

Notice of meeting of

Licensing Act 2003 Committee

- To:** Councillors Nimmo (Chair), Bartlett (Vice-Chair),
D'Agorne, Sue Galloway, Hall, Horton, Hyman, King,
Moore, Reid, Runciman, B Watson, I Waudby, Wilde and
Evans
- Date:** Friday, 2 February 2007
- Time:** 2.00 pm
- Venue:** Guildhall

AGENDA

1. **Declarations of Interest**

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda

2. **Minutes** (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 3rd November 2006.

3. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Thursday 1st February at 5pm.

4. Licensing Act 2003, One Year On (Pages 5 - 30)

This report analyses the first years implementation of the Licensing Act 2003 i.e. 24th November 2005–23rd November 2006, and asks members to consider if an interim review of the licensing policy is necessary to help promote the licensing objectives set out in the Act.

5. Licensing Issues in the Violent Crime Reduction Act 2006 (Pages 31 - 36)

This report informs the Licensing Committee of the relevant licensing issues contained in the Violent Crime Reduction Act 2006. The notes have been prepared by the licensing manager in order to brief the committee and give an overview in relation to only the alcohol related issues contained in the Act.

6. Any other business which the Chair decides is urgent under the Local Government Act 1972

Democracy Officer:

Name: Tracy Wallis

Contact Details:

- Telephone – (01904) 551027
- E-mail – tracy.wallis@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Tracy Wallis.

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

City of York Council

Minutes

MEETING	LICENSING ACT 2003 COMMITTEE
DATE	3 NOVEMBER 2006
PRESENT	COUNCILLORS NIMMO (CHAIR), BARTLETT (VICE-CHAIR), D'AGORNE, SUE GALLOWAY, HORTON, HYMAN, KING, MOORE, B WATSON, I WAUDBY AND WILDE
APOLOGIES	COUNCILLORS HALL, REID, RUNCIMAN AND EVANS

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

9. DECLARATIONS OF INTEREST

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

Councillor D'Agorne declared a Personal Interest as he was acquainted with one of the representors who was also a member of the Fishergate Planning Panel

10. MINUTES

RESOLVED: That the minutes of the meeting held on 6 October 2006 be approved and signed as a correct record.

11. PUBLIC PARTICIPATION

Under the Council's public participation scheme Mr John McLaughlin, a solicitor from Guest Walker, spoke in connection with Agenda Item 4 – Gambling Policy.

Mr McLaughlin said that it would be a bad idea for York to adopt a 'No Casino' policy. He suggested that a casino would bring a great deal to York and that there were many suitable locations.

PART B - MATTERS REFERRED TO COUNCIL

12. GAMBLING POLICY

Members received a report which advised them of the consultation exercise carried out in respect of the draft licensing policy as agreed by the Licensing Act 2003 Committee on 7 July 2006. It seeks Members approval of a revised policy and a recommendation for it to be approved by the Council on 30 November 2006. It also seeks Members direction as to the method of publication of the policy.

The Officer informed Members that there had been a mix of representations received in response to the public consultation. He stated that a lot of the 'trade' responses were standard ones and did not necessarily refer specifically to York. Full copies of all the representations were available if Members wished to see them.

The Officer referred to paragraph 15.8 of the draft policy and in the interests of clarity suggested that the last sentence be deleted from that paragraph and that was agreed.

The Officer referred to the 'Summary of Licensing Authority Delegations permitted under the Gambling Act' (Appendix C in the draft policy) and Members discussed the delegations, which were based on national guidance, in some detail. Members were advised that Council approval would be needed to the proposed delegations and that these would more appropriately sit within the Council's Constitution.

In referring the delegations to Council it was noted that that the wording on the last page of Appendix C should be changed to 'Evaluating any proposal to initiate a review by the Licensing Authority...', with authority for that resting with the relevant Assistant Director, in consultation with the Executive Member (Neighbourhoods).

Members then discussed the policy document fully and agreed to recommend the following changes:

1. The scheme of delegation has been removed as Annex C to be placed in the Constitution reference to this is made in paragraph 11.3. Amendment made to page 2 of 2nd item under 'Subsequent matters to be dealt with' to read 'Evaluate any proposal in respect of initiating a review by the Licensing Authority.'
2. Paragraph 15.8 final sentence deleted.
3. Paragraph 22.2 'No Casinos resolution' remains.
4. Paragraph 29.5 'Statement of Principles' Option 1 remains, Options 2 and 3 deleted.

5. Paragraph 31.2 'Statement of Principles' Option 1 remains, Options 2 and 3 deleted.

Specifically Members discussed Paragraph 11 of the report, in particular they considered whether to pass a 'No Casino' resolution under Section 166 of the Gambling act 2005.

A motion was moved by Councillor D'Agorne and seconded by Councillor Moore to replace paragraph 22.2 of the draft Gambling Act with the following:

'This Licensing Authority has considered the representations brought forward in response to public consultation, as well as local media interest in the issue of whether or not to adopt a 'no casino' policy under Section 166 of the Gambling Act 2005. It is the view of this Authority that adopting such a policy would be in the best interests of the city at this time. This Authority is aware that it has the power to revoke such a resolution and that any such decision will be made by the Full Council'. On being put to the vote this motion was lost.

Councillor Horton proposed and Councillor Wilde seconded a motion to support the policy as drafted without a 'No Casino' resolution being incorporated and including the revisions agreed above. On being put to the vote the motion was declared carried.

RECOMMENDED: (i) that the Statement of Licensing Policy on the Gambling act 2005 be approved by Council via the Executive subject to the above referred changes specifically excluding any 'No Casino' resolution.

(ii) that the method for publication of the Policy be approved by Council as set out in paragraph 11f of the report subject to publication on the Council's website.

(iii) that the summary of delegations as set out in the policy document be referred to Council for approval subject to the slight alterations referred to above.

REASON: to satisfy requirements of Section 349 of the Gambling Act 2005.

(Councillor D'Agorne requested his votes be recorded in favour of the amendment he proposed and against the decision not to pass a 'No Casino' resolution.)

G NIMMO
Chair

The meeting started at 2.00 pm and finished at 3.10 pm.

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Licensing Act 2003 Committee

2 February 2007

Report of the Director of Neighbourhood Services

Licensing Act 2003, one year on.

Summary

1. This report analyses the first years implementation of the Licensing Act 2003 i.e. 24th November 2005–23rd November 2006, and asks members to consider if an interim review of the licensing policy is necessary to help promote the licensing objectives set out in the Act.

Background

2. The Licensing Act 2003 (The Act) created a fundamental review of the licensing laws covering the provision of entertainment, sale of alcohol and provision of late night refreshment. It came into full operation on 24th November 2005. The stated objectives of The Act are: the prevention of crime and disorder, public safety, prevention of nuisance and the protection of children from harm.
3. Licensing Authorities are required to produce and publish a local licensing policy which will guide its exercise of the licensing functions. Licensing policies are of 3 years duration after which they must be reissued. During the 3 year period licensing authorities are required to keep their policies under review. Any changes to the policy must be subject to a consultation process as set out in the Act.
4. There are currently 834 premises licences in force in the city. A breakdown by type is shown at annex 1. This annex also includes an analysis of the latest operating time by type of premise.
5. This licensing authority also licences 1084 persons to sell alcohol by virtue of being holders of personal licences. During this review period 407 temporary event notices have been received.
6. To reach this position there were 117 hearings conducted during the transition period and 30 in the first year of implementation of the Act. Hearings were unnecessary in a further 94 cases where mediation succeeded in agreement being reached between applicant and representor. 19 appeals were made to the magistrates court.

7. This licensing authority has produced an enforcement policy that has been signed up to by all responsible authorities. During the year council licensing officers have undertaken 288 visits mostly in conjunction with other enforcement agencies. These visits have been as much about offering support and advice on the new legislation as on enforcement.
8. The Department of Culture, Media and Sport has undertaken a snapshot survey in relation to the operation of the Act nationally. The report is attached at annex 2.

Consultation

9. In order to inform this report, a consultation exercise was carried out with responsible authorities, representatives of the licensed trade, local residents and their elected representatives and other stakeholders. Annex 3 indicates the full consultation process undertaken. Annex 4 contains a copy of the residents questionnaires distributed in the city centre wards.
10. The results of the consultation are listed below categorised under the headings of the 4 licensing objectives, the cumulative impact zone and general comments.

Prevention of Crime and Disorder

11. The first year operation of the Act there has seen a significant reduction in drink related violent disorder and criminal damage in the city.
12. North Yorkshire Police report that comparing the period 24th November 05 to 23rd November 06 with the corresponding period in 2004 – 2005 there has been a reduction of drink related violent disorder within the city walls of 31.8% and a reduction of 5.1% in criminal damage. The reductions are more marked in the cumulative impact zone where disorder has reduced by 37.9% and criminal damage by 11.6%.

13. North Yorkshire Police feel the Act has the following benefits:

- The ability to attach conditions to licences
- The ability to mediate when new applications are being considered
- The ability for public to voice their concerns
- The ability to create special policy areas
- Spreading out dispersal to reduce busy times and flash points
- Ability to put operating conditions on late night food outlets
- Facilitating partnership working across enforcement authorities

14. On the negative side the police say that although reduced, violence and disorder is happening longer into the night, particularly with late night hot food outlets opening later and delaying dispersal.
15. These views are also echoed by the Labour Group who report a significant reduction of drink related violent crime in Micklegate and Rougier Street areas

also at taxi ranks and take aways. The group consider the facility to review licences as a positive aspect of the legislation although no review has been undertaken in this first year.

Prevention of Nuisance

16. The implementation of the Act has had a negative impact on residents living near some licensed premises due to noise nuisance and extended operating hours.
17. The Environmental Protection Unit report that noise complaints have risen dramatically since the introduction of the Act.
18. From 23rd November 04 to 22nd November 05 the unit received 81 complaints about 51 licensed premises. During this period no enforcement notices were served. Over a similar period 05 to 06, 192 complaints were received about 75 premises resulting in the service of five abatement notices.
19. The weekend night time Noise Patrol that operates 9pm – 3am has received 75 complaints about licensed premises.
20. The environmental protection manager considers that this rise is likely to be due to the fact that residents living close to licensed premises would accept some degree of noise due to operations or persons leaving premises when closing times were limited to 11pm. The noise is now extended until midnight and the early hours and that is having a negative effect on the quality of their life.
21. The Labour Group report low level noise lasting later into the evening as people go home later along with some vandalism such as damage to cars. They state this could be alleviated if the City had a late bus service.
22. Approximately 40% of the comments received by way of the questionnaires returned from residents living in the city centre referred to disturbance lasting later into the night. It should also be noted that there were also comments stating there was no change and a few saying it was improved since the introduction of the Act.
23. A positive report has been received from the city centre street cleaning team who have seen an improvement in street cleanliness following the introduction of the Act. This being due to the inclusion of licence conditions requiring a litter pick around late night food outlets at the end of opening hours. This appears to work well and where standards do slip operators are being responsive to informal enforcement action.

Public Safety

24. Neither the Health and Safety Executive nor the council's health and safety unit have any comments to make on the operation of the Act.

25. The North Yorkshire Fire and Rescue Authority see joint enforcement inspections as beneficial to the agencies involved and to customers who receive an immediate response to queries.

Protection of Children from Harm

26. In 2005/06 over 150 young people under the age of 18 were taken into police custody in York and reported to be under the influence of alcohol.
27. The Trading Standards Manager reports that under the Act Trading Standards Officers have a duty to enforce provisions relating to underage sales in all licensed premises. Prior to 2005 duties only related to off licences.
28. Over the course of the year trading standards officers have written to all licensed premises reminding them of the law and advising them of what steps can be taken to prevent illegal sales taking place.
29. Test purchase visits were conducted in accordance with national guidelines using 15 and 16 year old volunteers.
Out of 225 visits conducted to 'on licensed' premises there were 33 sales (14.6%).
134 visits were also made to 'off licences' that resulted in 19 sales (14.2%).
This compares with the 71% sales that were encountered when test purchasing first began on 'off licences' in 2002.
30. Prosecutions have resulted from this action and reviews will be sought for repeated offenders.
31. Although there is room for improvement trading standards officers were pleased with the results obtained from these exercises.
32. Trading standards have launched a responsible retailer award which will promote good practice in combating underage sales in 'off licences'. This compliments the Best Bar None scheme that has similar provisions for pubs, clubs and bars.

Cumulative impact zone (CIZ)

33. A questionnaire has been circulated to all residents living in the CIZ and other city centre streets.
34. 54 forms returned, 22 were from residents known to be living in the CIZ. 12 were anonymous so areas of residency could not be determined.

Of the 22 from the CIZ, 2 thought the special policy helped protect their living conditions very much, 4 to some degree, 4 saw no change from previously and 11 said the special policy did not help them at all. I gave no answer to that question.

35. Councillor M Bartlett has expressed concerns over the effect of the CIZ particularly in Blossom Street.

“I had my reservations on this when it was introduced, not least the extension to include Blossom Street. As a resident in the area I cannot see how one licensed premise more or less is going to make much difference. The substantial increase in visitors on race days swamps this side of the city, with many thousands swarming into town. Many of them clearly enjoy the traditional pub crawl; any idea that this behavior could somehow be changed is frankly ludicrous. What is needed is more variety - this can only be provided by substantial investment - and this will not happen without the prospect of a decent return of profit. My concern is that, if strictly implemented, the CIZ will act as a straight jacket, making it difficult for us to work with businesses to develop a more diverse entertainment culture, as set out in our policy”

General

Residents' questionnaires

36. An analysis of the results are shown on a table at Annex 5.

Of the 54 returns:

6 reported they were unaware of the introduction of the Act
19 persons thought the Act had a negative effect on their lifestyle
10 persons thought the Act had a positive effect on their lifestyle
23 persons thought the Act had a neutral effect on their lifestyle
20 persons thought the introduction of the Act benefited the City

Ward and parish councillors

37. Huntington and Strensall parish councils report that there has been little change as a result of the new legislation in their areas.
38. Bishopthorpe parish council reports extended noise levels in Main Street as a result of longer opening hours.
39. Cllr Hopton reports she is not aware of any problems in Rural West York ward.

Taxi and Private hire operators

40. The York Taxi Association and the York Private Hire Association are both supportive of the change in legislation. They report a drop in alcohol associated problems with their customers and reduced waiting times due to the staggered opening hours.

York City Centre Partnership

41. The Chief Executive of the partnership reports that as far as the night time economy is concerned, that it has been a successful start. York needs to look

at the evening entertainment and a leisure offer as a whole to provide quality facilities.

The partnership seeks the development of a European style café bar culture to promote early evening activity.

Other considerations raised are improved night time public transport, taxi rank marshals and night time rangers to support the police and a dedicated 24hour radio system linked to the CCTV and control room.

City of York Licensing Manager

42. Whilst healthy relationship between the police and local authority were already established before the introduction of the Act, closer partnership working has further been enhanced to the benefit of all. City of York Council Trading Standards, Licensing and Environmental Protection departments, North Yorkshire Police, North Yorkshire Fire and Rescue Service, Safer York Partnership, elected members, licensees and local residents have all embraced the Act which has seen substantial reduction in violent crime across the city. Particularly significant was the high profile approach to the introduction of the act by the council. By making local residents aware of their rights in excess of 1000 residents were prepared to engage in the licensing process with many attending hearings. This together with licensees becoming more aware of their responsibilities as resulted in many long standing related disorder and nuisance issues being dealt with by voluntary cooperation from licensees or the attachment of conditions to licences. The introduction of more door staff, taxi marshals, litter patrols, CCTV installation, staggered closing times and less pressure on the taxi ranks and takeaways is having a beneficial effect on the city centre.

43. Other Comments

- Majority of extended licences granted give the option for an extra 1 or 2 hours opening and many are only being used at the weekends (Labour Group)
- Licencees and drinkers able to choose when and how they drink so long as they do it responsibly (Labour Group)
- Restrictive interpretation of who is an interested party (Labour Group)
- Impact of late opening on traditional pubs as some people drink at home prior to going out later in the evening (Labour Group)
- The Act seems to be working well, some teething problems with understanding obligations of new legislation. High cost of advertising applications (Director of Learning, Culture and Children's Services)
- Why isn't Stonegate, Little Stonegate, and Back Swinegate area not included in special policy area as it contains a high density of bars and clubs (Resident of Stonegate)

- Full support of changes in legislation. Comments submitted relate to abolition of fixed closing times “ York is now a much safer place of an evening post changes in legislation” (24 year old professional worker)

Options

44. As a result of this report members may wish to consider whether any changes are required to the councils licensing policy or the special policy that covers the cumulative impact zone.

Analysis

45. This first year review has shown significant improvements in alcohol related crime and disorder.
46. No significant issues have been raised in respect of public safety or the protection of children from harm.
47. There has been concern expressed over noise and disturbance which has, as a consequence of longer opening hours, extending later into the night resulting in an increase in the number of complaints. This has been true of city centre premises both inside and outside the CIZ and rural locations. This is a situation that has been repeated nationally.
48. Any proposed changes to either the main policy or special policy would need to be subject to a separate consultation exercise as undertaken when the policy was initially produced.

Corporate Priorities

49. The effective exercise of the licensing function will impact the council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

50. Implications

- **Financial: None**
- **Human Resources (HR): None**
- **Equalities: None**
- **Legal:** By virtue of section 5(4) of the Act the Council is required during the three-year period to keep its policy under review, making such alterations to it, if any, it considers appropriate.
- **Crime and Disorder** The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder

implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.

- **Information Technology (IT)** None
- **Property:** None
- **Other:** None

Risk Management

51. In compliance with the Councils risk management strategy any amendments made to the policy that are unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.

Recommendations

52. Members are recommended to:

Note the contents of this first year review of the effects of the Licensing Act 2003 implementation, and

- a) Make no proposals for changes to the policy at this stage,

Reason: In all objectives but the prevention of public nuisance the policy is achieving its aims. There is no practical policy change which at this stage would make any impact on the objective.

- b) Have regard to the issues raised in the consultation about noise and antisocial behaviour when considering future licensing applications.

Reason: that conditions can be applied to individual applications to limit any nuisance that maybe caused.

- c) Refer this report to the next Planning committee for their consideration.

Reason: in accordance with the statutory guidance to the Act paragraph 3.51

Contact Details

Author:

Richard Haswell
Head of Licensing and Regulation

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director (Neighbourhoods and Safety)

01904 551515

Report Approved

Date

12.01.2007

Specialist Implications Officers

None

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

Licensing Act 2003 and supporting Guidance
City of York Licensing Policy

Annexes

- Annex 1 – Analysis of Licensed Premises in City of York by type and latest trading hours
- Annex 2 – Licensing Key Facts, produced by DCMS
- Annex 3 – Consultation methods
- Annex 4 – Residents questionnaire distributed in Guildhall and Micklegate wards
- Annex 5 – Analysis of questionnaire returns

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Premises Licences by Type

Cafes	22
Clubs	13
Educational Establishments	7
Hotels	69
Mobile Units	6
Nightclubs	4
Off Licences	153
Other	61
Private Members Clubs	67
Public Houses	197
Restaurants	119
Sports Clubs	5
Takeaways	68
Theatres & Cinemas	8
Village/Community Hall	35

Latest Operating Hours

	No of Licences	%
Premises Licenses		
23:00	89	18
00:00	172	35
01:00	121	25
02:00	70	14
03:00	14	3
04:00	3	1
24 hrs	20	4
Off Licences		
23:00	131	90
00:00	10	6
01:00	1	1
24 hrs	4	3
Late Night Food Outlets		
00:00	19	30
01:00	11	16
02:00	3	4
03:00	20	29
04:00	9	13
24 hrs	6	8
Club Premises Certificates		
23:00	28	42
00:00	25	38
01:00	11	17
02:00	2	3

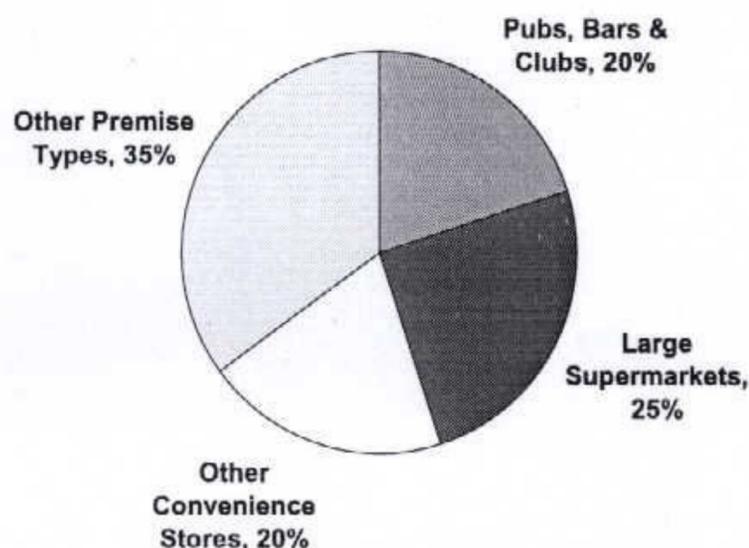
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LICENSING KEY FACTS

Note that these figures are interim estimates only, based on a relatively small sample (28%) of Licensing Authorities. More information on this, and planned future, data collection is provided below the findings.

Licences

- Over 200,000 premise licences/certificates are in force
- Around 3,000 of these are 24 hour licences – less than 2% of the total
- **Broken down by premise type**, the split of 24 hour licences in force is approximately:



- Therefore the vast majority of premises will **not** allow 24hr drinking
- Around 300,000 personal licence holders
- Over 100,000 Temporary Event Notices have been given

Weekend hour of closingⁱ

- There is no evidence in the sample of a move to a new single terminal hour
- Approximately a fifth of pubs, bars and clubs close by 11pm at the latest, and roughly a half by midnight

ⁱ Licensing Authorities were asked to record the *latest* terminal hour of pubs, bars and nightclubs – most likely to fall on a weekend. Terminal hours may be earlier during the week.

- Around 4 in 5 pubs, bars and nightclubs are closed by 1am at the latest
- Under the old regime about 80% of pubs, public bars and night-clubs had licences until 11pm. Of the remainder about 15% (mostly nightclubs) opened until 2am. Only a small percentage (London based) were licensed until 3am.
- Evidence suggests there have been only modest changes to closing times from Sunday to Thursday

Licence reviews and outcomes

- Estimates suggest there have been roughly 600 completed reviews, of which:
 - Around three-quarters resulted in changes to conditions, hours etc
 - Approximately 100 licences were revoked
 - A small number resulted in no further action being taken
-

Methodology

These findings are broad estimates of the current position only. A short electronic survey was sent to all Licensing Authorities in England & Wales, with a 28% response rate achieved. Results were collated and extrapolated to provide very basic estimates at a National level.

A more comprehensive data collection exercise will be carried out by the Department in 2007.

Licensing Act – One Year On – Consultation

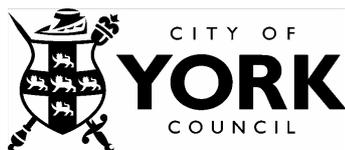
Consulted	How
Responsible Authorities	e-mail
Elected Members	e-mail
Parish Councils	e-mail/letter
Bill Woolley, Director of City Strategy	e-mail
Patrick Scott, Director of Learning Culture & Children's Services	e-mail
Michael Slater, Assistant Director of Planning & Sustainable Development	e-mail
Charlie Croft, Assistant Director (Lifelong Learning & Leisure)	e-mail
Joe Cocker, CYSCB Manager	e-mail
Colin Rumford, Head of Environmental Health & Trading Standards	e-mail
Sean Suckling, Acting Food & Safety Unit Manager	e-mail
Matthew Boxall, Acting Trading Standards Manager	e-mail
Mike Southcombe, Environmental Protection Manager	e-mail
Carolyn Dunn, Chief Executive City Centre Partnership	e-mail
Chief Inspector Andy Hirst, North Yorkshire Police	e-mail
Geoff Farnworth – Yorkshire Ambulance Service	e-mail
Jane Mowat – Safer York Partnership	e-mail
York Hospitality Association	e-mail
York Tourism	e-mail
Chief Superintendent, North Yorkshire Police	Letter
North Yorkshire Fire & Rescue Service	Letter
Health & Safety Executive	Letter
Environment Agency	Letter
British Waterways Board	Letter
Maritime & Coastguard Agency	Letter
Accident & Emergency	Letter
LVA	Letter
York Taxi Association	Letter
York Private Hire Association	Letter
Chamber of Commerce Retail	Letter
Yorkshire Tourist Board	Letter
Club & Institute Union Ltd	Letter
Chamber of Trade	Letter
Chamber of Commerce	Letter
York Magistrates Court	Letter
York & District Citizens Advice	Letter
Residents in the area Micklegate & Guildhall Wards	Letter delivered by ward councillors

General

Consultation posted on City of York Council website.

Article published in York Press.

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Dear Resident

Licensing Act 2003
Review of 1st Years Operation

The Licensing Act 2003 came into operation on 24 November 2005 and has now been in operation for one year. City of York Council is seeking to assess the impact this legislation has had on the City with a view to, if necessary, reviewing its Statement of Licensing Policy.

I am writing to you directly as you live within the special policy area and we are particularly interested to assess the impact that special policy has had on residents.

Printed on the rear of this letter is a description of the area and the policy which applies within it. For further details of the policy please see our website at www.york.gov.uk/licensing

The special policy was applied by the Council at the request of the Police in relation to their concerns over crime and disorder. Recent statistics have indicated that as far as crime and disorder is concerned, the impact of the special policy has been positive. For the period of January to October, the 2006 recorded drink related violent assaults within the special policy area have reduced on the 2005 figures by 42.1% as compared with a reductions of 35.4% in the remainder of the area within the City walls.

The Council would however wish to receive residents views on the success of this policy and I should be obliged if you could complete the attached questionnaire and return it to Licensing & Regulation, City of York Council, FREEPOST (YO239), De Grey House, Exhibition Square, York, YO1 7ZZ or by e-mail licensing.unit@york.gov.uk, by 31 December 2006.

Yours faithfully

A handwritten signature in black ink that reads "Richard Haswell". The signature is written in a cursive style with a large initial 'R'.

Richard Haswell
Head of Licensing & Regulations

Area Covered by Special Policy

The special policy includes the following areas - Micklegate, Toft Green, Tanner Row, Rougier Street, George Hudson Street, Bridge Street, Low Ousegate, Clifford Street, Tower Street, Tanner Moat, Wellington Row, North Street, Cumberland Street, King Street, Lower Friargate, Kings Staith and Peckitt Street.

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.
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.

Licensing Act 2003 – 1st Year Review

Are you aware of the changes to the licensing law that came into effect on 24 November 2005?

YES / NO

What impact have these changes had on your lifestyle over the last 12 months?

POSITIVE

NEUTRAL

NEGATIVE

Please summarise:

Do you consider that the special licensing policy for your area helps protect your living conditions?

VERY MUCH

SOME

NO CHANGE

NOT AT ALL

What alterations (if any) would you like to see in the revision of the policy?

Overall do you think the new licensing law has benefited the City?

YES / NO

Name & Address (optional):

Please return to:
Licensing & Regulation
City of York Council
FREEPOST (YO239)
De Grey House
Exhibition Square
York
YO1 7ZZ

By 31 December 2006

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Licensing Act 2003 - 1st Year Review

Schedule of Responses

Number	Respondent	Aware of Changes	Impact	City benefitted	In Cumulative Impact Zone	Special Policy Protects Living Conditions	What alterations?
		Yes/No	Positive/Neutral/Negative	Yes/No	Yes/No/Don't know	Very Much/ Some/No Change/Not at All	
1	Friargate	Yes	Negative	No	Yes	Not at all	More police or CCTV opposite Gallery Nightclub
2	Friargate	Yes	Negative	No	Yes	Not at all	Nightclub to close earlier
3	York citizen Guildhall Ward	Yes	Neutral	No	Yes	Not at all	Provision for prosecution of owners of licensed premises and closure of premises for repeat offenders
4	South Parade	Yes	Positive	Yes	Yes	Some	Active patrols with powers to administer on the spot penalties for offenders. Litter patrols too.
5	Micklegate	Yes	Neutral	Yes	Yes	No change	
6	North Street	Yes	Positive	Yes	Yes	Some	

7	Micklegate	Yes	Negative	No	Yes	Not at all	No 24 hour or extended hours on bars which are not sound proofed
8	St Gregory's Mews Tanner Row	Yes	Negative	Yes	Yes	Some	A reduction in opening hours for Toffs and Nexus
9	Micklegate	Yes	Negative	No	Yes	Not at all	
10	South Esplanade	Yes	Negative	No	Yes	Not at all	No more properties being allowed to open after midnight in the immediate vicinity
11	Micklegate	Yes	Positive/Negative	Yes	Yes	Some	
12	Micklegate	Yes	Neutral	Yes	Yes	Very much	
13	North Street	No	Neutral		Yes	No change	
14	South Esplanade	Yes	Negative	No	Yes	No change	To make publicans and restaurateurs more responsible by stewarding drunks from the vicinity and providing effective clean up before morning
15	St Andrew Place St Andrewgate	Yes	Positive	Yes	Yes	Very much	
16	Trinity Court	Yes	Neutral	Yes	Yes		

17	Kings Staiths	Yes	Negative	No	Yes	Not at all	Toughen it up, delete effect 7 as this has been responsible for the inability to oppose extensions, which have caused the noise to get greater?
18	St Andrewgate	Yes	Negative	No	Yes	Not at all	
19	Micklegate	Yes	Neutral	No	Yes	Not at all	More police on the streets
20	Blossom Street	Yes	Neutral		Yes	No change	
21	Tower Place	Yes	Negative	No	Yes	Not at all	More policing
22	Tanner Row	Yes	Negative	No	Yes	Not at all	Places in Tanner Row area to close earlier
23	High Petergate	Yes	Neutral	Don't know	No	No change	
24	Mayfair House Piccadilly	Yes	Negative	No	No	Not at all	No drinking in the streets, if law already should be enforced
25	Stonegate	No	Neutral	No	No	No change	Protection from anti social behaviour
26	Piccadilly	Yes	Positive	Yes	No	Very much	No more licensed premises
27	Stirrup Close Foxwood Lane	Yes	Negative	No	No	Not at all	
28	Fossgate	Yes	Neutral	Yes	No		None - quite happy
29	Fossgate	Yes	Neutral	Yes	No	No change	

30	Holgate Road	Yes	Negative	No	No		Better policing. On the spot fines. Crack down on fighting in the streets
31	East Mount Road	Yes	Neutral	No	No	No change	If all pubs closed by 11pm it should be reasonably quiet by midnight
32	Malt Shovel Court Walmgate	Yes	Neutral	Needs more time to become clear	No	Some	
33	Fossgate	Yes	Neutral		No	Not at all	Not to promote 'one pub for every day of the year' or Hen/Stag parties. Should encourage families and make premises more user friendly.
34	St Andrewgate	Yes			No	No change	Put someone on duty in Kings Square to direct drunks down Goodramgate instead of St Andrewgate
35	Fossgate	Yes	Negative	No	No	Not at all	
36	Hunt Court	Yes	Neutral	Yes	No	No change	
37	Morrell Yard Fossgate	Yes	Neutral	Yes	No	No change	
38	Aldwark	Yes	Positive	Yes	No	Very much	Closer supervision of existing noisy premises

39	Aldwark	No	Neutral	No	No	Some	
40	Trinity Lane	Yes	Positive	Yes	No	No change	
41	Mayfair House Piccadilly	Yes	Negative		No	No change	Later hours at local establishments which are not causing problems
42	St Andrewgate	Yes	Positive	Yes	No	Some	Extra care given to applications for music licences especially after midnight
43	Anonymous	No	Neutral		Don't know	Very much	Only lived in York for 6 months so no comment
44	Anonymous	Yes	Neutral		Don't know	No change	
45	Anonymous	Yes	Negative	Yes	Don't know	No change	
46	Anonymous	No	Neutral		Don't know	No change	
47	Anonymous		Neutral		Don't know	No change	
48	Anonymous	No	Neutral	No	Don't know	No change	
49	Anonymous	Yes	Positive	No	Don't know	No change	
50	Anonymous	Yes	Neutral	No	Don't know	Not at all	
51	Anonymous	Yes	Positive	Yes	Don't know	Some	
52	Anonymous	Yes	Negative	Yes	Don't know	Very much	Duncombe Place to be included in the Licencing Act
53	Anonymous	Yes	Positive	Yes	Don't know	Some	
54	Anonymous	Yes	Negative	No	Don't know	Not at all	

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Licensing Act 2003 Committee

2 February 2007

Report of the Director of Neighbourhood Services

LICENSING ISSUES IN THE VIOLENT CRIME REDUCTION ACT 2006

Summary

- 1 This report informs the Licensing Committee of the relevant licensing issues contained in the Violent Crime Reduction Act 2006. The notes have been prepared by the licensing manager in order to brief the committee and give an overview in relation to only the alcohol related issues contained in the Act.

Background

- 2 The Violent Crime Reduction Act 2006 received Royal Assent on 8 November 2006.
- 3 The Act contains a variety of measures designed to combat alcohol related violence and disorder, including new drinking banning orders and alcohol disorder zones.
- 4 It amends licensing law to promote the objectives of crime prevention and child welfare.
- 5 It also tightens the law on air guns, imitation firearms and the purchase of knives and introduces a new power for school staff to search pupils for weapons.

Alcohol-related violence and disorder

Drinking Banning Orders

- 6 The Act introduces a Drinking Banning Order, which establishes powers to allow those aged 16 and over who are responsible for alcohol related disorder to be excluded from licensed premises in a defined geographic area for a given length of time between 2 months and 2 years.
- 7 Provision is also made for the duration of an order to be reduced if an individual satisfactorily completes an approved course to address their alcohol misuse behaviour.

- 8 Such an order is made on application to a magistrates' court against an individual by a relevant authority if -
- (a) that the individual has engaged in criminal or disorderly conduct while under the influence of alcohol; and
 - (b) that such an order is necessary to protect other persons from further conduct by him of that kind while under the influence of alcohol.

Alcohol Disorder Zones

- 9 The Act introduces Alcohol Disorder Zones to give local authorities and police powers to designate areas blighted by serious alcohol-related crime and disorder. The local authority may by order designate a locality in their area as an alcohol disorder zone if they are satisfied –
- (a) that there has been nuisance or annoyance to members of the public, or disorder, in or near that locality.
 - (b) that the nuisance, annoyance or disorder is associated with the consumption of alcohol.
 - (c) that there is likely to be a repetition of nuisance, annoyance and disorder.
- 10 Before designating a locality as an alcohol disorder zone, the local authority must publish a notice setting out their proposal to designate the locality and inviting interested parties to make representation.
- 11 As soon as reasonably practicable after the end of the period for making representations the local authority and the local chief officer of police must prepare a document ("the action plan") setting out the steps in their opinion would tackle the problems.
- 12 Licensed premises will have a period of eight weeks in which to do this. As part of the action plan, licensed premises may be asked to fund extra service provision. Examples could include extra late-night transport, street cleaning and extra security patrols.
- 13 If premises fail to implement the action plan then charges would be levied at a nationally set rate, reflecting the cost of a typical basket of initiatives, which could be used by local authorities and other public authorities to tackle the problem.

Licensing Reviews

- 14 This section inserts a new procedure into the Licensing Act 2003 to allow the police to require a review of Licensed Premise's by a licensing authority if they have reason to believe it is subject to serious crime or disorder.

- 15 Licensing authorities notified by the police are required to hold an emergency meeting within 48 hours to consider temporary variations to the Premise Licence. These could include a prohibition on the sale of alcohol, the removal of the Designated Premises Supervisor or suspension of the licence. A full review, under the terms of the Licensing Act, must occur within 28 days.

Persistently Selling Alcohol to Children

- 16 This part of the Act inserts a new offence into the Licensing Act 2003 which will be committed if, on three or more different occasions in a period of three consecutive months, alcohol is unlawfully sold on the same premises to a person under 18.
- 17 The penalty for the new offence on summary conviction will be a fine not exceeding £10,000 and where the offender is a premises licence holder, the premises licence could be suspended for up to three months insofar as it authorises the sale of alcohol.
- 18 A Senior Police Officer or Trading Standards Inspector may issue a closure notice where there is evidence that a person has committed the new offence of persistently selling to children. A closure notice prohibits the sale of alcohol from premises for up to 48 hours.

Options

- 19 None, information only.

Analysis

None

Corporate Priorities

Where necessary the effective use of the Violent Crime Reduction Act 2006 will impact the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people and York.

Implications

Financial

None. In relation to the introduction of Alcohol Disorder Zones if premises fail to implement the action plan then the local authority at a national set rate would levy changes.

Human Resources (HR)

There are no Human Resource implications.

Equalities

There are no equalities implications.

Legal

The council is and will discharge its obligations under the appropriate legislation.

Crime and Disorder

The committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.

Information Technology (IT)

There are no information technology implications.

Property

There are no property implications.

Other

There are no other implications.

Risk Management

None – report for information only.

Recommendation

Members are recommended to:

- (1) Note the contents of the Violent Crime Reduction Act 2006 in relation to alcohol related issues.

Contact Details

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Assistant Director
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Report Approved

Date 15th January 07

Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

Background Documents:

Violent Crime Reduction Act 2006
Licensing Act 2003

Annexes

None

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