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Our Ref : AT/260216/01

Councillor Helen Douglas (Chair)
 Gambling, Licensing & Regulatory Committee
 Licensing Services
 Eco Depot
 Hazel Court
 York
 YO10 3DS

26 February 2016

Dear Councillor Douglas,

Amendment - Clause 7 (Variation) - Saturation & Cumulative Impact Policy within City of York Council's Statement of Licensing Policy 2014

I, on behalf of the Chief Officer of Police, seek your committee's support with amending clause 7 (Vary the hours of operation) in the 'Saturation & Cumulative Impact' section of City of York's Statement of Licensing Policy 2014 to reflect the wording of clause 4 (Applications for the grant of a new premises licence or club premises certificate or provisional statement).

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

Clause 4 of the policy, 'Applications for the grant of a new premises licence or club premises certificate or provisional statement' states:

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

The above statement aligns to that outlined in paragraph 13.30 of the 'Revised Guidance issued under section 182 of the Licensing Act 2003 (March 2015).'

However, clause 7 of the policy, 'Applications to vary the hours of operation attached to a premises licence or club premises certificate' states:

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

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Variations to extend licensing hours for the sale or supply of alcohol are classed as 'material variations' under the Licensing Act 2003 (LA03) and can only be dealt with by way of the full variation process. This stance is confirmed by paragraph 8.58 of the Section 182 Guidance.

Extending the permitted hours at a premises or club premises certificate within the Cumulative Impact Policy (CIP) area is the scenario most likely to present detrimental impact on cumulative impact. Therefore, it would appear perverse to specifically exclude this provision from the policy, and by doing so, reverse the burden of proof to that of a responsible authority.

Example - an applicant applies for a premises licence to operate a public house within the area covered by the Cumulative Impact Policy between 11.00 – 2300hrs. Being a new application clause 4 is triggered meaning that the applicant would have to demonstrate that the operation of the premises would not add to the cumulative impact already experienced. If granted, clause 7 currently enables the applicant to vary the licence, the next day if they so wished, to extend the operating hours well into the night-time economy without triggering the Cumulative Impact Policy, nor the need to demonstrate that the business would not have a detrimental impact on cumulative impact.

With clause 7 as it currently stands it would be extremely difficult for a responsible authority to evidence the likely cumulative impact a premises may have during the extended hours due to there being no trading history to evidence. Hence the reason why the rebuttable presumption is phrased the way it is.

Members raised this anomaly at a meeting of the Gambling, Licensing & Regulatory Committee on 19 November 2010. The minutes of the meeting state that officers would bring a report to a future meeting to address the issue. North Yorkshire Police has been unable to find such a report on any subsequent agenda. This may explain why the clause remains in its current format to this date.

For York's Saturation & Cumulative Impact policy to be effective, members need to be able to deal with both new applications and material variations on an equal footing.

To assist members in their decision making process I commissioned the Police Partnership Analyst to provide you with an up to date study of crime and disorder within York's Cumulative Impact Policy area (Appendix A).

Yours sincerely,

Superintendent Adam Thomson
Safer Neighbourhood Commander

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Crime Pattern Analysis

Alcohol related Crime, ASB and PSW Incidents within York CIZ area - Update 2016

Owner	PS905 Matt France
Authors	Sue Dandy - Intelligence Analyst (Partnership)
Reference Number	
Version	Two
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Weed Date	9 February 2022

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Content and Considerations

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Author: Sue Dandy, Intelligence Analyst (Partnership)

Date: 9 February 2016

Introduction

This report has been commissioned by North Yorkshire Police (NYP) to provide an objective analysis of calls for police service to include alcohol related crime, Anti-Social Behaviour (ASB) and Public, Safety and Welfare (PSW) occurrences reported within the extended City of York Cumulative Impact Zone (CIZ) area.

Data within this review encompasses a two-year comparative period 01/01/2014 to 31/12/2014 and 01/01/2015 to 31/12/2015.

As with all reports, accuracy of data is dependant on the correct (and detailed) completion of occurrence and crime reports. Consequently some specialist data, for example that relating to alcohol is likely to be a conservative estimate.

Please refer to Appendix A for maps, Appendix B for statistical data and Appendix C for graphs.

Summary

1. The number of recorded occurrences within the City of York Cumulative Impact Zone (CIZ) decreased in 2015 compared with the previous year. This decrease is also reflected in alcohol related occurrences.
2. ASB Nuisance continues as the most prevalent occurrence type however a decrease is also evident and this includes alcohol related nuisance.
3. Violence related occurrences have increased in 2015. Correspondingly, alcohol related violence has also increased. This also includes alcohol related Violence Against the Person.
4. Recorded crime has remained stable across both years.
5. Theft related offences have recorded notable decreases during 2015. In contrast, Violence Against the Person, Arson & Criminal Damage and Public Order offences have experienced increases.
6. Assault Occasioning Actual Body Harm (AOABH), Malicious Wounding/GBH, Common Assault, Assault (without injury) on a Police Constable and Harassment have all recorded increases.
7. Sexual offences have decreased by over a third, correspondingly alcohol related offences have also decreased.
8. The highest concentration of occurrences continues to be within areas where footfall is high. These zones encompass a high concentration of nightclubs, public houses, off-license express supermarkets, late night eateries as well as hotel and retail premises. This is representative across both years.

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9. The highest levels of reported occurrences, across both years, are during the summer months of July and August together with December.
10. Calls for police service are at their highest on weekends; Saturday and Sunday. This is consistent across both 2014 and 2015.
11. Activity is highest between 1pm - 6pm and midnight - 4am. These periods incorporate the traditional Night Time Economy (NTE) period as well as representing the changing trend in pattern of visiting revellers coming to the city on a late Saturday morning into early evening.

Findings

Occurrences¹

12. The number of recorded occurrences within the City of York CIZ have decreased by 2% (-121) in 2015 compared with 2014.
13. Alcohol related occurrences² have decreased by 3% (-50) in 2015 compared with the previous year.
14. ASB occurrences within the CIZ have also decreased in 2015 compared with 2014 (-11%, -191).
15. ASB Nuisance is the most prevalent occurrence type across both years albeit reports have decreased by 11% (-172) during the latter period. These reports encompass complaints of begging and vagrancy, buskers, urination in public places, public order behaviour such as fighting and drunkenness, verbal abuse and gathering of large groups of youths. ASB dispersal notices are also recorded within this heading. Alcohol related ASB Nuisance occurrences have also decreased -4.5% (-32).
16. The multi-agency Community Safety Hub - operating from the City's council offices - was introduced in spring 2014. Now fully developed and embedded, police officers monitor all ASB occurrences (including nuisance) within the city on a daily basis identifying repeat locations, people and ensuring potential for further investigation is progressed. This proactive work has possibly contributed to the decrease in overall ASB including ASB Nuisance.
17. Theft, Violence, PSW Concern for Safety and PSW Suspicious Circumstances also feature within the top five call types for police service. Again, this is reflected across both years. An increase in violence related reports is recorded in 2015 (+18), alcohol related violence has also increased (+18).
18. PSW Calls for Concern relate to people with vulnerabilities - adults and children - by way of mental health problems or people in drink or having taken substances such as legal highs. Activity around the river also features. PSW Suspicious Calls are similar in nature to Calls for Concern - a notable proportion is made with good intent (a potential indicator of confidence).

¹ These include crime and non-crime reports

² National Incident Category List (NICL Code) specified as 'Alcohol' within the occurrence/crime data

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Crime

19. Recorded crime has remained static across both years; 2261 offences in 2015 compared with 2262 in 2014.
20. Shoplifting, Violence Against the Person, All Other Theft, Theft from The Person, Arson & Criminal Damage and Cycle Theft feature within the top five crime groups across both years. Shop Theft, Theft from Person offences and All Other Theft have experienced notable reductions in 2015 (-55, -67 and -25 respectively). In contrast, Violence Against the Person and Arson & Criminal Damage have recorded increases (+75, +30). Public Order offences have also increased albeit minimally (+4).
21. Violence offences that have recorded increases include AOABH (+33), Malicious Wounding/GBH (+18) and Common Assault (+15). All of these offences are reported primarily across Saturday and Sunday - this is consistent across both time periods. Venues that record the highest levels of violence crimes as outlined above are; Kuda, Fibbers, Pop World, Vudu Lounge and McDonalds Restaurant. This latter year, Fibbers and Vudu Lounge have recorded increases in violence (+14 and +3).
22. Alcohol related increases during 2015 are evident in Violence Against the Person, Arson & Criminal Damage, All Other Theft, Theft from Person and Robbery offences. Aside from violence offences, increases are in singular figures. Alcohol related violence crimes have increased by 12% (+25).
23. Increases in drug offences (+7), fraud (+11), and burglary (+23) are also evident.
24. Drug Offences are primarily linked to possession of Class A and Class B substances - Possession of Cocaine (31) and Possession of Cannabis (45) predominate. Both have recorded increases in 2015 albeit levels are very low. Possession of MDMA has also increased (+3). Drug Offences are primarily reported over the weekend period Friday through to Sunday, peaking on Saturdays and this is similar across both time periods.
25. Previous analysis has identified Theft from Person offences as predominantly occurring within licensed premises, in particular nightclubs. Unattended personal items such as from handbags and clothing together with mobile phones (often left unattended) are most targeted.
26. Fraud offences have all been directed to the National Fraud Intelligence Bureau for recording and progression.
27. Sexual Offences within the CIZ have decreased by over a third 35% (-9) and this is reflected across all offence types. Alcohol related sexual offences have also decreased (from 11 to 4). Sexual Assault on a Female continues to sustain the highest level of offences within this crime group and also records the highest level of alcohol involvement - this is across both years. The level of recorded sexual offences across other categories continues to be within singular figures. Levels of exposure offences remain similar to 2014.

Locality

28. The top five tier streets that experience the highest level of occurrences are; Coney Street, Micklegate, Blake Street, Blossom Street and Clifford Street - this is generally representative across both years. Geographically, all are in close proximity to each other

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and encompass a high concentration of nightclubs, public houses, off-license express supermarkets, late night eateries as well as hotel and retail premises. Consequently footfall in this area is high.

29. McDonalds Restaurant records the highest level of occurrences across the two year period albeit levels have almost halved in 2015 (-46%, -98). Anecdotal information suggests several factors contributing to this decrease and these include increased security staff employed by the venue most nights, increased targeted patrolling by NYP officers and the reduction in complaints from some local residents who were, historically, prolific complainants with regard to ASB concentrated around the venue site. Venue staff are also calling for police assistance via the Storenet Radio system as opposed to telephoning 101 resulting in a prompt response from local officers however these occurrences are not always being recorded on NYP data systems.
30. Kuda nightclub records the second highest level of occurrences across 2014 and 2015. Similar to McDonalds, occurrences have also decreased notably in 2015 (-52%, -101). Since a change of management in late 2012, door staff security has improved and the Manager is the current Chairperson of the local Pubwatch scheme. Similar to McDonalds, calls for police assistance are also frequently requested via the Storenet radio system.

Temporal Information

1. Calls for police service are at their highest on weekends; Saturday and Sunday. This is consistent across both 2014 and 2015.
2. Occurrences are at their minimum between 5am and 9am. Commencing 9am, the number of reports increases hourly through the day peaking at between 4pm and 5pm after which there is a gradual depreciation through to 9pm. A second increasing trend emerges after 9pm which continues through to 3am. Occurrences then decrease until 5am. This pattern is similar to 2014. Isolated increases are noted however between 6pm and 2am and between 8am and 9am.
3. The highest levels of reported occurrences, across both years, are during the summer months of July and August together with December. Increases in July and August are possibly influenced by visitors to York Races attending the Saturday Music Showcase at the end of July and Saturday Ebor Fixture in August. Previous analysis of activity during both years suggests these fixtures record the highest levels of race related activity of each season.
4. Aside from three instances, calls for police service have been lower each month than the preceding year - in July, September and October levels of recorded occurrences were higher than 2014. The increase during September and October can be accounted for in the following paragraph.
5. Operation Erase, a multi-agency forum, launched a hard-hitting campaign on Saturday 5 September 2015 in response to the continuing behaviour of revellers - travelling from the North East and South Yorkshire - visiting the city centre on Saturday afternoons. This behaviour has affected both locals and tourists alike. A Code of Conduct was agreed by

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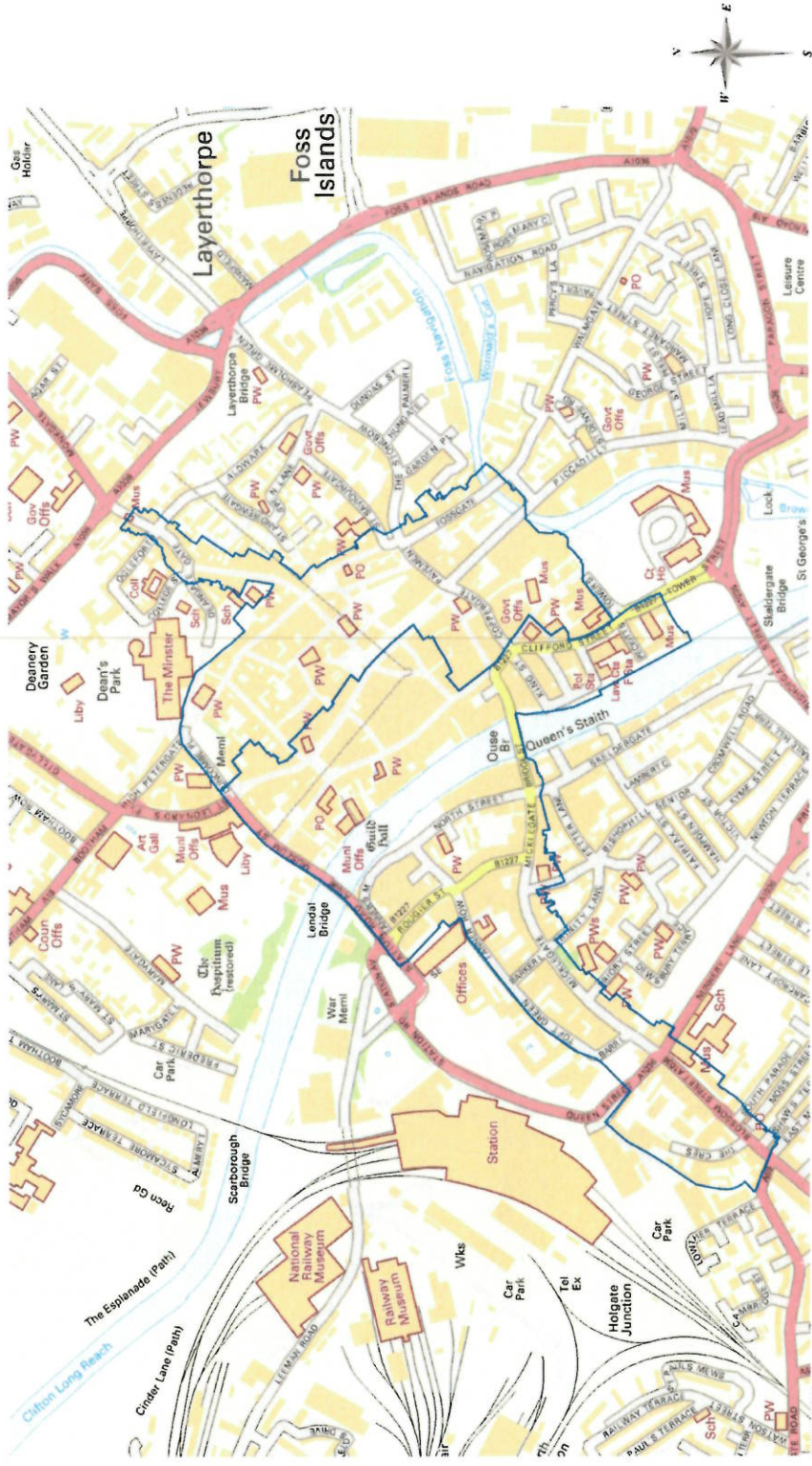
partners including Licensees, Licensing Officers, Train Companies, NYP and British Transport Police (BTP) and this was displayed in all city centre licensed venues. Refusal of large groups of revellers into venues and prohibition of blow-up phallic balloons, used by Hen parties, were incorporated within the new Code. An increase in police patrols together with more robust enforcement by all participating partners on Saturdays in September and October may account for the increase in reports during these months.

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Appendix A

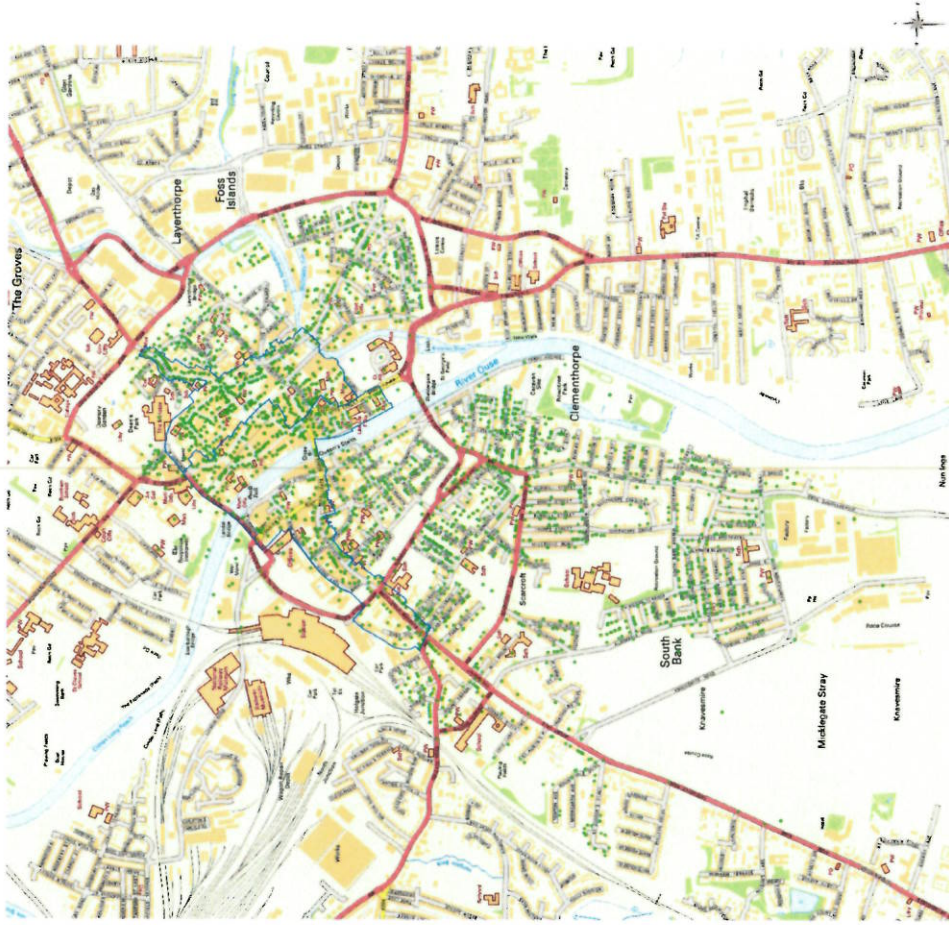
Map of York showing the Cumulative Impact Zone as indicated by the blue boundary lines



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Map of York showing the Cumulative Impact Zone as indicated by the blue boundary lines, together with all occurrences and crimes (represented by green dots) reported within the city sectors FXD (Micklegate Inner), FXH (Micklegate Outer) and FXE (Guildhall Inner) between 01/01/2014 and 31/12/2015



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Map of York showing the Cumulative Impact Zone as indicated by the blue boundary lines together with all occurrences and crimes (represented by green dots) committed within the CIZ between 01/01/2014 and 31/12/2015.



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Hot Spot Map showing the concentration of occurrences in 2014 within York Cumulative Impact Zone. Red shading indicates highest density and white shading lowest density of occurrences.



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Hot Spot Map showing the concentration of occurrences in 2015 within York Cumulative Impact Zone. Red shading indicates highest density and white shading lowest density of occurrences.



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Appendix B

1. Table showing the number of recorded occurrences during the specified two year period.³

2014	2015	TOTAL
5886	5765	11650

2. Table showing the number of recorded alcohol related occurrences during the specified two year period.

2014	2015	TOTAL
1471	1421	2892

3. Table showing the number of recorded ASB occurrences during the specified two year period. Increases in 2015 are highlighted in red.

ASB OCCURRENCE TYPE	2014	2015	TOTAL
ASB Nuisance	1560	1388	2948
ASB Personal	86	119	205
ASB Environmental	96	44	140
Grand Total	1742	1551	3293

4. Table showing the number of recorded ASB Nuisance occurrences linked to alcohol during the specified two year period.

OCCURRENCE TYPE	2014	2015
ASB Nuisance	717	685

5. Table showing the number of recorded Theft, Violence, PSW Concern for Safety and PSW Suspicious Circumstances occurrences linked to alcohol during the specified two year period. Increases in 2015 are highlighted in red.

OCCURRENCE TYPE	2014	2015
Theft	43	34
Violence	239	257
PSW Concern for Safety	210	204
PSW Suspicious Circumstances	35	40

6. Table showing the number of recorded crimes during the specified two year period.⁴

2014	2015	TOTAL
2262	2261	4524

³01/01/2014 – 31/12/2014 and 01/01/2015 – 31/12/2015

⁴01/01/2014 – 31/12/2014 and 01/01/2015 – 31/12/2015

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7. Table showing recorded Crime Groups during the specified two year period. Increases in 2015 are highlighted in red.

CRIME GROUP	2014	2015	TOTAL
Shoplifting	658	603	1261
Violence Against the Person	451	526	978
All Other Theft	325	300	625
Theft from Person	187	120	307
Arson & Criminal Damage	130	160	290
Bicycle Theft	132	158	290
Public Order Offences	116	120	236
Drug Offences	107	114	221
Burglary	51	74	125
Fraud	22	33	55
Sexual Offences	26	17	43
Misc Crimes Society	28	10	38
Possession Weapons	13	10	23
Vehicle Offences	10	9	19
Robbery	9	9	18
Grand Total	2333	2275	4609

8. Table showing recorded crimes (during the specified two year period) where there have been increases in 2015.

CRIME GROUP	OFFENCE TYPE	2014	2015	TOTAL
Violence Against Person	AOABH	250	283	533
	Common Assault & Battery	136	151	287
	Malicious Wounding / GBH	18	36	54
	Assault Without injury on a PC	13	17	30
	Harassment	2	9	11
	Assault on a Traffic Officer	1	2	3
	Breach of Restraining Order	1	3	4
	Racial or Religious Aggravated Harassment without Violence	0	2	2
	Racial or Religious Aggravated Harassment with fear of Violence	0	1	1
	Threats to Kill	0	1	1
Arson & Criminal Damage	£5000 or under, building other	60	76	136
	£5000 or under, vehicle	31	41	72
	£5000 or under, dwelling	3	4	7
	Over £5000, building other	0	2	2
	Over £5000, other	0	1	1
Public Order Offences	Fear or provocation of violence	31	39	70
	Causing Intentional harassment	9	10	19
	Racially/religiously aggravated harassment/alarm/distress	5	12	17
	Act of Outrageous Decency	1	5	6
Drug Offences	Possession of Cannabis	39	45	84
	Possession of Cocaine	27	31	58
	Possession of MDMA	5	8	13

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	Possession Other Class A	2	5	7
	Possession of Heroin	3	4	7
	Possession Other Class C	2	3	5
	MDMA – Supply	0	2	2
	Possession of a Controlled Drug, supply	0	2	2
	Possession of Ketamine0	1	1	
Burglary	In a building other than a dwelling	25	63	88
	Attempt Burglary, other than dwelling	5	7	12
	Burglary in a Dwelling	2	4	6

9. Table showing the top tier streets (=> 350 occurrences across the two year period) affected by 'calls for police service'. Increases in 2015 are highlighted in red.

STREET / TOP VENUES	2014	2015	TOTAL
Coney Street	583	593	1176
Revolution	56	61	112
Pitcher & Piano	16	22	38
Micklegate	381	397	778
Travelodge Hotels Ltd	35	39	74
The Parish	22	27	49
The Micklegate	5	18	23
Blake Street	374	268	642
McDonalds Restaurants LTD	214	116	330
ASK	6	8	14
Blossom Street	266	299	565
REEL Cinema	38	19	57
Premier Inn	26	18	44
Punch Bowl	12	13	25
Clifford Street	319	209	528
KUDA	195	94	289
Goodramgate	208	221	429
Tesco Express	17	16	33
Cross Keys	10	10	20
Parliament Street	207	179	386
Low Ousegate	169	202	371
Tesco Express	23	29	52
Slug & Lettuce	22	27	49

10. Table showing the top tier licensed/eatery venues (=> 100 occurrences across the two year period) affected by 'calls for police service'. Increases in 2015 are highlighted in red.

VENUE	2014	2015	TOTAL
McDonalds Restaurants Ltd	214	113	330
Kuda	195	94	289
Sainsburys Supermarkets Ltd	86	84	170
Marks & Spencer PLC	87	83	170
Vudu Lounge	69	76	145
Popworld	65	68	133

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Revolution	56	61	117
Society Lounge Bar	53	55	108
Club Salvation	57	50	107
Fibbers	33	72	105

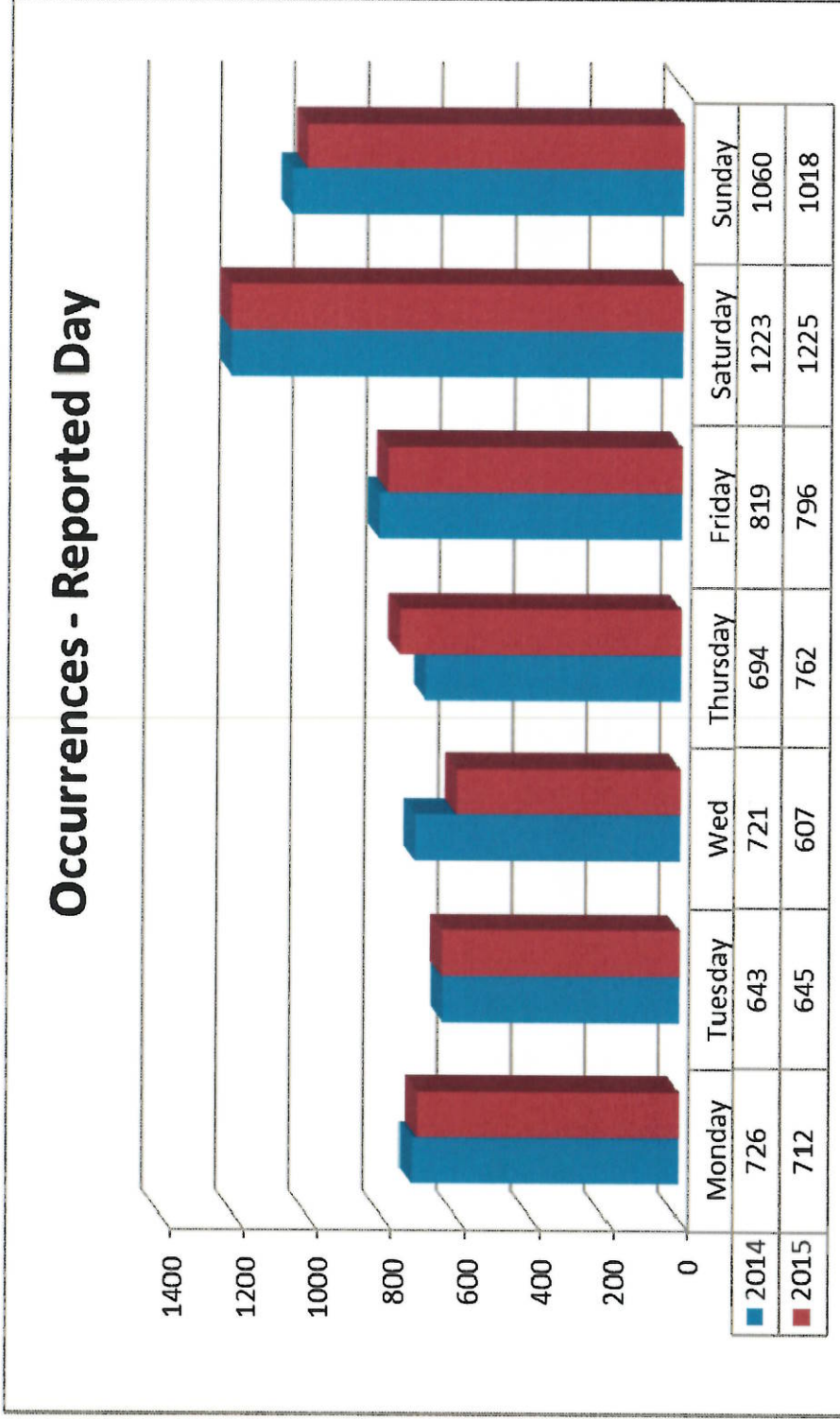
11. Table showing licensed/eatery venues recording the highest increases in 'calls for police service' in 2015 compared with 2014.

VENUE	2014	2015	TOTAL	INCREASE
Fibbers	33	72	105	+39
Blue Fly	36	51	87	+15
Kings Arms	21	36	57	+15
The Micklegate	5	18	23	+13
The Biltmore Bar & Grill	8	20	28	+12
Cosmo	5	16	21	+11
Lendal Cellars	3	13	16	+10

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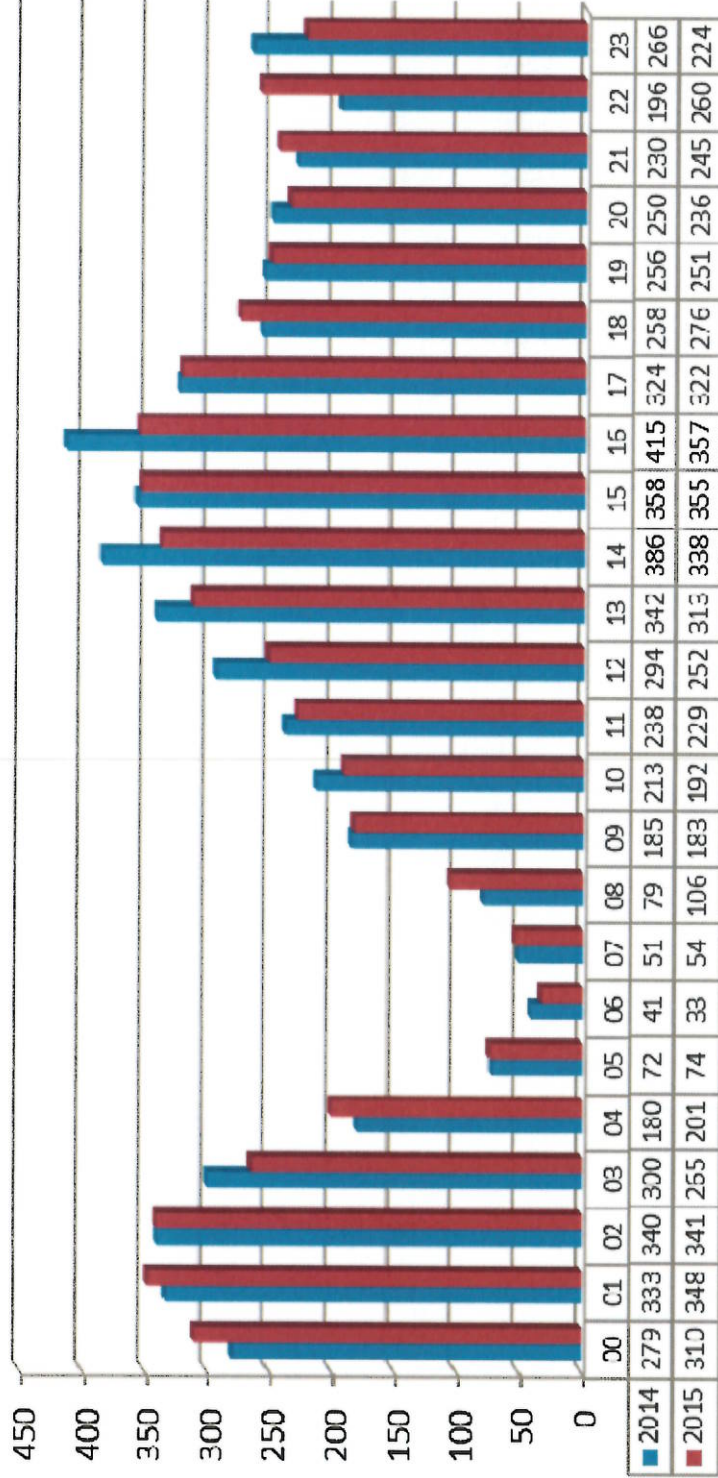
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Appendix C



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Occurrences - Reported Hour



Occurrences - Reported Month

