

Licensing & Regulatory Committee

5 March 2025

Report from the Director – Environment, Transport and Planning

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

Summary

1. In accordance with the requirements of Section 5 of the Licensing Act 2003 (the 2003 Act) this report seeks members support of the formal review of the council's Statement of Licensing Policy. It advises of the consultation undertaken and of the amendments made.
2. In accordance with the requirements of Section 5A of the 2003 Act this report also seeks members support of the implementation of a Cumulative Impact Assessment in relation to part of the city centre. It advises of the consultation undertaken.
3. The report seeks a recommendation to Council that the revised Policy and Cumulative Impact Assessment be adopted.

Recommendations

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

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

Background

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

Statement of Licensing Policy

6. Section 5 of the 2003 Act requires licensing authorities to determine and publish a Policy, at least every five years. City of York Councils current Policy was approved by Council on 24 March 2022, this Policy has been reviewed due to the requirements of Section 5A of the 2003 Act relating to CIA, further information is detailed below.
7. The Act requires that, before determining its Policy the licensing authority must consult:
 - a) the chief officer of police
 - b) the fire authority
 - c) public health
 - d) representative of premises licence and club premises certificate holders
 - e) representative of personal licence holders
 - f) representative of businesses and residents
8. A full review of the Policy has taken place, in line with the review of the CIA.
9. The draft revised Policy can be found at Annex 1, the amendments made to the revised Policy are highlighted in yellow, the amendments made following the consultation are highlighted in turquoise.

Cumulative Impact Assessment

10. Section 5A of the 2003 Act (which was introduced in April 2018) provides that a licensing authority may, in appropriate circumstances, publish a document, a Cumulative Impact Assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the Assessment, is such that it is likely that it would be inconsistent with the authority's duty under the 2003 Act to grant any further relevant authorisations in respect of premises in that part or those parts.
11. The CIA must set out the evidence for the authority's opinion, must be consulted upon before it is published, and it must be reviewed at least every three years.

12. The Council published its first CIA in March 2019; a reviewed CIA was published in March 2022.
13. As required by Section 5A of the 2003 Act the Council has reviewed the area identified within the CIA. North Yorkshire Police (the Police) have provided statistical data for the area, which includes crime associated with the consumption of alcohol and Public Protection has provided data relating to noise associated with the operation of licensed premises. From this date the Council, in consultation with the Police, has developed its third draft CIA in relation to an area that has been identified in York city centre.
14. This cumulative impact area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continues to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:
 - prevention of crime and disorder
 - prevention of public nuisance
15. The CIA relates to applications for the grant and/or variation of premises licences, club premises certificates or the issue of provisional statements.
16. By publishing a CIA, the Council is setting down a strong statement of intent about its approach to considering applications for grant and variations of premises licences or club premises certificates in the area described. The Council must have regard to the CIA when determining or revising the Statement of Licensing Policy.
17. The CIA does not change the fundamental way that a licensing decision is made, as each application will be considered on its own merits. Where no relevant representations are received an application will be granted in the terms consistent with the operating schedule. Where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in the cumulative impact area, the application should be refused.
18. Within the draft reviewed CIA, the red and amber zones have been removed as applicants for new premises licences became more focused on whether the premises was or wasn't located within a red or amber zones, rather than the fact that the premises was located within

the cumulative impact area. Some applicants believed that as long as the premises wasn't in a red or amber zone (especially the red zone), the remaining cumulative impact area was not relevant, and a new application would be granted.

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

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

Consultation

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

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

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

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

Options

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

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

Analysis

27. The Council's first Policy was published in January 2005. The Policy has been fully reviewed and published on a further five occasions, in 2008, 2011, 2014, 2019 and 2022.

28. At the request of the Police, the Council's Policy has included a special policy on saturation and cumulative impact (CIZ) since April 2005. The CIZ was reviewed on three occasions at the request of the Police, in July 2010 and March 2014 to increase the CIZ area due to the changes in patterns of crime and disorder, and in July 2016 to include applications for material variations.

29. The first CIA was published in January 2019. As a CIA has to be evidence based, the area within the city centre included within the CIA was reduced slightly from that of the former CIZ area, this was due to changes in patterns of crime and disorder. Following the review of the CIA there are no proposed changes to the cumulative impact area.

Currently Licences and Certificates in Force

30. There are currently 1081 premises licences (1022 in 2022), and 44 club premises certificates (45 in 2022) in force, of which:

- 341 premises are in the CIA (319 in 2022)
- 749 authorise the sale/supply of alcohol on and off the premises (688 in 2022)
- 194 authorise the sale/supply of alcohol off the premises (off sales) (194 in 2022)
- 182 do not authorise the sale/supply of alcohol

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

Number of Applications, Suspension, Lapsed and Surrendered Licences

32. The table below details the number of applications received, suspension issued, lapsed and surrendered licences for the last six financial years.

	2024/25*	2023/24	2022/23	2021/22	2020/21	2019/20
Premises licence grants	33	45	28	37	41	31
Premises licence variations	16	13	19	16	13	14
Minor variations	22	35	23	25	27	28
Transfers	65	50	62	34	53	59
DPS variations	164	143	155	145	104	165
Premises licence suspensions	146	155	175	60	46	87
Lapsed premises licences	4	6	1	2	7	3
Premises licences surrendered	1	6	13	20	10	19
Personal licence grants	132	109	111	122	74	147
TEN – standard	150	162	166	120	35	190
TEN – late	59	60	74	59	21	94

* Report run on the 20 February 2025.

Council Priorities

33. By complying with the requirements of the 2003 Act the Council are supporting new and existing licence trade, as well as residents and businesses. The functions support the Council's Plan 'One City, for all'.

Implications

34. The implications arising from this report are:

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

Risk Management

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

Contact Details

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**Report
Approved**



Date 21/02/2025

Specialist Officer Implications: None
Wards Affected:

All



Background Papers:

[Licensing Act 2003](#)

[Section 182 Guidance](#) for Licensing Authorities

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

[Cumulative Impact Assessment 2022 - 2025](#)

Annexes

Annex 1: Revised Statement of Licensing Policy 2025

Annex 2: Revised Cumulative Impact Assessment

Annex 3: North Yorkshire Police CIA Report

Annex 4: Consultees

Annex 5: Consultation Responses

Annex 6: Equalities Impact Assessment