrowdedPlaces.

Applicants and licence holders are encouraged to have regard to this guidance in the design and operation of their premises.

4.4 City of York Council Community Plan & Corporate Strategy

The Local Government Act 2002 requires all local authorities to produce a community plan within the framework of the UK Sustainable Development Strategy and relevant regional strategies.

The Strategy for York 2011-2015 and the City Action Plan 2011-2015 identify key areas that will inform and shape the policies within this policy statement.

These strategies provide a crucial focal point for the identification of local issues. It is sought to improve the quality of life for everyone in York through these strategies.

The Licensing Authority will integrate and co-ordinate its licensing policy with the Without Walls Partnership Theme Areas in the community strategy.

The City of York Council Plan 2011-2015 details the strategic direction of the Council. The plan gives a rounded overview of our position and ambitions for improvement.

4.5 Tourism

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

National Strategies

4.6 Alcohol Harm Reduction Strategy

In 2004 the Government published its Alcohol Harm Reduction Strategy for England which outlined how the Act can be used to address some of the social health and crime and disorder issues raised by the misuse of alcohol when considering applications for Premises or Personal Licences. This strategy will be taken into account specifically with regard to the sale of alcohol to under 18's and the necessary steps to tackle anti-social behaviour.

5. Applications for Premises Licences, Club Premises Certificates and Variations

POLICY

All applications for premises licences, club premises certificates, variations, and provisional statements must be submitted in accordance with the Act and associated Regulations.

Reason: To ensure the timely and efficient determination of the application and to avoid unnecessary formal hearings.

As part of the normal application process there is a requirement for the submission of an operating schedule. A fully detailed operating schedule will be required for club premises certificates, premises licences, and provisional statements covering all four licensing objectives.

POLICY

The operating schedule should include information which is necessary to enable responsible authorities, or other persons, to assess whether the steps to be taken to promote the licensing objectives are satisfactory and have been fully addressed.

The Licensing Authority will normally expect the operating schedule to have regard to the nature of the area where the premises are 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.

Applicants are strongly recommended to undertake a thorough and appropriate risk assessment of their business in order to arrive at a detailed operating schedule which identifies and meets all necessary steps to promote the licensing objectives in relation to the application made. Matters detailed in this document in relation to other policies and strategies should, where appropriate, be taken into account when preparing the operating schedule and form part of the overall risk assessment.

The concept of developing an operating schedule for all premises is recognised as good practice whether applying for a variation or otherwise and all licensees are recommended to do so.

POLICY

The Licensing Authority encourages new applicants to discuss their proposals informally with licensing officers and other responsible authorities before an application is submitted.

Reason: To ensure the timely and efficient determination of the application and to avoid unnecessary formal hearings.

5.1 Consultation on New Premises Applications, Club Premises Certificates, Variations and Provisional Statements.

POLICY

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 representations must be sent.

Reason: To ensure that all who are affected by an application, and have rights under the Act to make representations, are aware of the application being made.

Representations may be received from the responsible authorities. These include North Yorkshire Police, North Yorkshire Fire and Rescue, Environmental Protection Unit, any organisation representing those responsible for, or interested in, matters relating to the protection of children from harm, local authority professionals in health and safety, planning and the Primary Care Trust or Local Health Board. Representations may be received from other persons who live, or are involved in a business in the Council's area, and who are likely to be affected by the application. Elected members may make representation in their own right. They may also make representation on behalf of the residents or the applicant; in both cases the elected member may not take part in the decision process.

"Relevant representations" are representations as defined by Section 18 of the Act, which are:

- (a) about the likely effect of the application on the promotion of the licensing objectives;
- (b) made by a responsible authority or other person and have not been withdrawn and, in the case of representations made by other person, are not, in the Council's opinion irrelevant, frivolous or vexatious.

There is no requirement for a responsible authority or other person to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises.

POLICY

Unless relevant representations are made by responsible authorities and other persons licences will be granted on the terms set out in the application.

Reason: The licensing authority has no discretion on the granting of licences unless representations are made.

5.2 General Principles for Determination of Applications

The Licensing Authority will consider each application on its own merits whilst having regard to this policy statement.

POLICY

In determining a licence application where relevant representations are made, the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits.

Reason: Overriding principle of the Licensing Act 2003 and Guidance.

Any delegated decisions made by the Licensing Authority will be carried out in accordance with the Scheme of Delegation as shown in Appendix A.

Many of the decisions and functions of the Licensing Authority are largely administrative in nature such as the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made. These will be delegated to council officers. All such matters dealt with by officers will, for information, be reported to the Licensing Committee meetings.

When representations are received the Licensing Authority will consider whether they are relevant, frivolous, vexatious or repetitious.

Applications where there are relevant representations will be dealt with by a Licensing Sub-Committee, unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is not necessary.

Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or its Sub-Committee to meet in public, although Members can retire into private session to consider their decision.

POLICY

Officers from the Licensing Authority will act to mediate between applicants and persons making relevant representations to resolve issues, thereby preventing unnecessary hearings.

Where relevant representations remain unresolved, the Licensing Authority will determine the application by way of a hearing.

When determining an application in respect of which representations have been received relating to the prevention of crime and disorder and/or prevention of public nuisance, particular consideration will be given to the following by way of promoting the licensing objectives:

- **Location and impact of licensed activity;**
- **The type of use and the numbers likely to attend the premises;**
- **The proposed hours of operation;**
- **The scope for mitigating any impact;**
- **How often the activity occurs;**

and in considering any application that is already licensed, the Licensing Authority will take into account any evidence:

- Of past good operation of the premises;
- Of past demonstrable adverse impact from the activity especially on local residents or businesses;
- That, where adverse impact has been caused, the appropriate agreed measures have been put into effect by the applicant to mitigate the adverse impact.

Reason: The purpose of this part of the policy is to achieve the licensing objectives of preventing public nuisance and crime and disorder. In furtherance of this aim the policy lists particular matters that the Licensing Authority will take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents.

POLICY

In considering imposing conditions as a result of relevant representations following a hearing there should be openness, transparency and reasonableness. Licence conditions will be tailored to the individual application and only those deemed necessary to meet the licensing objectives, following representations, will be applied.

Reason: With the aim of achieving a mutually agreeable level of protection for the public and fulfilment of the licensing objectives.

In making its decisions, the Licensing Authority accepts the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. However, it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in activities to the detriment of nearby residents or businesses. Premise licence and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control. Furthermore the Licensing Authority will also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder.

Therefore, the aim of the policy is to achieve a balanced approach to these difficult issues.

5.3 Composition of a Licensing Sub-Committee

A Licensing Sub-Committee shall comprise of any three elected members who serve on the Licensing Committee. Where such a member has a personal or prejudicial interest, as defined in the members code of conduct, he/she must declare such interest and be disqualified from being involved in determining that application **and making any representations to the panel.**

6. Guidelines for Applicants

These policy guidelines are intended to help applicants by setting out criteria and considerations that they should have in mind when drawing up an operating schedule. Not all the criteria or considerations necessarily apply, or apply equally, to all applications. These considerations have been developed with reference to the licensing objectives following consultation with the responsible authorities and other persons as they relate to the section 182 Guidance produced by the Home Office. They therefore alert applicants to the matters which responsible authorities will be likely to consider when deciding whether to make representations on an application or whether to call for a review. They 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. They are based on experience and good practice established over the years in the city. The overriding principle remains that each application will be considered on its own merits.

6.1 Prevention of Crime and Disorder

Prevention of crime and disorder is both an objective of the Act and an important responsibility of the City of York Council under the Crime and Disorder Act 1998. It is important, therefore, that applicants are able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective.

Applicants should also have due regard to the pool conditions for crime and disorder produced by the Home Office.

The Licensing Authority will also have particular regard to the location and character of premises and the impact of the operation and management of all proposed licence applications, renewals and variations of conditions.

In interpreting any of the following matters with any reference to the city centre, regard should be had to the map attached at Appendix C. The Licensing Authority has provided this indicator to assist applicants, but reserves the right to vary from this delineation having regard to the particular merits of the application.

CCTV

The Licensing Authority and the relevant responsible authorities, where appropriate, would normally expect the installation of closed circuit television surveillance (CCTV) within all nightclubs, city centre public houses and city centre late night refreshment venues. Where queuing occurs at these premises, CCTV should be provided to cover the queue. Off-licences, restaurants and other premises anywhere in the city area may consider the benefits of such systems in providing deterrents against crime and to safeguard their own interests.

It is recommended that CCTV should be a digital system covering all areas where the public can purchase and consume alcohol. Recordings should display the correct

time/date, be available within 48 hours of the request from any responsible authority and kept for a minimum of 28 days.

Applicants are encouraged to participate in any future initiatives to further promote the crime and disorder objectives by the use of CCTV.

Reason: The use of CCTV acts as a deterrent to crime and disorder and assists the police and other agencies in effective enforcement in identifying potential offenders.

Excessive Alcohol Consumption

The Licensing Authority and the relevant responsible authorities would normally expect operating schedules to indicate the measures proposed to reduce the possibility of excessive consumption of alcohol by individuals in the premises, especially measures that address issues relating to irresponsible drink promotions.

In April 2010 mandatory conditions came into effect which:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.

The legislation makes it clear that an irresponsible promotion is one that is “carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children”.

Staff training provisions should also be provided in this regard.

Licensees are encouraged to participate in any voluntary schemes to promote the responsible consumption of alcohol.

Reason: Excessive or binge drinking is a direct contributor to crime, disorder and anti-social behaviour.

Underage Sales

In April 2010 mandatory conditions came into effect which:

- The premise licence holder or club premise certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The recommended acceptable proof of age identification is photocard driving licences, current passports, identification carrying the PASS logo (holographic mark). The Licensing Authority is aware of changing technology with regards to identification such as thumb print or pupil recognition. The Licensing Authority

would encourage all businesses to have internal management systems in place to prevent the sale of alcohol to children and to provide adequate training to staff.

Reason: The law provides age restrictions for certain activities, ie sale of alcohol, admission to films and participation in gaming activities.

York Nightsafe Night-Time Economy Radio Scheme

The Licensing Authority and the relevant responsible authorities would normally expect all nightclubs, city centre public houses and city centre late night refreshment venues to participate in the York Nightsafe Night-Time Economy Radio Scheme as agreed with the police. Other premises in the city are encouraged to join the scheme if, on examination of risk or history of incidents, it is considered beneficial.

This radio link covers both the day-time and night-time economies, giving participating venues a link to the CCTV room and the chance to share “real time” information with each other.

Reason: Early warning schemes advising licensees of incidents and potential problems that may affect their operations are seen as an effective crime prevention measure.

Door Supervisors

The Licensing Authority and the relevant responsible authorities would, where appropriate, normally expect the operating schedule to indicate if door supervisors are to be provided on the premises and at what level. Whenever security supervisors are employed at licensed premises to carry out the security function they must be licensed by the Security Industries Authority (SIA).

Venues that operate into the late night-time economy are encouraged to deploy door supervisors, on weekends, bank holidays and race days, especially if the venue is drink led.

Venues that operate into the early hours would also be encouraged to deploy door supervisors on a daily basis.

Reason: The value of a high standard of door security cannot be overestimated in the control of crime and disorder.

Control of Drugs

The Licensing Authority and the relevant responsible authorities will normally expect all nightclubs, city centre premises providing alcohol and music/dance entertainment, city centre public houses, dedicated dance venues, and other premises where appropriate to address the use and sale of illegal substances (drugs) in their premises in operating schedules and produce a written drugs policy to the Licensing Authority.

Reason: The use and sale of illegal substances (drugs) does occur in licensed premises. In order to promote the objective of preventing crime and disorder the

holders of all premises licences are encouraged to produce a drugs policy tailored to their operations.

Strengthened Glassware

The Licensing Authority and the relevant responsible authorities would normally expect all premises serving alcohol to provide strengthened or tempered glassware. The operators of high volume premises, and temporary or outdoor events, will also be encouraged to serve drinks in polycarbonate or plastic drinking containers.

Reason: There is a history of glass drinking vessels being used in acts of violence associated with the consumption of alcohol. Provision of strengthened glassware at high volume premises and large outdoor events also contributes towards public safety.

Dispersal

The Licensing Authority and the relevant responsible authorities would normally expect, as good practice, that the operating schedules relating to all premises licences (excluding guesthouses supplying alcohol to residents only and premises supplying alcohol as off sales only) and club premises certificates set out how they intend to manage the dispersal of customers from the premises. The aim should be to disperse people gradually either prior to, or immediately following, the final hour of operation of the licence. The hours the premises are open to the public, appropriate to the nature of the activities in the premises, should be determined. Signage visible from outside the premises indicating the operating hours and proposed drinking up times should be displayed in order that customers are aware when the premises are likely to close. The provision of quiet areas and departure lounges is encouraged as a means of quieting the mood of customers prior to departure and deterring the waiting on streets for taxis and private hire cars. Prominent signage should be displayed to remind customers to leave quietly. Other means should also be considered to aid effective dispersal.

Reason: Difficulties in encouraging customers to leave premises licensed to sell alcohol at the end of trading has been associated with violent disorder. Therefore holders of premises licences must have management plans in place to advise customers of the opening hours etc to effectively disperse customers. This contributes to the crime and disorder objective and potentially contributes to the reduction of public nuisance.

Prevention of Queuing

The Licensing Authority and the relevant responsible authorities will normally expect operating schedules for all nightclubs, city centre premises providing alcohol and music/dance entertainment, city centre public houses, dedicated dance venues and other like premises to demonstrate steps to be taken to avoid the build up of queues and the likelihood of disorder or violence and to avoid obstructing the highway.

Reason: The Licensing Authority will not encourage the development of premises where queuing is likely to occur outside. The potential for crime, disorder and public nuisance will thus be reduced in the immediate area of the licensed premises.

6.2 Public Safety

The licensing system should protect the safety of those visiting and working in licensed premises whilst also protecting residential and business amenity. All licensed premises within the City of York Council area should therefore be safe, well managed and maintained. It is important that applicants are able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective. To achieve this the following will be taken into account when determining applications.

POLICY

In preparing an operating schedule to address the public safety objective, the Licensing Authority will normally expect applicants to give due consideration to the pool conditions in for public safety produced by the Home Office.

Management of Premises

The Licensing Authority will normally expect the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times. In order to achieve this it is recommended, as good working practice, to carry out within the risk assessment recommendations in section 5.

Reason: Public safety is an important licensing objective. It is the intention of the Licensing Authority that anyone visiting a licensed venue in the city can do so in safety, in well managed and maintained premises.

Occupancy

The Licensing Authority and the relevant responsible authorities would normally expect applicants in certain classes of licensed premises to state in their operating schedules a maximum safe capacity for their premises and the management arrangements to ensure it is not exceeded. This can be achieved through a risk assessment of the premises and should take into account numbers of staff on the premises.

Those classes of premises will include:

- **Theatres, cinemas, nightclubs, high volume city centre premises offering the sale of alcohol or the provision of regulated entertainment;**
- **Premises which include a function room to be available for hire by others;**
- **Large scale outdoor events;**

Small venues which by virtue of their limited capacity are seeking the relaxation of conditions under Section 177 of the Act will also be required to state the maximum capacity and the method employed to ensure compliance with that limitation.

Venues which intend to hold live music in accordance with the requirements of the Live Music Act 2012.

Reason: A safe capacity is necessary for the promotion of public safety and, in particular, to ensure the building can be safely evacuated in the case of an emergency. A safe capacity also contributes towards the Crime and Disorder objective by ensuring reasonable space is available for customers.

Conditions relating to public safety may, in appropriate cases, be attached to licences following representations or following review of a licence, where the operating schedule does not address these issues. Conditions will not duplicate the requirements of other legislation that applies.

POLICY

The Licensing Authority and the relevant responsible authority would normally expect those premises best described as large capacity vertical drinking premises to ensure that there are adequate seating facilities for customers who would prefer to be seated at a table.

Premises considered as such are likely to be located in the city centre and have a capacity exceeding 200 persons.

The Licensing Authority will indicate to applicants if they consider their premises meet this definition. Cases will be considered on merit.

The Licensing Authority considers that seating should be provided for a minimum of 30% of the agreed capacity or other such figure as determined on the individual merit of the application.

Reason: Research shows that the environment in this type of drinking establishment can have significant bearing on the likelihood of crime and disorder.

6.3 Prevention of Public Nuisance

Responsible applicants will wish to ensure their operations do not disturb their neighbours or give rise to representations being made against a licence application. To achieve this the following will be taken into account when determining applications. It is important that applicants are able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective.

POLICY

Hours of Operation

The Licensing Authority would expect licence holders to consider hours of operation when compiling their operating schedules.

Reason: The tolerance to disturbance is likely to be reduced at certain times and days. The later into the night the operation continues the greater the likelihood of public nuisance being caused. Particular consideration should be given to minimise disturbance during the night-time hours of between 11:00pm and 7:00am.

Customer Management

The Licensing Authority and the relevant responsible authorities would normally expect operating schedules to address steps to be taken to avoid disturbance being

caused by persons entering and leaving licensed premises. The following measures should be considered:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not slam car doors;
- At appropriate times making announcements to the same effect. Instructing door staff to ask customers leaving the premises to leave the area quietly;
- Banning from the premises people who regularly leave in a noisy fashion;
- Directing customers away from noise sensitive areas where appropriate;
- The means to ensure customers are taken away without delay. The Licensing Authority would encourage the forming of partnerships with local transport providers, and the provision of telephone points and public transport information;
- Steps taken to reduce the impact of any parking on local residents or businesses where appropriate.

Reason: Many complaints arise from nuisance caused by patrons and staff entering and leaving premises.

Operation of Premises and Clubs

The Licensing Authority and the relevant responsible authorities would normally expect licence holders to consider the following matters when compiling their operating schedules in relation to the public nuisance objective:

- Installation of soundproofing, air conditioning, acoustic lobbies or sound limitation devices, or simply the closing of windows and doors;
- The hours of operation that may involve the provision of entertainment likely to give rise to complaint and the reduction of volume at certain times;
- The areas of the building where entertainment is provided particularly outside areas;
- The timing of the disposal of waste, particularly the emptying of bottle bins;
- The management of the general use of outside areas such as beer gardens and smoking areas;
- Carrying out regular noise monitoring of noise levels coming from inside the premises and noise from customers outside the venue;
- Training of staff regarding noise management control procedures and measures;
- Providing a direct contact number for the duty manager to residents living in the vicinity of the premises on request;
- Provision of a procedure for investigating noise complaints.

(further information on these issues can be found in the leaflet produced by the environmental protection unit which is on the council website at:

http://www.york.gov.uk/downloads/download/1620/guidance_leaflet_on_controlling_noise_from_pubs_small_licensed_venues_and_clubs):

Reason: Noise nuisance to residents can be caused due to loud music escaping from licensed premises, the noise of customers outside of the premises and also noise associated with the premises after closing time.

Outdoor Music Events

The Licensing Authority and the relevant responsible authorities would normally expect licence holders to consider the following matters when compiling their operating schedules where events include outdoor music events in relation to the public nuisance objective:

- The timing of the event, considering the day of the week and the finish time;
- The number of noise sources and whether they will compete to create a louder overall noise;
- The number of days the event covers;
- The type of music to be provided. Low frequency associated with bass orientated music travels further;
- The size of the event;
- The proximity of the venue to local residents.

Further information on this is available in the Code of Practice and Guidance Notes on Noise Control for Concerts and Outdoor Events produced by the environmental protection unit in January 2014 on [WEB-LINK] or by contacting the environmental protection unit on 01904 551555.

Reason: Noise nuisance to residents can be caused due to loud music from outdoor events.

Queuing

The Licensing Authority and the relevant responsible authorities would normally expect operating schedules to demonstrate steps to be taken to avoid disturbance and nuisance being caused by customers queuing outside licensed premises. Supervision of queues formed later in the evening will assist to keep noise to a minimum. Door supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities and be adequately managed. CCTV should also cover patrons queuing outside the premises.

Reason: Queuing outside premises leads to inevitable noise, disturbance and nuisance.

Litter

The Licensing Authority and the relevant responsible authorities would regard as good working practice, the inclusion within the operating schedule, measures which address and prevent public nuisance being caused by the generation of litter from the premises or operation particularly in relation to premises which primarily provide late night refreshment (takeaways).

Reason: Excessive litter is generated from licensed premises in various forms, particularly takeaway food wrappers and event/venue promotion leaflets (flyers) and cigarette butts.

6.4 Protection of Children from Harm

The Act provides specific protection for children from the sale or provision of alcohol and the provision of regulated entertainment. The protection of children from harm is, therefore, an important licence objective. The Licensing Authority 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. It has taken account of the view of Department of Culture, Media and Sport that the use of licensed premises by children should be encouraged. However, the Licensing Authority may consider imposing conditions designed to protect children, where necessary, following representations on applications and the following will be taken into account when determining an application.

The matters detailed below are ones which will be considered by the responsible authority during the consultation process on new applications, variations and licence reviews in respect of the protection of children from harm. These matters are designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are suitable for children but will also ensure that children are adequately protected from physical, moral or psychological harm.

Areas of Direct Concern

The Licensing Authority and the relevant responsible authorities will not impose any conditions that specifically require access, or prohibit access, of children to premises. 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 for serving alcohol to minors;**
- **Where the police have objections on the grounds of existing drug problems;**
- **Where there is a strong element of gambling on the premises;**
- **Where entertainment of an adult or sexual nature is provided.**

These areas of concern will be taken into account when an application for a premises licence is being determined, varied or reviewed following representation.

Control of Children on Premises

The Licensing Authority and the relevant responsible authorities would normally expect operating schedules to indicate the following matters regarding the entry and control of children and may, as appropriate, impose a complete prohibition on entry of children or condition the licence if satisfied that problems would not be adequately controlled by the operating schedule.

- **Limitations on the hours when children may be present;**
- **Arrangements to ensure age limits for admission or the sale of alcohol are controlled;**
- **Age limitations below 18;**
- **Limitations or exclusions when certain activities are taking place;**
- **Requirements for accompanying adults or stewarding.**

Furthermore, for example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

Supervision

Where there is provision of entertainment specifically for children (eg a children's disco) the Licensing Authority and the relevant responsible authorities will normally expect the presence of sufficient adults to control the access and egress of the children and ensure their safety.

Age Restriction Films

Where the exhibition of films is permitted, the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited should be complied with. Only in exceptional cases will variations of this general rule be granted by the Licensing Authority and then only with appropriate safeguards.

With respect to films with 'U' classification, which are suitable for audiences aged 4 years and over, children under 4 may be admitted at the discretion of the accompanying parent/adult.

Reason: These policies are designed to allow flexibility for the licensee to ensure that where appropriate licensed premises are suitable for children. They also aim to ensure children are adequately protected from physical, moral or psychological harm.

6.5 Entertainments of a Sexual Nature

The Policing & Crime Act 2009 brings certain premises offering entertainment of a sexual nature under the controls of the Local Government (Miscellaneous Provisions) Act 1982. Sexual entertainment held on an infrequent basis can fall outside this legislation and such infrequent entertainment will be considered under the Licensing Act 2003 and take into account the increased risk to the licensing objectives.

POLICY

Where representations are received to an application, the Licensing Authority will impose conditions designed to ensure that children are not admitted to and cannot witness these activities, and to control crime and disorder problems. Particularly if premises are located in the vicinity of schools, churches, hospitals, youth clubs or other premises where significant numbers of children are likely to attend.

Reason: These matters are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts, and for the protection of performers from risk of assault.

7. Saturation & Cumulative Impact

7.1 Saturation and Cumulative Impact

Cumulative impact is defined in the Guidance to the Act as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'.

Where, after considering evidence and consulting relevant persons, the Licensing Authority is satisfied that it is appropriate and necessary to include an approach to cumulative impact in a particular area, it will adopt a special policy to be included in the statement of licensing policy

The effect of adopting a special policy is to create a rebuttable presumption that applications for new premise licences 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.

POLICY

The Licensing Authority may consider a specific policy on cumulative impact if it proves necessary to meet the licensing objectives in any area. The Licensing Authority, in considering whether to adopt such a special policy, will take the following steps:

- a) Identification of concern about crime and disorder. This must be evidence-based and supported by the North Yorkshire Police and Safer York Partnership;**
- b) Consideration of whether it can be demonstrated that crime and disorder is occurring, and is caused by customers of licensed premises in an area, or that the risk factors are such that the area is reaching a point when cumulative impact is considered unacceptable;**
- c) Consultation carried out with those persons indicated in paragraph 1.4 of this policy;**
- d) Subject to that consultation, the inclusion of a special policy about future premises licences or club premises certificate applications in the statement of licensing policy;**
- e) Publication of the special policy.**

Reason: The saturation of licensed premises can attract high numbers of customers who adversely impact on the surrounding area beyond the control of an individual licence holder or the police.

7.2 Special Cumulative Impact Policy York City Centre

The North Yorkshire Police has made representation with respect to the formulation of a special policy with regard to the city centre. This is made up of three areas identified as:

- Micklegate Area
- Coney Street Area
- Back Swinegate / Fossgate Area

These areas have been identified as being under stress because the cumulative effect of the significant number of premises being concerned in the sale and/or consumption of alcohol has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

City of York Council has consulted further on the application of a special policy with respect to these areas.

7.3 City Centre Special Policy Statement

This Special Policy was approved by the City of York on XX March 2014 and shall have effect until XX March 2019 unless otherwise reviewed by the Council.

This Special Policy is a supplement to the Council's Statement of Licensing Policy and must be read in conjunction with this document.

This Special Policy includes the following streets:

Micklegate Area:

- All Saints Lane
- Bar Lane
- Barker Lane
- Blossom Street
- Bridge Street
- Duxford Close
- East Mount Road
- Gavray Drive
- George Hudson Street
- Holgate Road
- Low Ousegate
- Lyneham Road
- Micklegate
- Museum Street
- North Street
- Nunnery Lane
- Tanner Row
- Tanner Street
- Tanners Moat
- The Crescent
- Toft Green
- Trinity Lane
- Wellington Row

Coney Street Area:

- Blake Street
- Borough Avenue
- Castlegate
- Church Lane
- Clifford Street
- Coney Street
- Cumberland Street
- Davygate
- Friargate
- High Ousegate
- Jubbergate
- Judges Court
- King Street
- Kings Staith
- Lendal
- Low Ousegate
- Nessgate
- New Street
- Parliament Street
- Peckitt Street
- Peter Lane
- South Esplanade
- Spurriergate
- St Helens Square

- Duncombe Place
- Feasegate
- Esplanade
- Lower Friargate
- Market Street
- Museum Street
- St Sampsons Square
- Stonegate
- Tower Street

Back Swinegate / Fossgate Area:

- Aldwark
- Back Swinegate
- Bedern
- Castle Walk
- Castlegate
- Church Street
- Clifford Street
- Coffee Yard
- Colliergate
- Coppergate
- Coppergate Walk
- Duncombe Place
- Finkle Street
- Fossgate
- Franklins Yard
- Friargate
- Goodramgate
- Grape Lane
- High Ousegate
- High Petergate
- Jubbergate
- Kings Court
- Kings Square
- Lady Picketts Yard
- Little Shambles
- Little Stonegate
- Low Petergate
- Merchantgate
- Milldown Avenue
- Minster Gates
- Minster Yard
- Monk Bar Court
- Nessgate
- Newgate
- Parliament Street
- Patrick Pool
- Pavement
- Peter Lane
- Piccadilly
- Precentors Court
- Pump Court
- Shambles
- Silver Street
- Spurriergate
- St Marys Square
- St Sampsons Square
- St Saviourgate
- Stonegate
- Strakers Passage
- Swinegate
- The Stonebow
- Three Cranes Lane
- Tower Street
- Walmgate
- Whip-Ma-Whop-Ma-Gate

(see Appendix D, Maps of Special Policy Areas).

These areas have been identified as requiring additional licensing controls to promote the licensing objectives due to the cumulative effect of the concentration of:

- drink led premises – pubs, bars and nightclubs;
- entertainment premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;
- late night refreshment premises – takeaways; and
- off licence premises – supermarkets and convenience stores;


on crime, disorder and/or public nuisance affecting residents, visitors and other businesses.

A statistical, evidence based report was submitted by North Yorkshire Police to substantiate this statement and was considered by the City of York Council in approving this policy.

Consultation on the Special Policy was carried out in accordance with Section 5(3) of the Licensing Act 2003.

Effects of the Special Policy

1. This policy relates to applications for the grant and/or variation of premises licences or club premises certificates or the issue of provisional statements.

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2. Each application will be considered on its own merits.
 3. Where no representations are received any application will be granted in terms consistent with the operating schedule.
 4. Applications for the grant of a new premises licence or club premises certificate or provisional statement:

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 the granting of such a licence or certificate would undermine the licensing objectives.

5. Application for the variation of a premises licence or club premises certificate due to a change of style of operation:

Any application for the variation of style of operation which is subject to relevant representations will be considered on its own merits having regard to the promotion of the licensing objectives.

6. Application for the variation of a premises licence or club premises certificate resulting in an extension of the premises and increased capacity:

There will be a presumption to refuse such applications, where relevant representations are received and where the increase in capacity would undermine the licensing objectives unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

7. Application to vary the hours of operation attached to a premises licence or club premises certificate:

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.

8. Licensing Hours

In 2003 the Government expressed a view that “more flexible opening will help address the issue of large numbers of patrons leaving at the same fixed time and as such will reduce disorder and disturbance whilst helping promote business and cultural development”. The Government also wishes to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and local employment and attractive to domestic and international tourists.

The Licensing Authority acknowledges these principles but 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.

Any activity involving public entertainment and eating or drinking on the premises has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may also be noisy when leaving, leave litter, or use on-street car parking spaces needed by residents. The impact of noise generated by these activities, especially customers departing, is particularly intrusive at night when ambient noise levels are much lower.

The Licensing Authority recognizes that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when potentially large numbers of people tend to leave licensed premises at the same time. Longer licensing hours with regard to the sale of alcohol may, therefore, be considered as an important factor in reducing friction at late night food outlets, taxi ranks and in the street.

However, the same effect may be seen where the closing time of a number of licensed premises coincide and, as stated, one of the aims of the licensing regime is to prevent the mass exodus of patrons at fixed times with its knock-on effect on services and policing.

Therefore, the Licensing Authority recognises that there is no general presumption in favour of lengthening licensing hours and believes that the licensing objectives should be paramount to considerations at all times. Where there are representations to an application and it is believed that changing the licensing hour would undermine the licensing objectives, the Licensing Authority may reject the application or grant it with appropriate conditions and/or different hours from those requested. Consideration will be given to the individual merits of an application.

POLICY

Providing consumers with greater choice and flexibility is an important consideration, but should always be carefully balanced against the duty to promote the licensing objectives and the rights of local residents to peace and quiet. It is the aim of the Licensing Authority to strike a fair balance between the needs of a licensed business and the risk of disturbance and nuisance to local residents. The Licensing Authority may, upon receipt of relevant representation, restrict the hours of operation where it is considered necessary to avoid unreasonable disturbance to local residents or businesses.

Reason: To achieve the licensing objectives of preventing public nuisance and crime and disorder that have been eroded by fixed licensed hours.

Licensing Hours - Off Sales

Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, subject to representation, in the case of individual shops that are known to be a focus of disorder and disturbance, a limitation on licensing hours may be appropriate.

Licensing Hours - Late Night Refreshment Houses

Premises providing late night refreshment generally serve the customers of other premises. The closing times of such premises should reflect the terminal hours of other premises operating in the area. The impact of people gathering at these premises after other premises have closed is a significant factor to be considered in the prevention of public nuisance and crime and disorder.

Subject to representation, the Licensing Authority will have regard to the closing times of other premises in the area when considering the terminal hour of premises providing late night refreshment. The operation of such premises should not attract persons into an otherwise quiet area to obtain food if it has the potential to cause disturbance to residents.

Dispersal

The Licensing Authority have received representations from the police expressing a view that disorder is most likely where crowds gather to queue or wait after leaving licensed premises.

The effectiveness of dispersal of customers away from premises will be a consideration to the Licensing Authority when it is required to determine licensing hours.

Reason: The time at which licensed activities take place has a significant impact on the potential for public nuisance and disturbance to occur and is also a factor in the prevention of crime and disorder. A licensed activity may be acceptable at certain times and not others. Generally the later the activity takes place the greater the potential for problems to occur. The Licensing Authority has a duty to promote the licensing objectives.

9. Early Morning Restriction Orders (EMROs)

The power conferred on licensing authorities to make, vary or revoke an EMRO (or propose to take any of these steps) is set out in sections 172A to 172E of the Licensing Act 2003. This power came into force on 31st October 2012 and the Government provided guidance as part of the S182 Guidance to Licensing Authorities.

This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 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.

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 attributable to specific premises.

An EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificate 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 (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- 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 and 6am, provided the alcohol is sold through mini-bars/room service; and
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

Before a licensing authority determines to recommend that the full council make a proposed 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 requirement to take an evidence-based decision to promote the licensing objectives should enable licensing authorities to draw on the experience from other licensing decisions they make under the Licensing Act 2003. The licensing authority should consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

An EMRO is a powerful tool which will prevent licensed premises in the area to which the EMRO relates from supplying alcohol during the time at which the EMRO applies. 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 might include:

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

It is the intention of the licensing authority 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.

There are currently no EMROs in place in this area.

10. Personal Licences

The sale of alcohol carries with it a great responsibility because of its impact on the wider community and on crime and anti-social behaviour. A personal licence is required by individuals who may be engaged in making and authorising such sales and supplies of alcohol.

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.

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.

An application for a personal licence must be made in the form specified in Government Guidance or Regulation. The application must be accompanied by the requisite fee. The applicant should also be able to produce evidence of the relevant qualification.

Applicants should produce a Disclosure and Barring Service certificate which must be less than one calendar month old on submission.

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.

The police may make an 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.

POLICY

At any hearing that may be necessary, following a representation from the police, the Licensing Authority will consider whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed, and any mitigating circumstances. The Licensing Authority will grant the application unless it is satisfied that doing so will be against this objective.

Reason: Prevention of crime is both an objective of the Act and an important responsibility of City of York Council under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist in the prevention of crime. Granting a licence to a known criminal will in many cases undermine rather than promote the crime prevention objective.

10.1 Designated Premises Supervisor, Authorisation

A designated premises supervisor must be a personal licence holder. They are a specified individual who can be readily identified for the premises where a premises licence is in force. The premises licence holder will have given this person day-to-day responsibility for running the premises.

POLICY

There should always be a designated premises supervisor, specified for the premises, selling or supplying alcohol. The Licensing Authority expects the designated premises supervisor to be in such a position as to exercise day-to-day control over the premises. The designated premises supervisor must be specified on the premises licence. The sale and supply of alcohol, because of its impact on the wider community and on crime and antisocial behaviour, carries with it greater responsibilities than the provision of regulated entertainment or late night refreshment. For effective control, enforcement officers must be able to immediately identify the person responsible for the sale of alcohol at any premises.

Reason: Section 19 of the Act requires that no supply of alcohol may be made under a premises licence at a time when there is no designated premises supervisor in respect of the premises licence.

10.2 Authorising the Sale of Alcohol

If a designated premises supervisor is not present on the premises the Licensing Authority would normally regard it as appropriate for a personal licence holder to be present on the premises at all times alcohol is sold, and particularly where alcohol is sold late in the evening or early hours of the morning. It is a legal requirement that every supply of alcohol made under a premises licence must be made or authorised by a person who holds a personal licence (not necessarily the designated premises supervisor). "Authorisation" does not imply direct supervision by a personal licence holder of each sale of alcohol. The Licensing Authority strongly suggest 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 authorised;
- the person(s) authorised to sell alcohol should be clearly identified;
- the authorisation should specify the acts which may be carried out by the person being authorised.

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.

Reason: This should assist personal licence holders in demonstrating due diligence should issues arise with any of the enforcement authorities; and may protect employees if they themselves are challenged in respect of their authority to sell alcohol.

11. Review of Licences and Enforcement

11.1 Review of Licences

The Licensing Authority may review premises licences when representations are received from a responsible authority (such as the police, fire authority or environmental protection unit), or other person (such as local residents), to indicate that problems associated with crime and disorder, public safety, public nuisance or protection of children from harm are occurring.

Before undertaking a review the Licensing Authority must first consider whether the complaint made is not relevant, vexatious, frivolous or repetitious.

Any review will be considered by a Sub-Committee of the Licensing Authority 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 from 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

Licence holders should be aware that the Violent Crime Reduction Act 2006 and the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 provides the police and local communities with new 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 officer is of the opinion that the premises in question are associated with serious crime, serious disorder or both.

11.2 Enforcement

Where necessary, enforcement action will be taken in accordance with the principles of the Regulators Compliance Code and the Licensing Authority's Licensing Enforcement Policy. Effective enforcement is needed to meet the licensing objectives and to support local residents and businesses.

In particular, regard will be given to the fundamental principles recommended by the Hampton Report for good enforcement:

- Targeting - ie focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
- Consistency - ie similar approaches in similar circumstances to achieve similar ends;
- Transparency - ie helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance;

- Proportionality - ie action taken should be proportional to the risk presented.

The Licensing Authority recognises that the effectiveness of its licensing policy will be determined by enforcement action undertaken. The Licensing Authority will undertake routine monitoring of licence conditions on a risk based programme. The Licensing Authority will work with the police, fire authority, environmental protection unit and other agencies to produce joint working practices.

12. Temporary Event Notices (TENs)

The Act does not require the issue of a licence for a temporary event. It is a notification process. The police and environmental protection unit are the only parties permitted to make representations. A person over 18 may use a premise for one or more licensable activities for a period not exceeding 168 hours under authority of a TEN. Notice must be given to the Licensing Authority and Chief Officer of Police in the form prescribed no later than 10 clear working days before the event is due to start. This will include temporary indoor or outdoor theatre productions or cinema screenings. The Licensing Authority will not normally accept a TEN which is submitted more than 6 months prior to the event. This is to allow for any material changes which may occur prior to the event which could affect the venue thus providing the police and environmental protection unit with grounds to object to the TEN if they feel that holding the event will undermine the licensing objectives.

Temporary event notices can only be used where the maximum number attending is less than 500. In all other cases a full premises licence must be applied for.

The Police, Reform and Social Responsibility Act 2011 introduced Late TENs. A late notice is given not before nine and not later than five working days before the event. However, it should be noted that if an objection is received from the police or environmental protection unit to a late TEN the event will not go ahead. In these circumstances there is no scope for a hearing or for the modification of a late TEN as is possible in relation to a standard TEN.

POLICY

It is the expectation of this authority that the 10 day period be regarded as a minimum and would encourage applicants to give at least 28 days notice of an event in order that the earliest possible notice of an event is made. This will allow time for any issues raised to be addressed before the event.

The extended period allows the Licensing Authority to provide advice on concerns of local residents, of other legislative requirements and other necessary permissions, including local byelaws. It also allows time for full advice to be given in respect of the law relating to the sale of alcohol and the powers of police to close down events with no notice on grounds of disorder or public nuisance caused by noise. Finally, the extended period enables the Licensing Authority to establish the statutory limitations relating to TEN's are being fully observed.

In addition to standard application procedure the Licensing Authority would encourage applicants to notify the event to residents in the immediate vicinity of the proposed activity. The telephone number of an appointed person, who is able to be contacted during the event and take control should problems be experienced, should be provided.

Reason: Early notification and keeping residents informed is likely to reduce the cause for complaint of disturbance during and after an event.

The limitations on TENS was amended by the Police, Reform and Social Responsibility Act 2011. An individual can submit a maximum of 5 TENS per calendar year, unless the applicant holds a personal licence, when the limit is 50 per calendar year. An individual can submit a maximum of 2 late TENS per calendar year, and a personal licence holder can submit a maximum of 10 late TENS per calendar year. However, it should be noted that late TENS count towards the total permitted number of TENS an individual is allowed to submit

Only 12 notices may be granted in respect of the same premises and in respect of those premises there is an overriding maximum aggregate duration of 21 days. A TEN can be used, in respect of the sale of alcohol, for a period beyond the normal hours during which alcohol may be sold at the premises under its premises licence for an ad hoc occasion.

The police and council's environmental protection unit may object to an event proposed under a TEN by serving an objection notice to the Licensing Authority and the applicant on the grounds that one or more of the licensing objectives will be undermined. An objection notice must be issued within 3 working days of being notified, therefore it is advisable that a minimum of 28 days notice of an event is given to allow the police to duly consider the event. Failing to give advanced notice may lead to the event being shut down by the police if time is not allowed to advise the applicant of any issues to address

The Licensing Authority may issue a counter-notice to the applicant if it considers it necessary for the promotion of the licensing objectives..

If no counter-notices are served the event will be able to go ahead.

An intention notice for a temporary event must be made in the form specified by Government Guidance or Regulation. Notices can be requested from this service or can be downloaded from either the CYC website or DCMS website.

The notice must be accompanied by the requisite fee.

13. Policy Matters to be Considered by the Licensing Committee

13.1 Tourism and Employment

Arrangements will be made for the licensing committee to receive reports on the needs of the local tourist economy for the city. This is to ensure that these are reflected in the considerations of the licensing panels and committee.

The Council will similarly make arrangements to keep the licensing committee apprised of the employment situation in the area and the need for new investment and employment where appropriate.

Links, where possible, will be made to the Economic Development Program (sic) and to York: A Vision for Tourism (the city's Tourism Strategy).

13.2 Planning

Arrangements will be made to ensure that proper integration with the planning function is achieved. This will include, where appropriate, providing reports on licensed premises in the area.

13.3 Community Safety: Crime and Disorder

Arrangements will be made to ensure that proper integration with the Safer York Partnership is achieved including, where appropriate, links to the Crime and Disorder Strategy for York. Where appropriate, this will include providing reports to the Safer York Partnership.

13.4 Health

The Licensing Authority recognises the substantial impact on health that alcohol has in the city.

The authority will take every opportunity to promote education and prevention to tackle binge drinking and alcohol misuse.

APPENDIX A - DELEGATION

Schedule of Delegated Functions

Matter to be Dealt with	Sub-committee	Officers
Application for Personal Licence	If a police objection	If no objection made
Application for Personal Licence with unspent convictions	All cases	
Application for Premises Licence/Club Premises Certificate	If a relevant representation made	If no relevant representation made
Application for Provisional Statement	If a relevant representation made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate	If a relevant representation made	If no relevant representation made
Application to vary Designated Personal Licence Holder	If a police objection	All other cases
Request to be removed as a Designated Personal Licence Holder		All cases
Application for transfer of Premises Licence	If a police objection	All other cases
Application for Interim Authorities	If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate and in the case of Summary Reviews the application of interim steps	All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a Temporary Event Notice	All cases	
Agreement of amendment to the original application submitted in an appeal court	Where the Chair of the decision making subcommittee is present or another member of the subcommittee in his/her absence.	Where no member of decision making sub committee is present, the licensing officer and legal adviser in consultation

APPENDIX B - OTHER RELEVANT LEGISLATION & GUIDANCE TO APPLICANTS

1. Planning Legislation and Building Regulations

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications will not be a re-run of the planning application. The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.

2. Health and Safety at Work Act 1974 and associated legislation

The City of York Council is the authority for this legislation for [most licensed](#) premises in the area.

3. Human Rights Act 1998

The City of York Council has a duty under the European Convention on 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). These policies are intended to reflect the balance to be struck between these interests where they conflict.

4. Disability Discrimination Act 2005

The Disability Discrimination Act introduced measures to tackle discrimination encountered by disabled people. It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services to disabled people.

5 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 upon it, it shall be the duty of each authority 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, crime and disorder 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 requirement under this Act.

6. Criminal Justice and Police Act 2001

This Act introduces provisions for combating alcohol related disorder giving the local authority and/or the police the powers to prohibit alcohol consumption in designated public places, to close certain licensed premises due to disorder or disturbance and to close unlicensed premises.

7. Violent Crime Reduction Act 2006

This Act introduces new measures to tackle alcohol-related violence. These measures include;

- An amendment to the Licensing Act to introduce a new offence of persistently selling alcohol to children. The offence will be committed if, on three or more different occasions in a period of three consecutive months, alcohol is unlawfully sold to a minor on the same premises.
- New powers for local authorities and the police to designate Alcohol Disorder Zones (ADZs) to tackle alcohol related crime and disorder. The designation of an ADZ will empower local authorities to charge licensees for additional enforcement activity affecting all licensed premises within the zone.
- An amendment to the Licensing Act which will enable Licensing Authorities on the application of a senior police officer in cases of serious crime and disorder, to attach interim conditions to licences pending a full review.

8. Policing and Crime Act 2009

This Act introduces measures to tackle alcohol misuse.

9. Police, Reform and Social Responsibility Act 2011

This Act introduces provisions under the Licensing Act 2003 in relation to:

- Responsible authorities
- Removing the vicinity test
- Reducing the evidential burden on licensing authorities
- Temporary event notice
- Underage sales
- Early morning restriction orders
- Fees

It also introduces provision for local authorities in relation to:

- Late night levy
- Alcohol restriction zones

9. Environmental Protection Act 1990

This covers a wide range of types of pollution including noise pollution.

10. 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 and 7.00am.

11. Anti-Social Behaviour Act 2003

Sections 40 and 41 of the Act provides that if the noise from a licensed premise 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 2003 Act to close licensed premises for temporary periods.

12. 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.

13. The Regulatory Reform (Fire Safety) Order 2005

North Yorkshire Fire and Rescue Service enforce fire safety legislation. The Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaces previous fire safety legislation.

14. Race Relations Act 1976 (as amended 2000)

Local authorities have a legal obligation to have regard to the elimination of unlawful discrimination; promote equality of opportunity and good relations between persons of different racial groups.

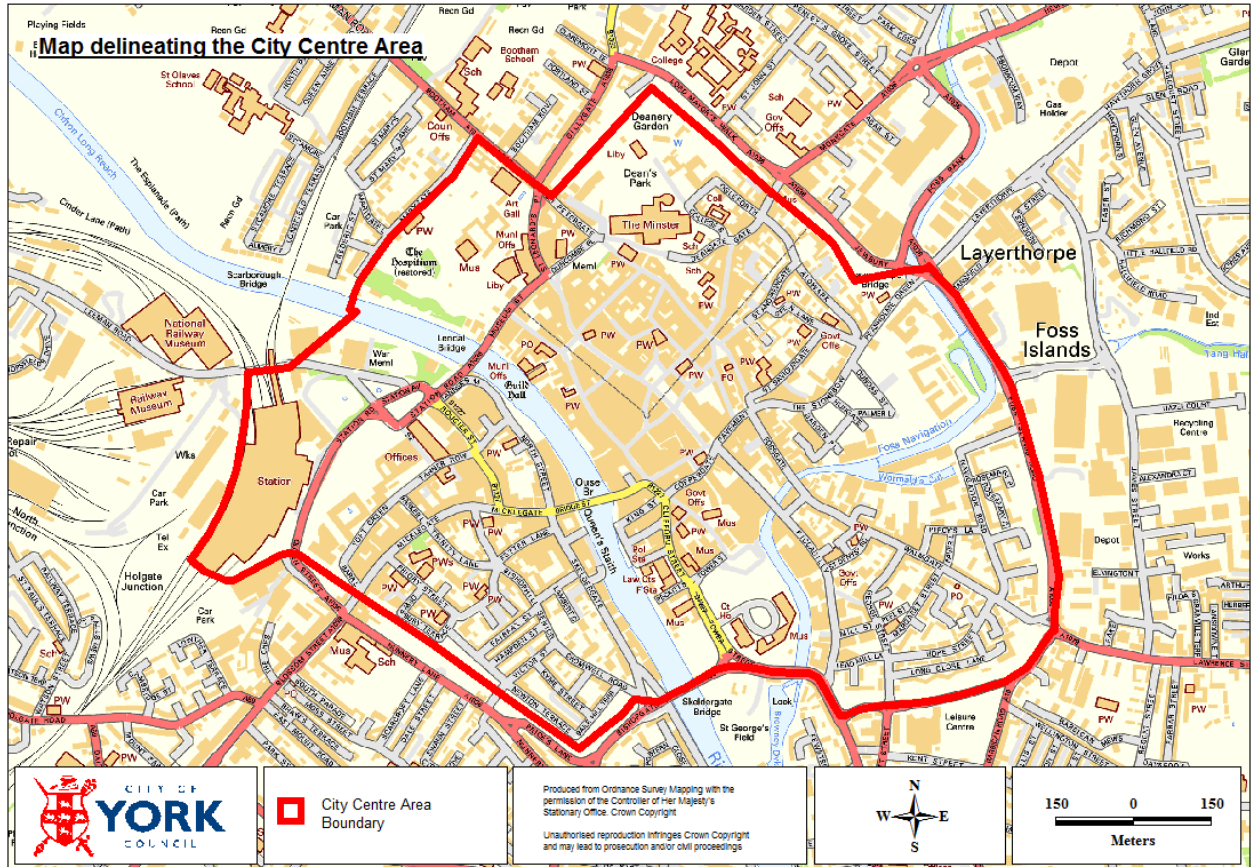
15. Data Protection Act 1998

Applicants should have regard to the provisions of the Data Protection Act 1998 in relation to their premises and in particular to the Information Commissioners Code of Practice on CCTV.

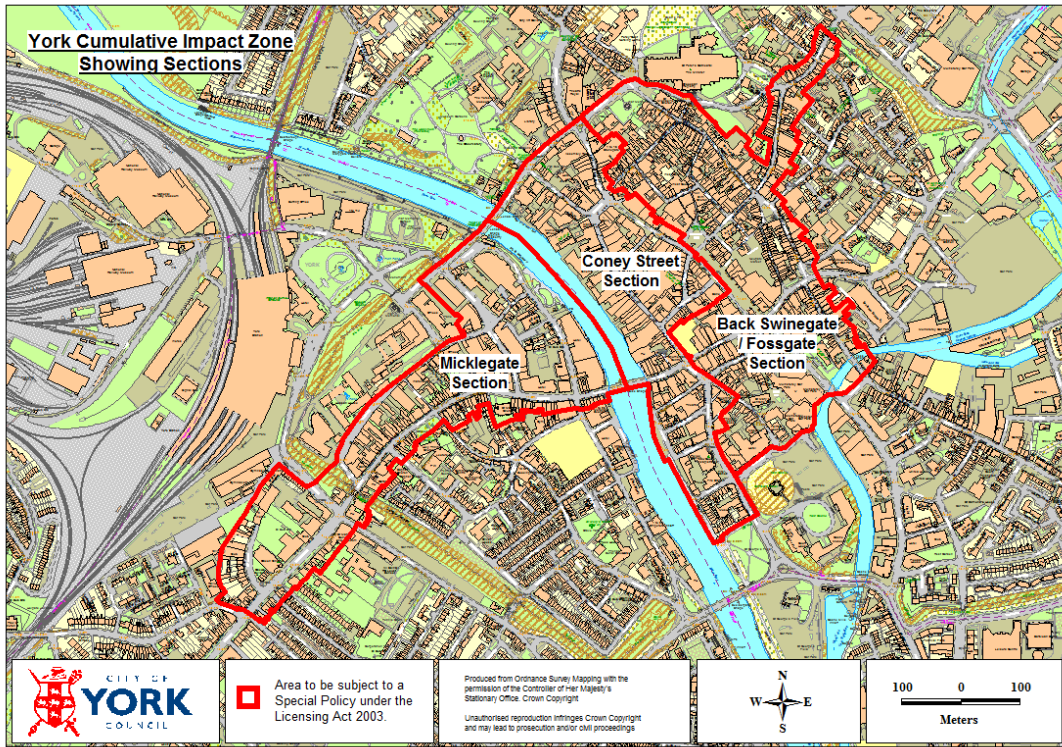
Guidance Documents *for Applicants and Licence Holders*

- The Event Safety Guide - a guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book") ISBN 07176 24536;HSG 195-7.
- Managing Crowd Safety (HSE 2000) ISBN 07176 1834X;
- 5 Steps to Risk Assessment - case studies (HSE 1998) ISBN 07176 15804;
- The Guide to Safety at Sports Grounds (The Stationery Office 1997) ("The Green Guide") ISBN 011 3000952;
- Safety Guidance for Street Acts, Carnivals, Processions and Large Scale Performances published by the Independent Street Arts Network, copies may be obtained through www.streetartnetwork.org.uk
- Equality and Human Rights Commission www.equalityhumanrights.com
- Home Office Supporting Guidance pool conditions www.gov.uk/government/publications/pools-of-conditions-supporting-guidance
- Home Office Guidance on persistently selling alcohol to children www.gov.uk/government/publications/guidance-on-persistently-selling-alcohol-to-children

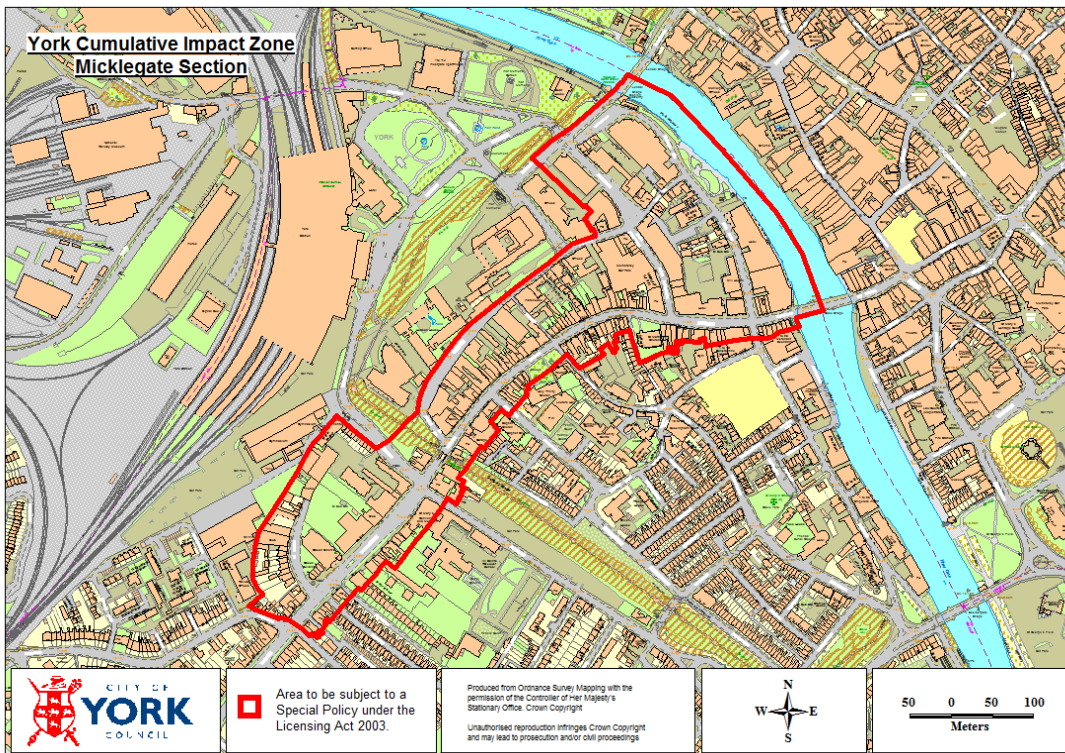
APPENDIX C - MAP DELINEATING THE CITY CENTRE AREA



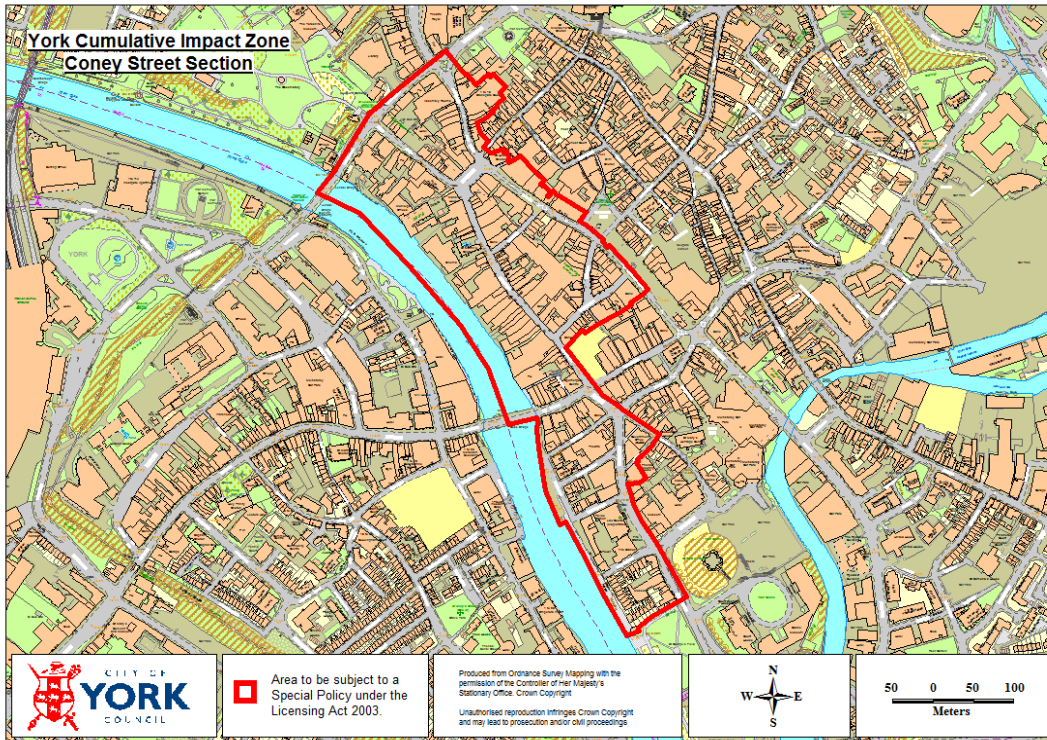
APPENDIX D - MAPS OF THE SPECIAL POLICY AREA



Micklegate Area Map



Coney Street Area Map



Back Swinegate / Fossgate Area

