



Notice of meeting of

Gambling & Licensing Acts Committee

To: Councillors Merrett (Chair), Alexander, Ayre, Horton, Hyman, Looker, Moore, Orrell, Pierce, Reid, Runciman, Taylor, B Watson and Wiseman (Vice-Chair)

Date: Friday, 18 June 2010

Time: 2.00 pm

Venue: The 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 3 - 8)

To approve and sign the minutes of the meeting held on 5 February 2010.

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. The deadline for registering is **5:00 pm on Thursday 17 June 2010.**

- 4. Review of Cumulative Impact Zone.** (Pages 9 - 52)
This report seeks Members approval to change the boundary of the Cumulative Impact Zone, following consultation on a report received from North Yorkshire Police detailing changing patterns of crime and disorder in the City Centre.
- 5. Licensing Act 2003 - Minor Variations.** (Pages 53 - 58)
Following a report brought to Members on the amendments to the Licensing Act 2003 in respect of minor variations applications, this report is to advise Members of the number and type of applications received since the amendments to the Act came into force.
- 6. Any other business which the Chair considers urgent under the Local Government Act 1972**

Democracy Officer:

Name: Laura Bootland

Contact Details:

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- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Laura Bootland

- Registering to speak
- Business of the meeting
- Any special arrangements
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- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	GAMBLING & LICENSING ACTS COMMITTEE
DATE	5 FEBRUARY 2010
PRESENT	COUNCILLORS MERRETT (CHAIR), SUE GALLOWAY, HORTON, HYMAN, LOOKER, MOORE, ORRELL, PIERCE, REID AND B WATSON
APOLOGIES	COUNCILLORS AYRE, FUNNELL, RUNCIMAN AND WISEMAN

26. DECLARATIONS OF INTEREST

At this point in the meeting Members were asked to declare any personal or prejudicial interests that they may have in the business on the agenda. None were declared.

27. MINUTES

RESOLVED: That the minutes of the meeting held on the 20 November 2009 be signed by the Chair as a correct record.

28. PUBLIC PARTICIPATION

It was reported that there had been one registration to speak under the Council's Public Participation Scheme.

Details of the Speaker will be included under the relevant minute item.

29. REVIEW OF THE CUMULATIVE IMPACT ZONE.

Members considered a report which sought their approval to formally consult on changes to the boundary of the Cumulative Impact Zone following a report from North Yorkshire Police detailing changing patterns of crime and disorder in the City Centre.

The Council's Statement of Licensing Policy 2008-2011 includes a special policy on cumulative impact for part of the city centre. Cumulative impact is defined as "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area". The boundaries of the cumulative impact zone (CIZ) were approved at Council in April 2005 based on patterns of crime and disorder prior to that date. North Yorkshire Police have now submitted a report to the council requesting that the boundaries of the zone be amended to reflect current patterns.

Comments were received from a resident of the city centre who felt that data for December should have been included in the map on page 15 of the agenda. He queried whether offences such as shop lifting were included in the figures for the maps on pages 20 and 21, and commented that it would be beneficial to see evening only figures. He pointed out that Sunday's figures are a continuation of Saturday evenings events.

Representatives for North Yorkshire Police addressed the Committee and advised that the CIZ had been the main tool in reducing crime in the city centre and that currently it is based on the main drinking areas in the city as in 2005. The areas have now changed and the hotspots are moving across the city towards the Coney Street area. They advised that the new boundary should extend to Davygate.

Members queried why Blake Street had not been included within the new boundary. In response, the Police Officer advised that the CIZ is only concerned with licensed premises and as the majority of the anti social behaviour is prior to 11pm in Blake Street, it's issues are considered small in relation to the levels of anti social behaviour in other areas of the city. Some Members disagreed with this as they had been involved in a licensing hearing relating to McDonalds, and were aware that residents in Blake Street are experiencing problems.

Discussions took place regarding the inclusion of the rear of Davygate within the CIZ boundary. Officers advised that the CIZ boundary can not be cautionary, and has to be responsive to crime and disorder figures. Currently there were no figures to support the inclusion of the rear of Davygate, which includes the Stonegate area. If the boundary was set without the evidence to justify it , then legal difficulties could arise if the Council were to be challenged.

Members felt that St. Sampsons Square with its impending taxi rank and 3 licensed premises should be considered for inclusion in the CIZ and Blake Street.

Members decided that consultation should take place in order for the public to comment on the CIZ. Members suggested that any amendment should be delegated to Officers, along with the Chair and Vice Chair of the Gambling & Licensing Act Committee and a Liberal Democrat Member.

- RESOLVED:
- (i) That Option 2 be approved and Officers are authorised to consult on the proposals to amend the boundary of the Cumulative Impact Zone. Officers also to consult with Chair, Vice Chair and a representative of the Liberal Democrat group.
 - (ii) That St. Sampson's Square and Blake Street be considered for inclusion in the CIZ subject to consultation and crime statistics to support inclusion.
 - (iii) That Officers note the suggestion to produce separate graphs to reflect evening crime statistics.

(v) That the consultation document highlights to the public that the setting of the boundary has to be evidence based.

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

30. LICENSING ACT 2003 - PROPOSAL TO AMEND THE LICENSING ACT 2003 TO SIMPLIFY THE PROCEDURES.

Members considered a report which advised them of the recent consultation from the Department of Culture, Media and Sport (DCMS), regarding proposals to amend the Licensing Act 2003 (the Act) to simplify the procedures for Licensing Statements; Interim Authority Notices and Reinstatements on Transfer; and Temporary Events Notices. It seeks Members approval regarding the Council's response to the consultation.

Officers advised Members of the proposed amendments as follows:

- Remove the requirement to review licensing statements every three years, but there will be a requirement to keep licensing statements under review and carry out revisions as necessary.
- Under section 27 of the Act, a premise licence lapses following the death, incapacity or insolvency of the licence holder. Under section 47, the licence is reinstated if the licensing authority receives an 'interim authority notice' from someone connected with the business or licence holder within 7 consecutive days. The DCMS has been advised that 7 consecutive days is not always realistic and has therefore proposed to extend the period during which an interim authority notice can be issued or a transfer applied for to 28 consecutive days.
- The DCMS is proposing that the Police are given discretion to allow Temporary Event Notices (TENS) to be given without the current mandatory notice of 10 working days, however it is proposed that there would be an absolute notice period of 3 working days. The amendment has been proposed as DCMS feel there are times when the 10 working days notification may be too rigid in some instances, such as when premise operators wish to arrange a low risk event at short notice. Currently the Police objection period is 48hours and they propose to change this to 3 working days to ensure the Police can make proper assessments of crime and disorder risks for events.

Officers advised that they had some concern regarding the TENS proposals due to the already tight timescales involved if a TENS is objected to. If the Police have the longer objection period of 3 days, it

would mean that Licensing Officers would have one day fewer to arrange a hearing.

Members queried whether the current system of reviewing the Licensing Policy every three years required changing, and raised concerns about the policy becoming out of date. Officers advised that there would still be a yearly report to members on the Licensing Policy in order for Members to raise any concerns and amendments could be made accordingly.

RESOLVED: That Members approve Option 1 and agree with the Officers responses.

REASON: To reflect the view of City of York Council in respect of the consultation.

31. PROPOSAL TO EXEMPT SMALL LIVE MUSIC EVENTS FROM THE LICENSING ACT 2003.

Members considered a report which asked them to comment on the contents of a recently published Government consultation document on proposals to exempt small live music events from the Licensing Act 2003. It also asked for Members views to enable Officers to complete the consultation.

In 2007 the Government carried out an evaluation of the impact of the Licensing Act 2003. Part of the evaluation included a report from the Live Music Forum which detailed the detrimental impact the Licensing Act 2003 was having on live music. Campaigners have argued that the costly process of obtaining a premise licence for regulated entertainment in order to provide live music had put many pubs, café bars and village halls off from staging live events. This in turn had reduced the opportunity for grass roots musicians to play. The Department for Culture, Media and Sport (DCMS) is now seeking views on a proposal to exempt small live music events for audiences of not more than 100 people from the requirements of the Licensing Act 2003.

A representative from the Council's Environmental Protection Unit (EPU) advised Members of his concern about the proposal, in particular that it could encourage buildings that are not designed for live music to hold events. He advised that in some cases noise levels may not be sufficient to constitute a statutory nuisance, but could be sufficient to cause a nuisance to residents, especially in residential areas if for example, if a pub had a rock band playing. He advised that while the Act provides for a mechanism to revoke the exemption at specific premises if necessary, it would require investigations to take place and evidence to be gathered before this could be done. This could prove difficult for EPU, as most events would take place in the evening outside of office hours, as well as the matter of EPU having the resources to deal with such additions to their workload.

The Licensing Manager advised Members that the Licensing Act had made it difficult for small premises to host live music, and while he acknowledged

the problems EPU had raised, he felt that the proposal would be in line with York's Vision Statement and that the Government wishes to encourage a café bar culture.

Members made the following comments

- Some Members felt that the view of the Licensing Manager is correct as small venues have been affected by the Licensing Act.
- Whether more funds would be required for the Environmental Protection Unit as there would be an increase in noise nuisance if this goes ahead.
- Removing controls available under the Licensing Act causes concern as 100 people in a venue in a residential area could cause problems.
- The proposal is going too much in the other direction.
- Venues that are not already licensed will be the problem
- In the City Centre, after disorder, the main concern is noise but at the smaller venues there is a case to loosen up the restrictions and there should be local discretion to assist authorities in tackling problem areas.

Overall Members felt that that the Licensing Manager should respond highlighting the Environmental Protection Units views and to advise that discretion for Local Authorities is required to apply the policy as appropriate.

Members requested that the Licensing Manager emails the draft response to Members for further comments.

RESOLVED: That Members approve Option 2 and amend the Officers response to the Government consultation.

REASON: To reflect the view of City of York Council in respect of the consultation paper.

Councillor Merrett, Chair

[The meeting started at 2.00 pm and finished at 3.30 pm].

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Gambling and Licensing Acts Committee

18 June 2010

Report of the Director of Communities and Neighbourhoods

Review of Cumulative Impact Zone

Summary

1. This report seeks members approval to change the boundary of the Cumulative Impact Zone (CIZ). Following consultation on a report received from North Yorkshire Police, detailing changing patterns of crime and disorder in the City Centre.

Background

2. The Councils Statement of Licensing Policy 2008 - 2011 includes a special policy on cumulative impact for part of the city centre. Cumulative impact is defined as “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area”. The effect of the special policy is to create a rebuttable presumption that applications for new premises or material variations will normally be refused if relevant representations are received. Full details are to be found in section 6 of the Licensing Policy. The boundaries of the current CIZ were approved by council in April 2005 based on patterns of crime and disorder prior to that date.
3. North Yorkshire Police submitted a report to the council in January 2010 requesting that the boundaries of the zone be amended to reflect changing patterns of crime and disorder in the City. This request was brought before Members on 5 February 2010. Members determined that an extended boundary should be considered for inclusion in the CIZ subject to consultation and an evidence base. A second report dated 25 March 2010 was submitted by North Yorkshire Police which includes an extended area as detailed in the report. This report can be found at Annex 1. The Chair in consultation with other Members agreed that this report should go out for formal consultation.

Statement of Licensing Policy

4. As Members will be aware it is a legal requirement of the Licensing Act 2003 that the Statement of Licensing Policy is re-published every 3 years. Therefore a full consultation must take place and the new Policy must be re-published by 6 January 2011. This will be subject to a separate exercise and reported to members of this Committee at their meeting on 19 November 2010.

5. Any decision relating to changes to the Licensing Policy must be approved by Full Council.

Consultation

6. Consultation on the changes to the boundaries of the CIZ took place from March – May 2010, by direct mailing, with full details of the consultation and report available on the Councils website.
7. A list of consultees can be found at Annex 2.
8. Articles regarding the revised licensing zone were placed in the April issues of Guildhall and Micklegate “Your Ward” newsletters, Officers from City of York Council Licensing Section and North Yorkshire Police also attended ward committee meetings, Guildhall 12 May, Micklegate 13 May. Responses to the consultation can be found at Annex 3. These responses should be taken into consideration when deciding whether the CIZ boundary should be amended.

Options

9. Option 1: Amend the boundary of the existing CIZ as proposed by North Yorkshire Police in their report dated 25 March 2010.
10. Option 2: As a result of the consultation responses, amend the proposals submitted by North Yorkshire Police to propose an alternative boundary for the CIZ, subject to there being a satisfactory evidence base.
11. Option 3: To take no further action.

Analysis

12. York has for many years been held in high regard nationally for the way it manages its nighttime economy. Statistics shown in the report compiled by the Safer York Partnership (SYP) show the continued reduction in city centre violent crime and criminal damage. These positive results could not be achieved without the excellent partnership working of the statutory agencies with the support of the trade. In considering this request from the Police, which is endorsed by SYP through its Nightsafe task group, members are requested to consider the role of the licensing authority in the partnership arena in maintaining continued improvement. Any decision not to support this request will need to be carefully reasoned as it will affect licence applications in the future which are subject to judicial scrutiny.

Corporate Strategy

13. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

14. The promotion of the licensing objectives will support the Council's strategy to make York a safer city with low crime rates and high opinions of the city's safety record.

Implications

15. **Financial:** Any costs involved in the consultation process will be met from existing budgets.

Human Resources (HR): None

Equalities: None

Legal : There must be a robust evidence base to support a decision to include an area within the CIZ. Accordingly, Members must consider whether they have been provided with good evidence that crime and disorder is occurring and is caused by the customers of licenced premises within the area. They must not include an area within the CIZ unless they are satisfied that there is such evidence for its inclusion, otherwise the Licensing Policy will be vulnerable to legal challenge by way of judicial review.

In making their decision, Members must consider all responses received from the consultation exercise referred to in paragraph 6 and 8 above. The responses received are detailed in Annex 3.

Crime and Disorder: Members are 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

16. There is no risk to the council in consulting on these proposals.

Recommendations

17. Members are asked to approve option 1 to amend the boundary of the CIZ as proposed by North Yorkshire Police.

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

Author:
Lesley Cooke
Senior Licensing Officer

Chief Officer Responsible for the report:
Andy Hudson
Assistant Director of Neighbourhoods and
Community Safety

Communities and
Neighbourhoods

Report Approved Date 08/06/10

Tel No: 01904 551526

Specialist Implications Officer
Legal – Sandra Branigan
Tel No. 01904 551040

Wards Affected: Guildhall and Micklegate

For further information please contact the author of the report.

Background Papers:

CYC Statement of Licensing Policy 2008 - 2011

Annexes:

Annex 1: Request from North Yorkshire Police and supporting documentation

Annex 2: List of consultees

Annex 3: Responses to consultation

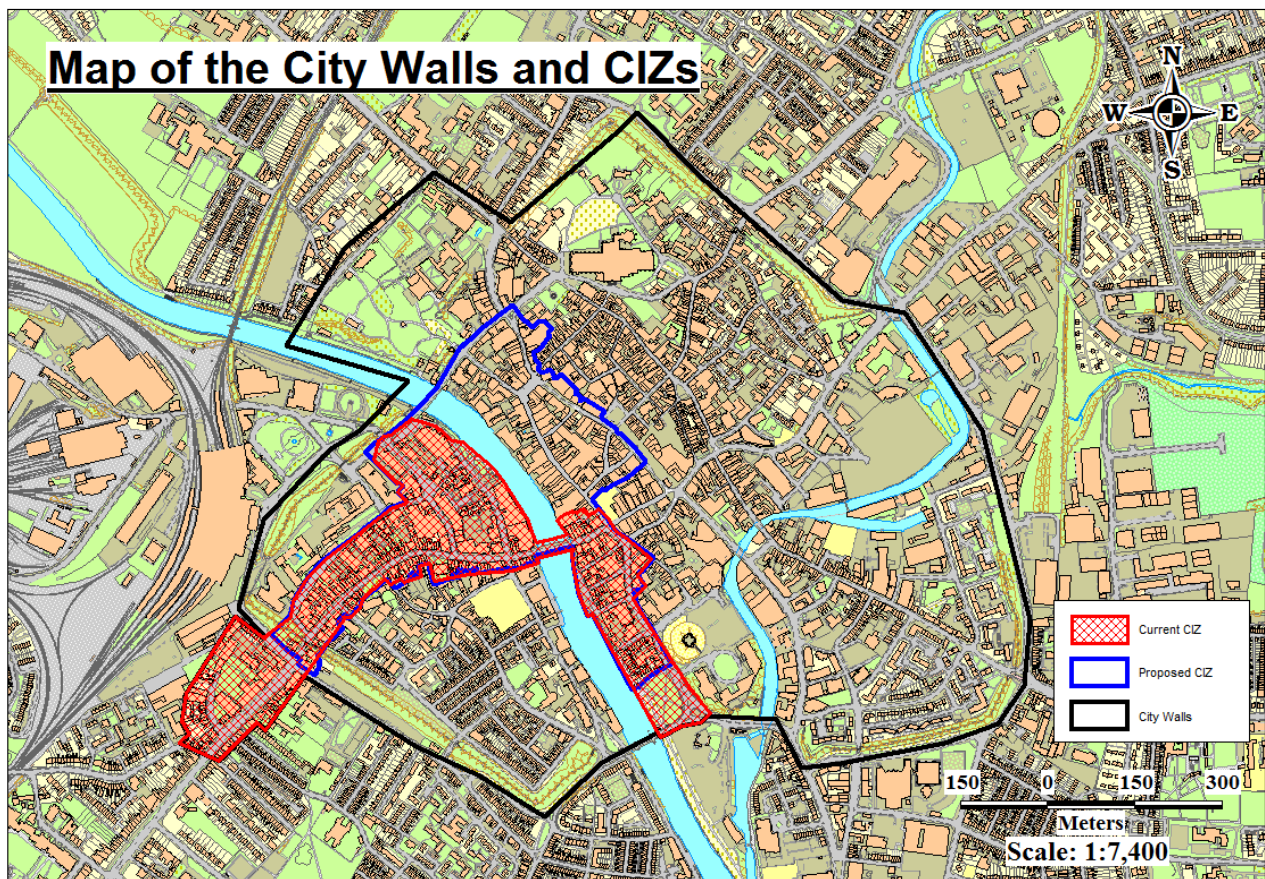
York CIZ Report

Contents

- Introduction
- Analysis
- Hotspots
- Summary
- Lists and Maps of the Licensed Premises in the Proposed CIZ
- List of Roads/Streets in the Proposed CIZ

Introduction

This report has been produced by the Safer York Partnership for the purpose of examining and assessing the current and proposed Cumulative Impact Zones [CIZ] in York. From the previous analysis; meetings; and an initial presentation to the City of York Council Licensing Committee, it has been recommended that the new CIZ should include Market Street, Coney Street, Lendal, Blake Street frontages and Davygate frontages, but remove Blossom Street and Tower Gardens from the current CIZ. This proposed CIZ, the old CIZ and the City Walls Study Area are shown on the map below. This report uses police-recorded crime data for the 12 months of 2007, 2008 and 2009.



Analysis

The three tables below show the City Walls cover an area of 1.28km² and the proposed CIZ will cover 16% of the area inside the City Walls. This is 0.4km² more than the current CIZ (equating to 3% more of the City Walls area).

Crime in the City Walls, Current CIZ and Proposed CIZ

2009							
	Area (km2)	All Crime	% of CW	Assaults & Criminal Damage	% of CW	Night time Assaults & Criminal Damages	% of CW
City Wall	1.28	3400		1107		822	
Current CIZ	0.17	1055	31%	418	38%	372	45%
Proposed CIZ	0.21	1752	52%	643	58%	546	66%

2008							
	Area (km2)	All Crime	% of CW	Assaults & Criminal Damage	% of CW	Night time Assaults & Criminal Damages	% of CW
City Wall	1.28	3639		1236		930	
Current CIZ	0.17	1239	34%	583	47%	511	55%
Proposed CIZ	0.21	1925	53%	762	62%	652	70%

2007							
	Area (km2)	All Crime	% of CW	Assaults & Criminal Damage	% of CW	Night time Assaults & Criminal Damages	% of CW
City Wall	1.28	4048		1463		1167	
Current CIZ	0.17	1525	38%	748	51%	684	59%
Proposed CIZ	0.21	2176	54%	871	60%	768	66%

*night-time offences include offences occurring in the 12 hours between 7pm and 7am

Whilst only covering 16% of the area inside the City Walls, the proposed CIZ would contain around 53% of all crime; 60% of assaults and criminal damage offences; and 68% of the night-time assaults and criminal damages that happen inside the City Walls in 2007, 2008 and 2009.

Compared to the current CIZ, the proposed CIZ has increased in size by 24% but would contain around 50% more of all crime, around 35% more of the assaults and criminal damage offences, and around 30% more of the night-time assault and criminal damage offences in 2007, 2008 and 2009.

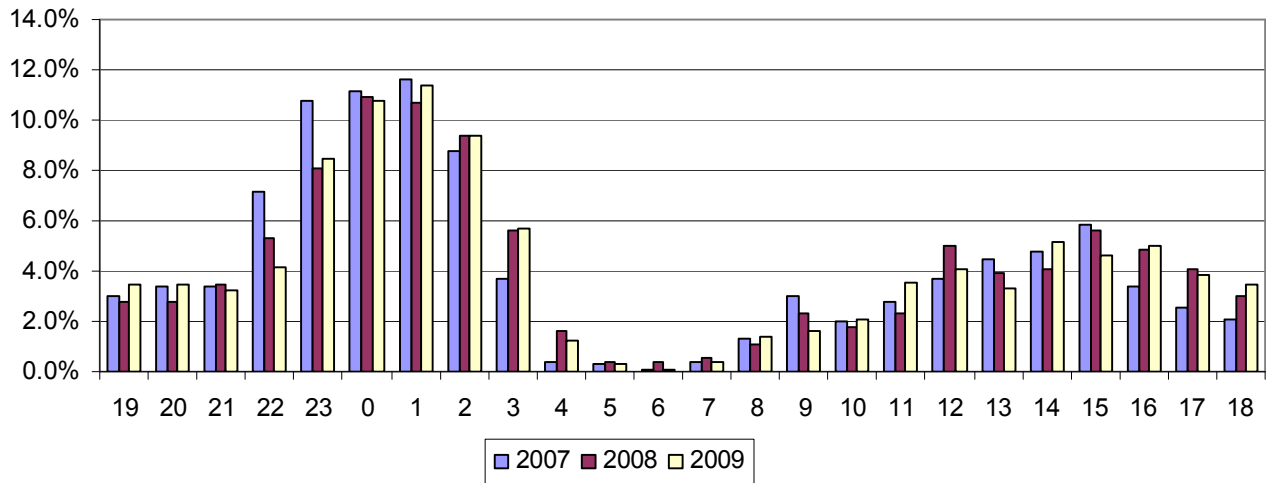
This in itself suggests the proposed CIZ would cover more of the hotspot areas; more of all crime; assaults and criminal damages; and night-time assaults and criminal damages as compared to the current CIZ (this is also established in the hotspot analysis on the page 8). In addition, the great increase in the volume of crimes covered compared to small increase in size of the CIZ suggests the new CIZ will be far more efficient and crimes more concentrated. In fact, in 2009, the crime categories (outlined in the table) are between 300% and 400% more concentrated in the proposed CIZ as compared to the City Walls, and around 25% more concentrated than in the current CIZ.

In addition, as well as the proposed CIZ containing more crime than the current CIZ, it also contains more licensed premises. Of the 322 licensed premises inside the City Walls Study Area, the current CIZ only contains 78 of these (24%). Meanwhile the proposed CIZ would contain a total of 115 licensed premises (36% of those inside the City Walls). The licensed premises in the proposed CIZ are listed and mapped on Pages 10-13.

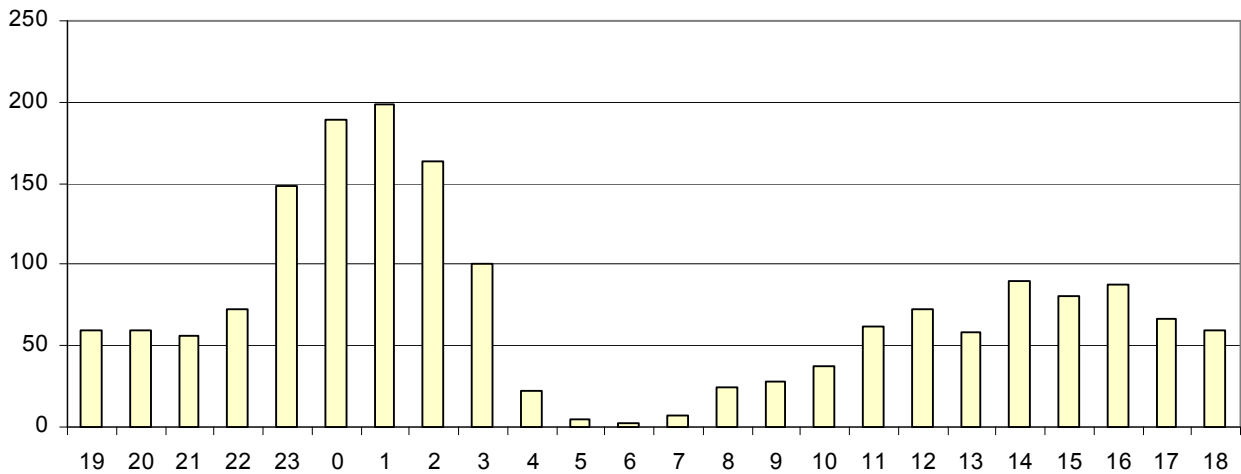
The graphs on the next four pages show how crime in the proposed CIZ is distributed throughout the day (by hour) and throughout the week (by day): including how crime and violent crime in the proposed CIZ tends to be clustered at night-time; and on Fridays, Saturdays and Sundays.

All Crime in the Proposed CIZ by Hour of the Day

Proportion of All Crime by Hour of the Day in 2007, 2008 and 2009



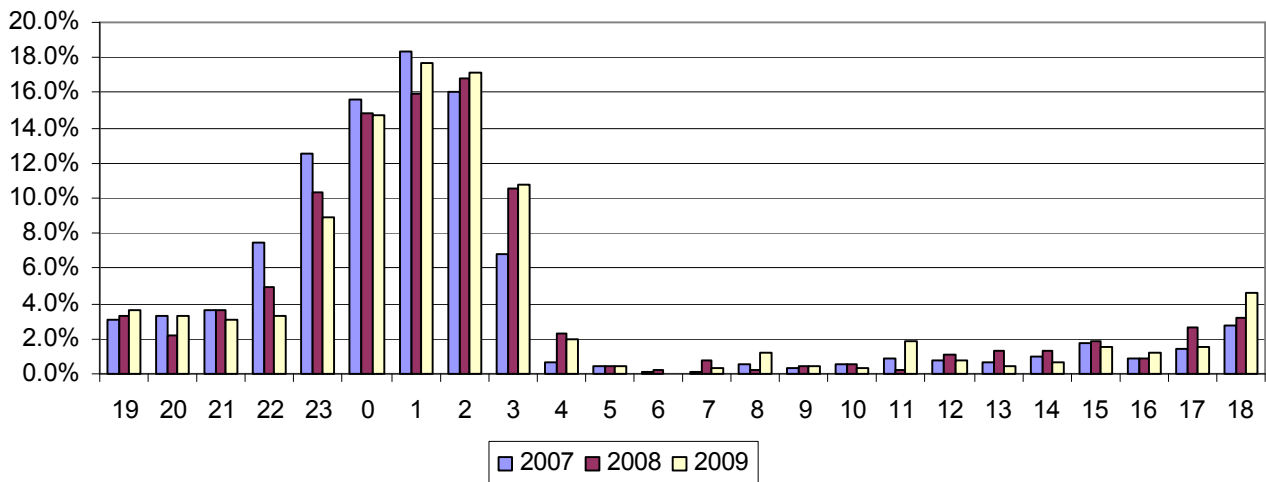
Volume of All Crime by Hour of the Day in 2009



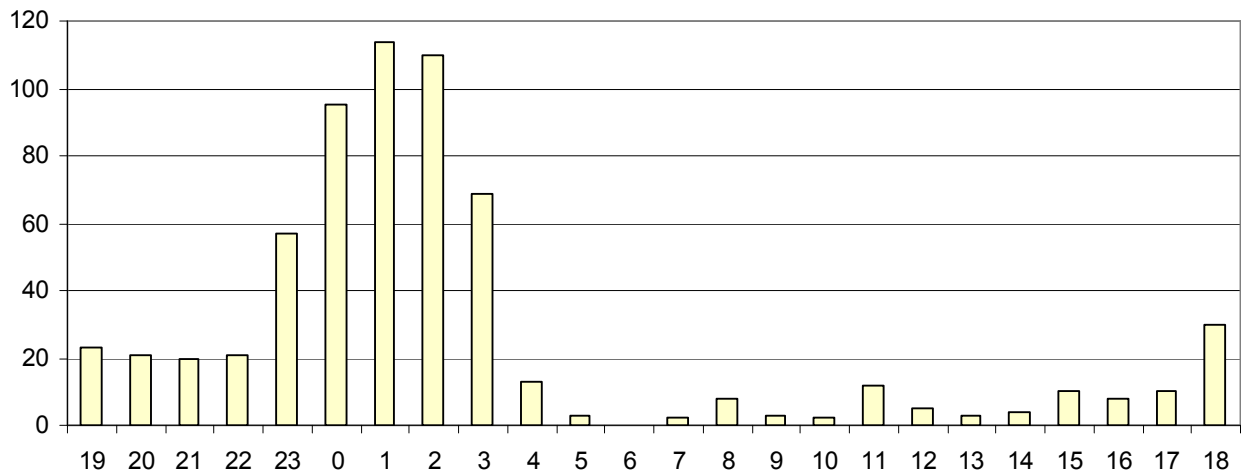
These graphs show that overall crime in 2007, 2008 and 2009 in the proposed CIZ occurs considerably more often at night-time (from 10:00pm – 3:00am) as compared to the rest of the day.

Violent Crime in the Proposed CIZ by Hour of the Day

Proportion of Violent Crime by Hour of the Day in 2007, 2008 and 2009



Violent Crime by Hour of the Day in 2009

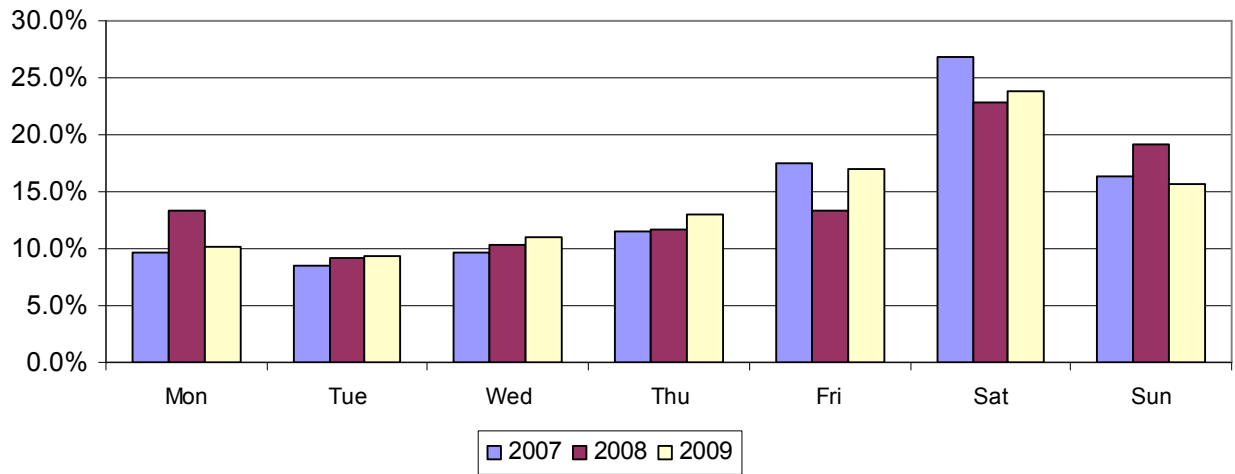


The graphs on this page show similarly how violent crime in 2007, 2008 and 2009 in the proposed CIZ occurs considerably more often at night-time (11:00pm-4:00am) than the rest of the day (and compared to all crime).

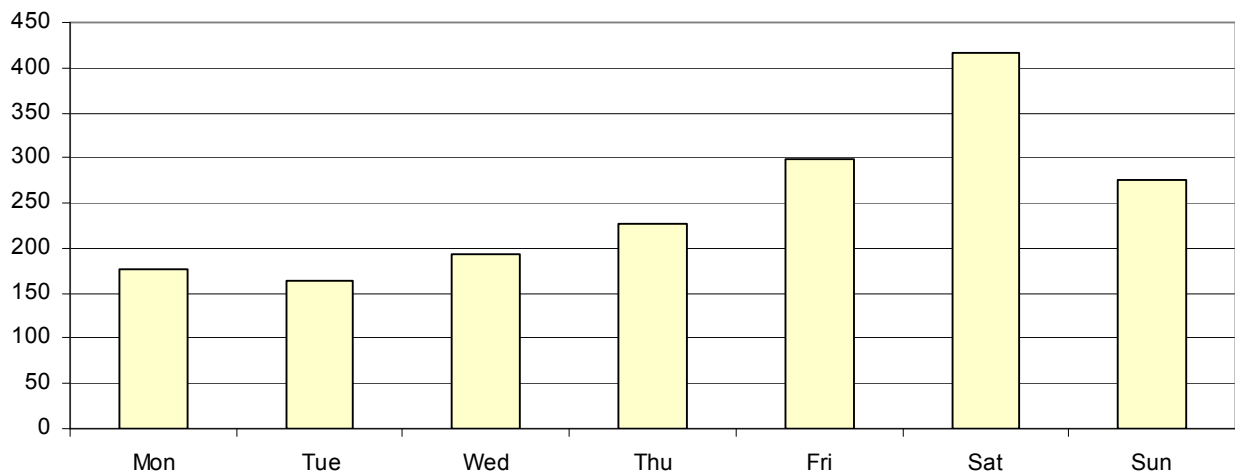
These graphs also show how violent crime is much more concentrated in the night-time (with fewer incidents during the day) than general offences, and supports the decision to consider night-time violent offences within the CIZ analysis.

All Crime in the Proposed CIZ by Day of the Week

Proportion of All Crime by Day of the Week in 2007, 2008 and 2009



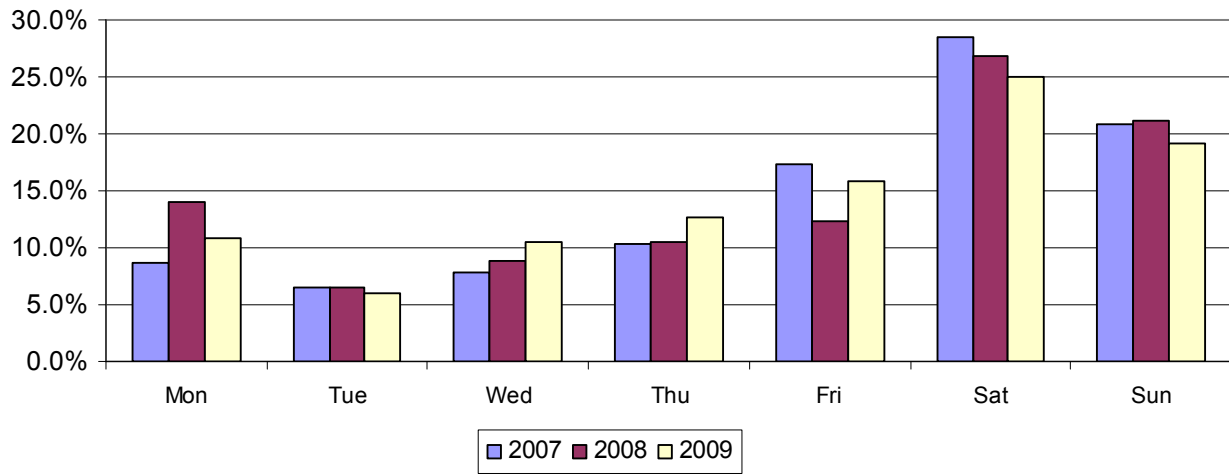
All Crime by Day of the Week in 2009



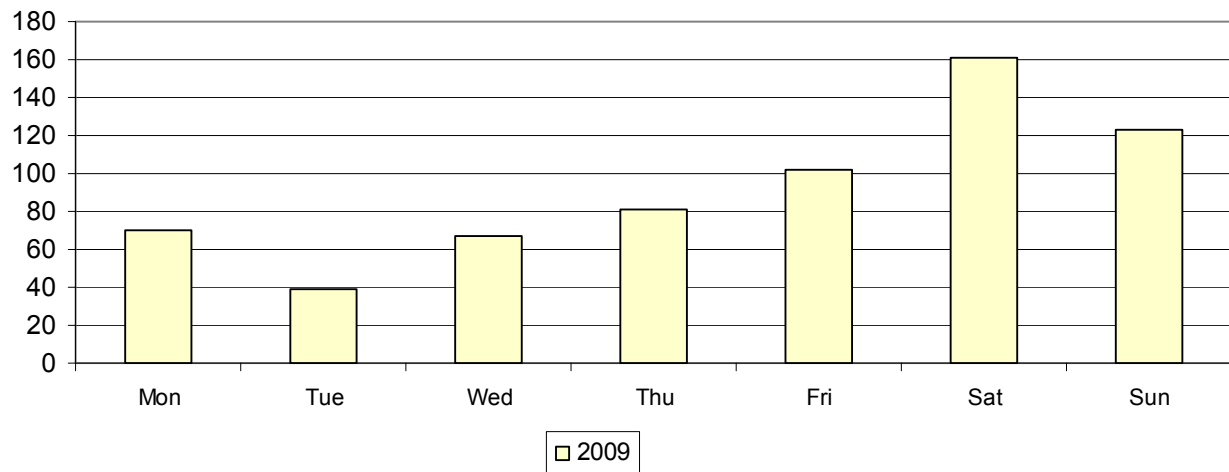
These graphs show how overall crime in 2007, 2008 and 2009 in the proposed CIZ occurs less often during the weekdays but more often at the end of the week (Friday Saturdays and Sundays).

Violent Crime in the Proposed CIZ by Day of the Week

Proportion of Violent Crime by Day of the Week in 2007, 2008 and 2009



Violent Crime by Day of the Week in 2009

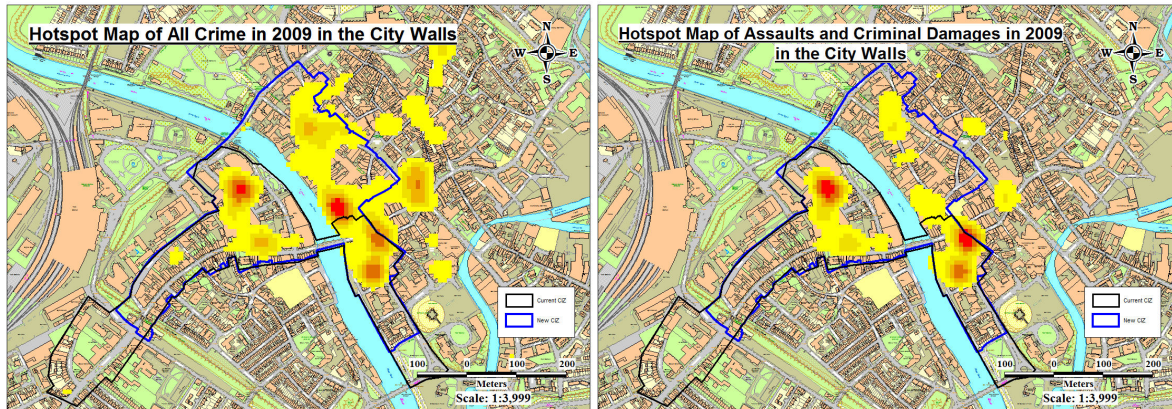


The graphs on this page show similarly how violent crime in 2007, 2008 and 2009 in the proposed CIZ occurs considerably more often at the weekends (Friday, Saturday and Sunday) with fewer incidents during the week.

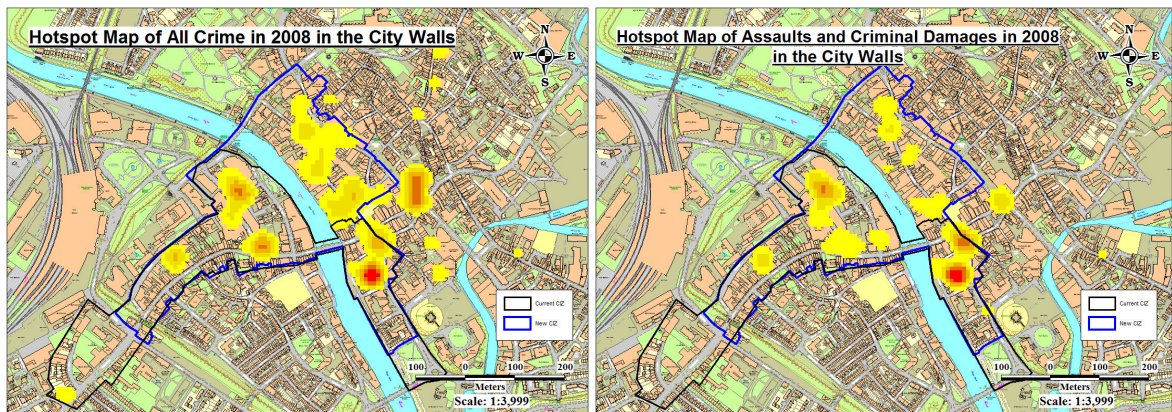
These graphs also highlight that violent offences are more concentrated at the weekends than the rest of the week as compared to general offences.

Hotspots

2009



2008



These four hotspot maps show the difference in City Wall's crime-hotspot coverage (of all crime and specifically of assaults and criminal damage offences) between the current CIZ (black region) and the proposed CIZ (blue region).

As you can see, while the current CIZ covers the Clifford Street; Micklegate and Tanner Row hotspots, it doesn't cover any of the major hotspots appearing in the town centre (such as on Spurriergate or Coney Street). The current CIZ also covers Blossom Street and Tower Gardens area where there are no major hotspots of crime in 2008 or 2009 and this supports the decision to remove Blossom Street and Tower Gardens from the CIZ.

In contrast, the proposed CIZ (in blue) would cover the vast majority of crime hotspots (and all the major assaults and criminal damage hotspots) that are within the City Walls. The only significant crime hotspot outside the proposed CIZ: the one centred on Parliament Street, is not particularly related to assault and criminal damage offences (as shown in the difference between the two sets of maps above) and is therefore not of specific concern for the CIZ or its boundary.

Summary

This report indicates the current CIZ not only contains some unsuitable areas with low concentrations and no major hotspots of crime (Blossom Street/Tower Gardens) but it also omits some high-crime hotspot areas elsewhere in the city centre (e.g. Spurriergate, Coney Street).

On the other hand, the proposed CIZ contains these hotspot areas (and includes all the major assault and criminal damage hotspots) and omits the low crime areas (removing Blossom Street and Tower Gardens). This new Proposed CIZ would only increase the size of the CIZ by a moderate amount (24%) but it would contain much more crime (around 35% more); and this makes crime in the proposed CIZ much more concentrated than in the current CIZ.

The proposed CIZ will also contain more licensed premises (a total of 115) than the current CIZ (see Pages 10-13 for lists and maps of the licensed premises inside the proposed CIZ).

In addition, as shown by the graphs on pages 4-7, in 2007, 2008 and 2009, the area which would be covered by the proposed CIZ has a significant problem with crime and violent crime at night-time, and on Fridays, Saturdays and Sundays.

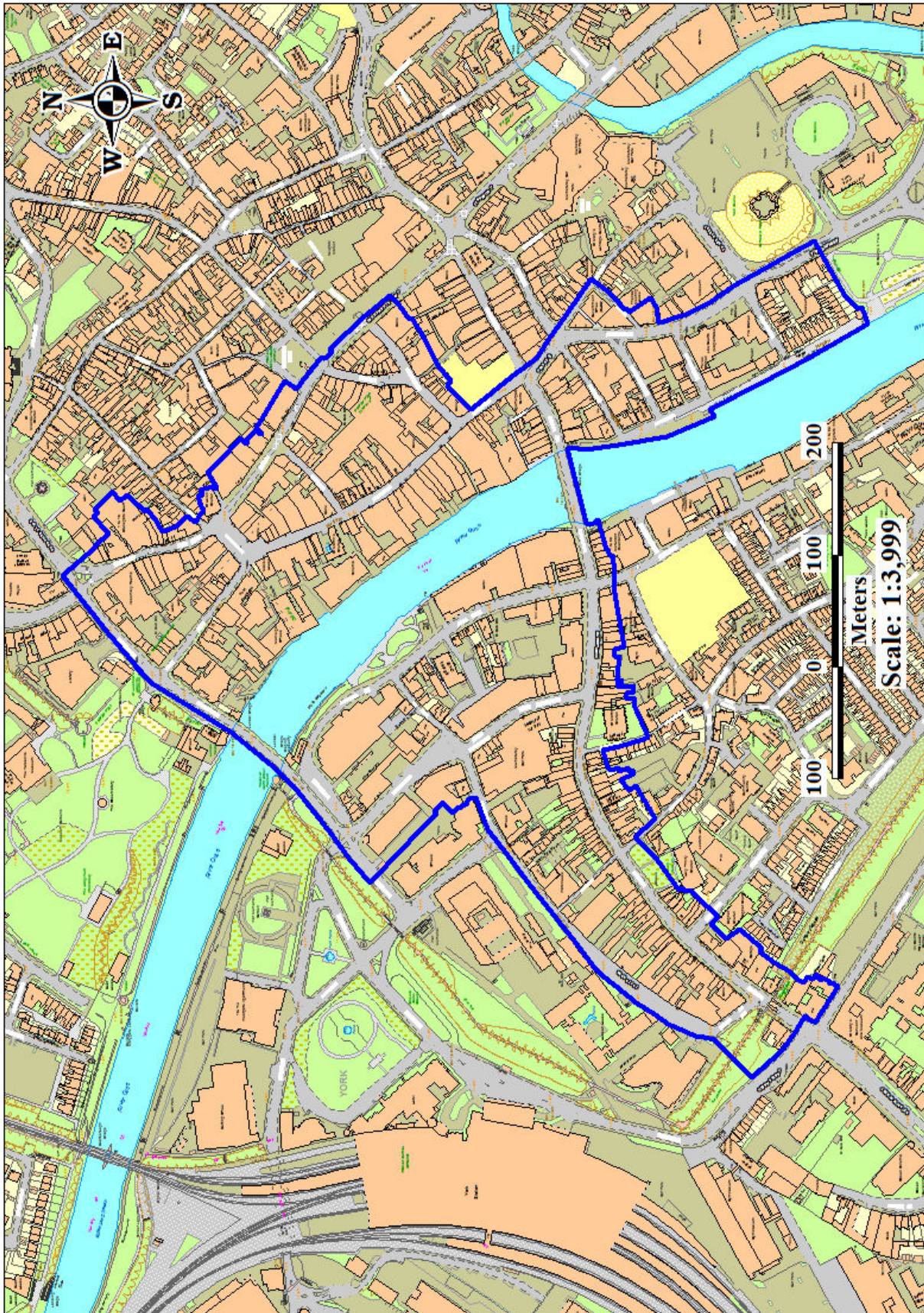
In summary, the proposed CIZ (shown in the map on Page 15) contains more licensed premises, more crime, more of the crime hotspots, and has a vastly greater concentration and proportion of all crimes, assaults and criminal damages, and night-time assaults and criminal damages in 2007, 2008 and 2009 as compared to the current CIZ.

The following pages (10-13) show the number and locations of the licensed premises within the proposed CIZ.

List of the 57 Licensed Premises covered by the Proposed CIZ that regularly operate in the “night-time” economy

1. Ali G Pizza House
2. Artful Dodger
3. Blue Fly Bar Cafe
4. Blue Fly Lounge
5. Bohemia
6. BPM
7. Brigantes Bar & Brasserie
8. Budgeons
9. City Screen Cinema Bar
10. Club Salvation
11. Corner Pin
12. Cornish Pasty Bakery
13. Dixie Chicken
14. Dusk
15. Flares
16. Gallery
17. Golden Dragon
18. Golden Grill
19. Ha Ha Bar & Canteen
20. Hansom Cab
21. Harkers Cafe Bar
22. Judges Lodgings
23. Kings Arms
24. Lendal Cellars
25. Living Room
26. Lowther Hotel
27. Maltings
28. McDonalds
29. Micklegate Takeaway
30. Midnight Fryer (mobile)
31. Mogul Restaurant
32. Montey's
33. Nags Head Inn
34. Old Orleans
35. O'Neills
36. Orgasmic Cafe
37. Parish, The
38. Piccolino
39. Pitcher & Piano
40. Plonkers Wine Bar
41. Priors
42. Punch Bowl Hotel
43. Reflex
44. Revolution
45. Rumours
46. Salt & Pepper
47. Salt & Vinegar
48. Slug & Lettuce, Riverside
49. Stone Roses Bar
50. Subway
51. Thomas's
52. Tru
53. Varsity
54. Willow Restaurant
55. Yates Wine Lodge
56. Yorkshire Hussar
57. Ziggy's Nightclub

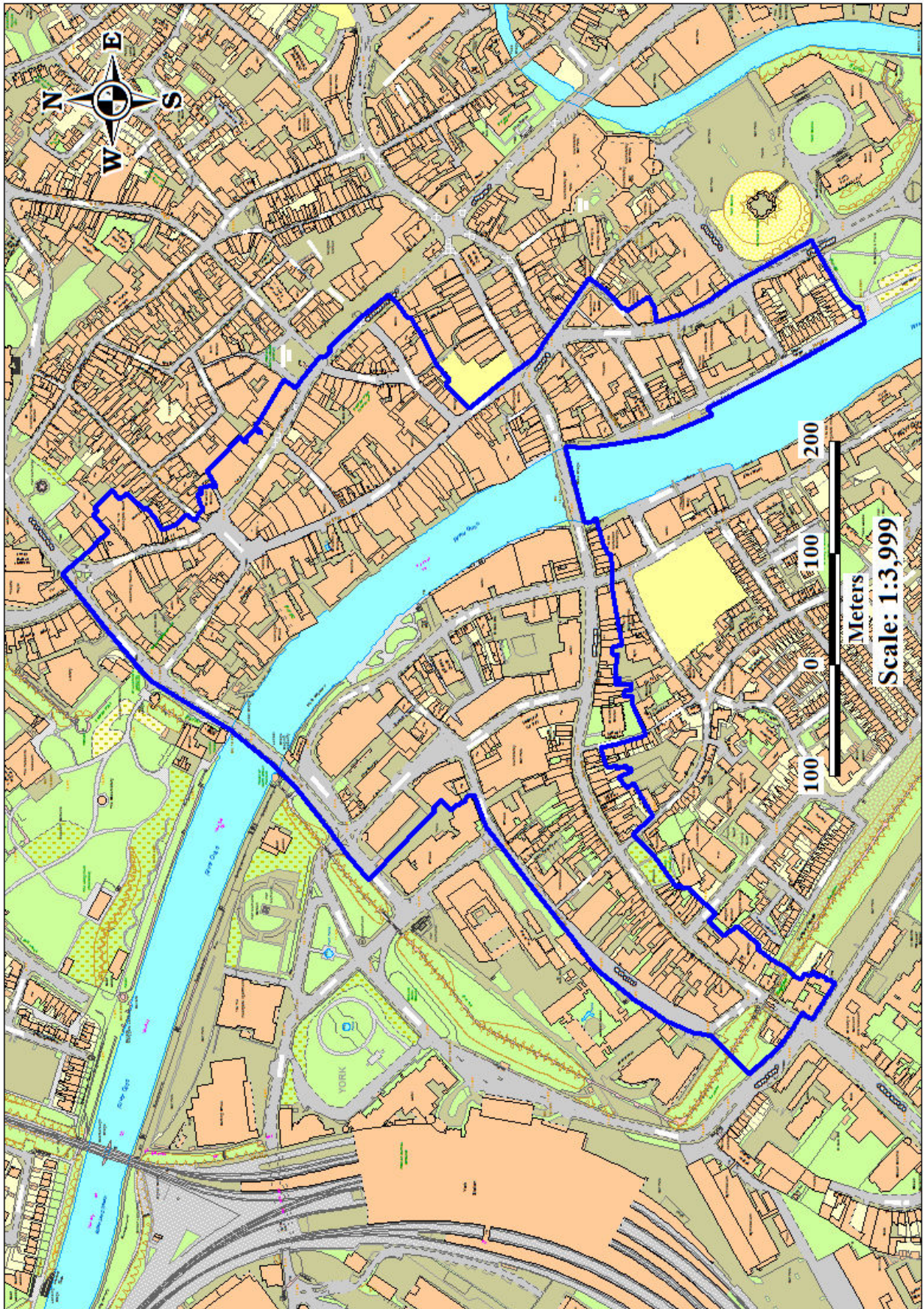
Map of the 57 Licensed Premises covered by the Proposed CIZ that operate in the “Night-Time” Economy



List of the 115 Licensed Premises inside the Proposed CIZ

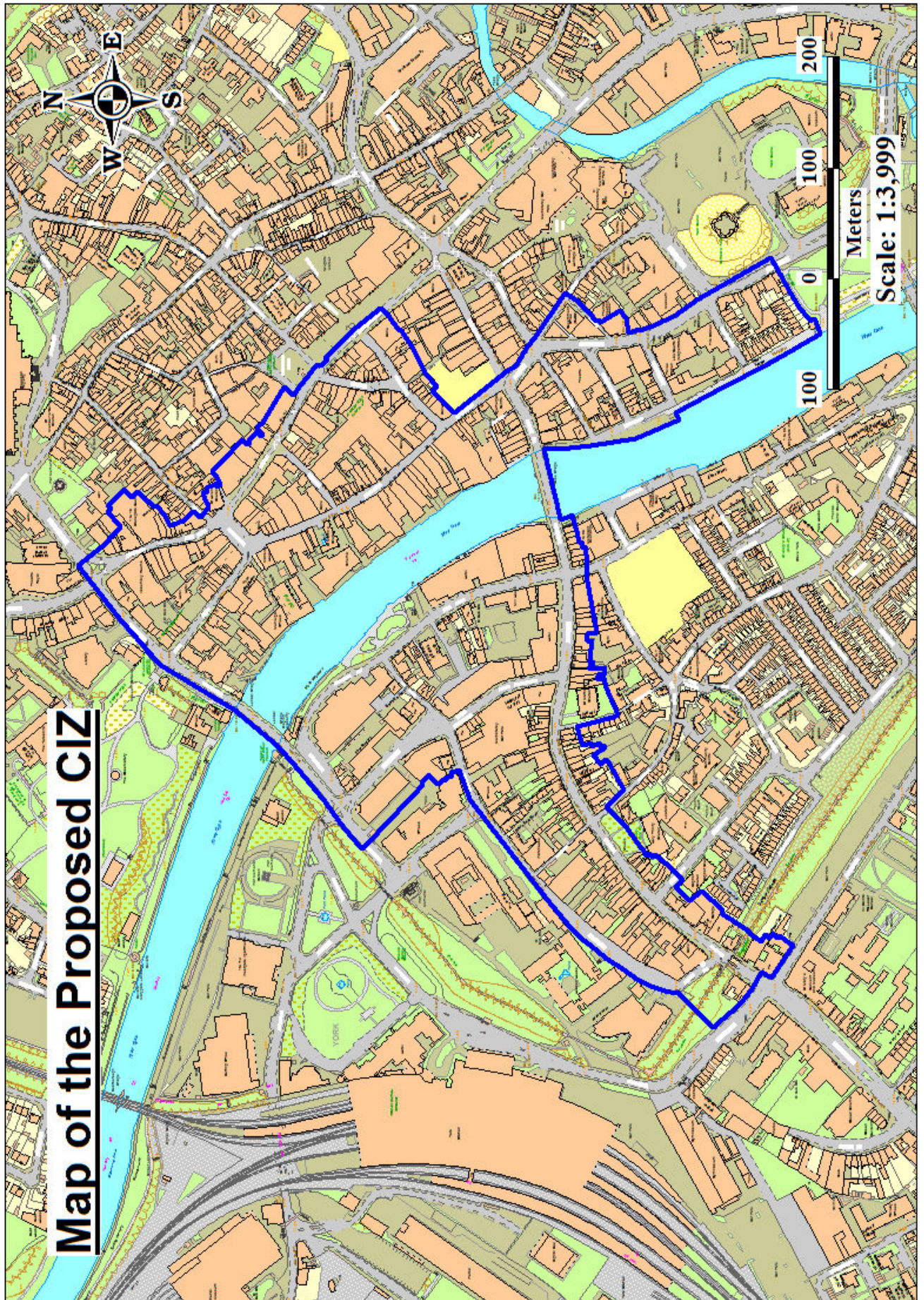
- | | |
|---------------------------------------|------------------------------------|
| 1. Ace Hotel | 59. Lowther Riverside |
| 2. Akash Tandoori Restaurant | 60. Maltings |
| 3. Akbar Balti Restaurant | 61. McDonalds |
| 4. Ali G Pizza House | 62. Micklegate Takeaway |
| 5. Artful Dodger | 63. Midnight Fryer |
| 6. Ask Restaurant | 64. Mogul Restaurant |
| 7. Baileys Tea Rooms | 65. Montey's |
| 8. Bettys Cafe & Tearooms | 66. Nags Head Inn |
| 9. BHS | 67. Old Orleans |
| 10. Blake Head Restaurant | 68. Old Siam |
| 11. Blue Fly Bar Cafe | 69. OliveTree |
| 12. Blue Fly Lounge | 70. Olio & Farina |
| 13. Bohemia | 71. O'Neills |
| 14. BPM | 72. Orgasmic Cafe |
| 15. Brigantes Bar & Brasserie | 73. Parish, The |
| 16. Bugdens | 74. Park Inn |
| 17. Bullivant Tea Rooms | 75. Piccolino |
| 18. Captain James Cook (York Boats) | 76. Pitcher & Piano |
| 19. Castle Snooker Club | 77. Pizza Express |
| 20. Chi Yip | 78. Pizza Hut |
| 21. City Screen Cinema Bar | 79. Plonkers Wine Bar |
| 22. Club Salvation | 80. Plonkers Riverside |
| 23. Corner Pin | 81. Priory |
| 24. Cornish Pasty Bakery | 82. Punch Bowl Hotel |
| 25. Danni Lea's Hair Salon | 83. Red Chilli Restaurant |
| 26. Debenhams | 84. Reflex |
| 27. Delrios | 85. Revolution |
| 28. Demi John | 86. River Duchess (York Boats) |
| 29. Dixie Chicken | 87. River Palace (York Boats) |
| 30. Dusk | 88. River Prince (York Boats) |
| 31. Ever New | 89. Rumours |
| 32. F.H. Ward Florists | 90. Saffron Desi |
| 33. Fiesta Mehicana | 91. Salt & Pepper |
| 34. Flares | 92. Salt & Vinegar |
| 35. Friargate Theatre (Riding Lights) | 93. Sheesh Mahal (Rise of The Raj) |
| 36. Gallery | 94. Silvano's |
| 37. GBK | 95. Slug & Lettuce, Riverside |
| 38. Go Down Restaurant | 96. Stone Roses Bar |
| 39. Golden Dragon | 97. Subway |
| 40. Golden Grill | 98. Taj Mahal Restaurant |
| 41. Grand Opera House | 99. The Mansion House |
| 42. Ha Ha Bar & Canteen | 100. The Guildhall |
| 43. Hansom Cab | 101. Thida Thai Cuisine |
| 44. Harkers Cafe Bar | 102. Thomas's |
| 45. Hotel Chocolat | 103. Travelodge |
| 46. Il Bertorelli | 104. Tru |
| 47. Indonchine | 105. Tuscany |
| 48. Jade Garden | 106. Varsity |
| 49. Judges Lodgings | 107. Waterfront Restaurant |
| 50. Jumbo Buffet | 108. Willow Restaurant |
| 51. Kapadokya Turkish BBQ Restaurant | 109. WP Browns |
| 52. Karachi | 110. Yates Wine Lodge |
| 53. Kings Arms | 111. York Brewery Co Ltd |
| 54. Kings Ransom | 112. Yorkshire Hussar |
| 55. Lendal Cellers | 113. Yorkshire Food Company |
| 56. Living Room | 114. Ziggy's Nightclub |
| 57. Los Locos | 115. Zizzi |
| 58. Lowther Hotel | |

Map of the 115 Licensed Premises inside the Proposed CIZ



List of the Roads/Streets Covered by the Proposed CIZ

Bar Lane
Barker Lane
Blake Street
Blossom Street (partial)
Bridge Street
Church Lane
Clifford Street
Coney Street
Cumberland Street
Davygate
Feasegate
George Hudson Street
King Street
Kings Staith
Lendal
Lendal Bridge
Low Ousegate
Lower Friargate
Market Street
Micklegate
Museum Street
Nessgate
New Street
North Street
Parliament St (partial)
Peckitt Street
Peter Lane (partial)
Rougier Street
Skeldergate (partial)
Spurriergate
St. Helens Square
Tanner Row
Tanners Moat
Toft Green
Tower Street (partial)
Wellington Row



Map of the Proposed CIZ

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Licensing Policy Consultees

Licensed Victuallers Association
 Coppergate Centre
 Stonegate Traders
 Chamber of Commerce
 York Retailers Forum
 CAB, Blossom Street
 CVS, Priory Street
 York Hospitality
 Older Citizens' Advocacy York
 Older People's Forum
 Age Concern
 YDH, Accident & Emergency
 Alcohol Task Group (YAAS)
 British Institute of Innkeepers
 York Tourism Bureau
 British Beer & Pub Association
 Club and Institute Union (CIU)
 York Private Hire Association
 York Taxi Association
 Independent Taxi Association
 York Hackney Carriage Drivers Association
 British Transport Police, York Railway Station
 Yorkshire Ambulance Service
 CAMRA York
 York Older Peoples Assembly
 Tenants & Residents Associations Guildhall & Micklegate Wards

 Chief Superintendent, North Yorkshire Police (York)
 City of York Group Manager, North Yorkshire Fire & Rescue Service
 Safer York Partnership

 City of York Council Trading Standards Unit
 City of York Council Environmental Protection Unit
 City of York Council Health & Safety Unit
 City of York Council Assistant Director of Planning & Sustainable Development
 City of York Council Assistant Director Life Long Learning & Leisure
 City of York Council Head of Arts & Culture
 City of York Council Head of Parks & Open Spaces
 City of York Council Assistant Director Economic Development & Partnerships
 City of York Council Assistant Director of Children & Families
 City of York Council CYSCB Manager
 City of York Council Director of City Strategy
 City of York Council Equality Officer

 All Ward Councillors

 All licensed premises in Guildhall and Micklegate wards

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ANNEX 3

Ref	Respondent	Comments	Response
001	Karl Smith York CAMRA 11 Hillcrest Avenue Nether Poppleton York YO26 6LD	CAMRA policy to campaign for the preservation of pubs as working institutions to provide an important community service (and hopefully stock real ale). Clearly the dynamic state of the industry at the moment often means pubs are closing frequently. Many of these fortunately open after a period of time with new ownership. I assume that when this happens the existing licence can be transferred? Whilst recognizing the role of the CIZ public order interests, we would not want this to adversely impact on the possibility of closed pubs within reopening and operating the licence on a similar basis to the previous licensee. Please confirm?	Officer clarified the law regarding transfers and surrender of premise licences.
002	Mr C Fall Rumours 94 Micklegate York YO1 6JX	<p>I have had a licence for over 20 years and currently on a personal licence.</p> <p>On a pragmatic view I would like yourself and the committee to consider the following: - The customer base in York is primarily young people aged between 18-25 who frequent the fashionable premises, this changes over the months and years from venue to venue and from area to area, Friday and Saturday night has a broader base of person from local older people to tourists and students.</p> <p>It has become apparent over the last year that the trend for the younger person and students is to frequent premises that promote the cheap deals (I refrain from mentioning any particular premise but I am sure you are aware of those that promote such deals).</p> <p>The trend therefore has changed from areas to premises, competing with each other for cheaper deals, which has been created by the credit crunch, thus in the present climate to attempting to indulge the minority of people out in the City Centre on an evening to a small minority of premises focused on cheap drink and in greater quantities.</p> <p>It has also been apparent that some of the customer base is not merely intent on over abuse of alcohol but it has become more prominent that people can enjoy an evening of entertainment quicker on a mixture of alcohol and illegal substance abuse. Illegal substances are becoming cheaper and cheaper to buy.</p> <p>My view therefore after attempting to paint a fair view of patrons frequenting licensed establishments in the</p>	

	<p>Centre of York is that, due to the partnership approach created by the police and City of York Council, crime and disorder appears far better now than it did a number of years ago, the difficulty with any licensing policy which may lead to complacency that over proliferation of licensed outlets in specific areas WILL eventually cause a significant problem, larger premises with later and later opening hours will have a direct affect on trade, tourism and other persons wishing to view this historic City on an evening. I suggest that the CIZ be extended to include an area that covers the land within the City of York walls. I am informed that this is a similar area to the Big Market in Newcastle, which is used to have horrific problems in the past.</p> <p>I also suggest that greater enforcement of persons using and dealing illegal substances be considered, because I can assure you that this combination mixed with alcohol is a lethal combination and is becoming more and more widespread. Alcohol should not be the main reason, cause or misunderstood reason for any person to blame licensees or outlets for the rise in crime and disorder.</p> <p>My last thought for your consideration is the hours of opening of licensed outlets which has shown in business terms a decrease in people coming out early, the trend which has been created by the '24 hour' culture is that people now arrive at venues much later than in previous years, and although this has alleviated the terminal hour when 'the whole world' dispensed onto the street at the same time, it has created a 'longer' problem for the enforcement agencies to deal with. This has been exasperated by late night refreshment houses, takeaways and taxi ranks becoming focal points for disorder over a grater period of time.</p> <p>I hope this helps and I do hope you can give my views consideration.</p>	
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003	<p>John Hilton Chair of the Assembly York Older People's Assembly Suite H, Holgate Villas 22 Holgate Road York YO2 4AB</p>	<p>On behalf of the membership of the York Older People's Assembly, the Trustees of its Executive Committee welcome the opportunity to contribute to the consultation process.</p> <p>We note that the proposed boundary changes have been requested by the police in the light of developments in York's night-time economy that have occurred since the original CIZ boundaries were established in 2005. The proposals are intended to reflect the corresponding changes in patterns of crime and disorder. A detailed narrative regarding these shifting trends has been set out in a report produced on 25 March 2010 by the Safer York Partnership (SYP).</p> <p>The SYP analysis contained within the report focuses more upon incidents of actual crime, including violent crime, than those of disorder. It shows that, while crime levels in the City centre peak during the small hours of the day, between 22:00 and 03:00, significant crime is present during the afternoons. Although the report makes no reference to the ages of those involved, national research suggests that those suffering most directly in terms of actually experiencing victimisation tend to be younger than 30. This seems particularly the case in terms of the crime and disorder most often linked to the proliferation of licensed premises in city centre.</p> <p>There are important differences between actual incidents of criminal activity and the perceived risks of victimisation – the fear of crime. The threshold for YOPA membership is 50+ and consideration of research evidence suggests that older people are more often the victims of the fear of crime than of criminal activity itself. For many older people, their expressed fear and anxieties surrounding crime levels may be more concerned with experience of disorder and associated incivilities. These may include shouting, swearing and other forms of public behaviour perceived as being out of control.</p> <p>In addition to these observations, the response of YOPA to the proposals set out in the current CIZ consultation may be summarised as follows: -</p> <ul style="list-style-type: none"> • Generally, we are content to rely upon the very considerable experience and expertise that the police have employed to underpin the proposals. • The experience of all who live, work and visit York should be safe not only from crime itself, but 	
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		<p>from the fear and anxiety resulting from anti-social behaviour in public places.</p> <ul style="list-style-type: none">• The inclusion of more crime hotspots within the CIZ is welcome.• The expansion of the CIZ to include busy thoroughfares such as Market Street, Coney Street, and Lendal is particularly welcome.• YOPA would wish to see greater intervention of the police and CPSO's in relation to incivilities and incidents of disorder, particularly during afternoon hours. <p>I hope that the Gambling and Licensing Act Committee and the full Council will take these views into account during their respective deliberations in June/July.</p>	
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004	Alan Rowley York Taxi Association	Having read the proposals for the changing boundaries of the cumulative impact zone, we are in full agreement with the changes.	
005	Colin Hall Tower Place York	<p>1. Please tell us why the CIZ extends to the Eye of York and Tower Gardens. What was the evidence base for the decision.</p> <p>2. Why is it proposed now to exclude the Eye of York and Tower Gardens from the CIZ? What is the evidence base for the proposal?</p> <p>2nd email receive after LC response Tower Gardens are licensed premises on Tower Street. You say that the police have no evidence of crime and disorder but you appear arbitrarily to detach Tower Gardens from Tower Street. The natural end of Tower Street is at the Skeldergate Bridge junction. If Tower Street remains in the CIZ, Tower Gardens should remain in the zone too.</p> <p>We are no being obstructively vexatious by pressing the point. We are fearful that the premises licence covering Tower Gardens will be extended to increase or broaden in some way the provision of alcohol in the area. We have already had unpleasantness when alcohol has been permitted on Tower Gardens, poor conduct, bad language, and a terrible mess of papers and beer cans littering the park. Based upon past experience of events in the park, and four apparent breaches of the terms of the licence, we have no confidence in the licence holder, or in his/her ability or willingness to protect the interests of residents who overlook the Gardens. So the loss of the protection afforded by the CIZ is of considerable concern to us.</p>	<p>Officer response.</p> <p>1. The Eye of York was never included in the CIZ. When the zone was first introduced the police felt that a natural boundary was to include all of Tower Street to the junction with Fishergate and Skeldergate Bridge (which incorporated Tower Gardens).</p> <p>2. With regards to Tower Gardens the police have no crime and disorder evidence for the zone to cover the Gardens, therefore they have requested that the zone ends at Tower Place. As the CIZ is included in the Statement of Licensing Policy it has to stand up to legal challenge, we therefore must have evidence to support it.</p> <p>Contact detail for Inspector Mark Henderson supplied.</p>
006	Stephen Tighe 20 South Parade York YO23 1BF	<p>I am writing to object to the proposal to remove Blossom Street from the CIZ.</p> <p>The police report shows that Blossom Street, within</p>	

	<p>the CIZ, has seen a reduction in reported crime whereas areas outside the CIZ have seen an increase. Indeed this seems to be the main point made by the police.</p> <p>The natural conclusion would be to extend the CIZ to include those areas seeing an increase in violent crime. It would be perverse to end a policy which seems to be working.</p> <p>As residents are all to aware, there is still a good deal of lower level (unreported) anti-social behaviour and disorder at weekends caused by people going home drunk. If Blossom Street is removed from the CIZ it is likely that this will more frequently escalate into violent confrontations.</p> <p>I would also ask that Cllr Merrett be permitted to make representations in the matter on behalf of residents in this ward.</p>	
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007	Bill Hanbury 5 South Parade York YO23 1BF	<p>My wife and I object to the removal of Blossom Street from the CIZ. It is a sensitive area consisting mainly of residential use and contains a number of listed buildings including my own. Licensed premises, of which your authority has allowed far too many in York, detract from the character of the area and encourage crime.</p> <p>Perhaps you would confirm our views will be taken into account.</p>	Officer response Comments will be included in the report that goes before G & L Committee
008	Peter & Eileen Blackeby 2 South Parade York	<p>I'd like to record our concerns about the proposed changes to the area covered by the CIZ. In particular, as residents of South Parade we are very much affected by the CIZ.</p> <p>We are not aware of any research that has been done into the potential impact on residents of this change. Could you let us know what has been done please? I believe that this should be completed before any changes are implemented.</p> <p>We are subject to a stream of low level disturbance and crime, and recently there was a much more serious assault in South Parade that was close to resulting in a fatality. Much of this crime goes unreported but that does not mean it does not happen. It's more a reflection of the fact that it is difficult to do much after the crime (eg tyre damage) as there is no real chance of tracking down the perpetrator. We very frequently experience people returning from local pubs using the wall opposite our hours as a urinal – but we are told that we need to be careful about filming them!</p> <p>If you believe that the CIZ does have an impact in controlling this sort of activity by restricting the supply of alcohol then there are good grounds for keeping it in place. It could well be that there has been a reduction in the level of this type of activity as a result of the zone creating a more focused area for drinking where it is easier for the police to have a presence and thereby influence behaviour. If this is the case then there does seem to be no logic for the change for Blossom Street. It is an area which still has a large amount of residential property. I know that Cllr Merrett is very knowledgeable about this topic.</p> <p>All we are looking for is a good balance – which seems to exist for the most part at present – so we would request that the change is not carried forward</p>	<p>Officer response Thank you for responding to the consultation, your comments will be included in the report that goes before Licensing Committee.</p> <p>With regards to your question, North Yorkshire Police have requested the change to the CIZ as alcohol/late night related crime and disorder hot spots around the city have changed. The Police have produced an evidence based report to make this request. Within the report the Police have no evidence of issues within the Blossom Street area. The report produced must be evidence based as the CIZ is included within the City of York Councils</p>

		and that the onus for proving that licensing changes is left with the businesses.	"Statement of Licensing Policy" which has to stand up to legal challenge. Copy of the police report sent with contact details for Inspector Mark Henderson
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009	A J G Crawshaw 15 Kings Staith York YO1 9SN	<p>In general I support the proposed extension of the CIZ, even though I consider the CIZ to have been of limited effect. I regret the perceived need to remove areas from the CIZ – how do you know that these areas will not be troublesome in the future? As it is the CIZ is always reactive, rather than proactive, so has not hope of keeping up with trouble spots, let alone pre-empting them. Any reduction in violence in any particular area may well be the result of the recession reducing the reveller's funds, rather than success of the CIZ. Has there been any attempt to quantify public nuisance, and how it is affected by the CIZ? I suspect that there has been an increase in late night noise and rowdyism.</p> <p>In my view the CIZ was castrated by the City's decision to treat all applications for variations from existing licensed establishments within the CIZ "<i>on an individual basis. No different policy will apply in this area as opposed to the rest of the city</i>". Given that the CIZ is known to be a troublesome area (which is the rationale for the CIZ) anyone who thinks that the drinkers from an existing establishment are less trouble than those from a new one is clearly living in 'cloud cuckoo land'. I am not aware of anything in the guidance that gives rise to this interpretation of the CIZ, so can only conclude that it was dreamt up by, at best, an idealist on the council staff who doesn't have to live with the consequences.</p> <p>There is a point of view that says "<i>in our experience the general noise and rowdyism in the streets is more of a nuisance than the violence, disturbing though it might be to see blood on the streets the following morning. Leaving aside pious mouthings about the sanctity of human life, we suspect that most residents would not care if the revellers were to fight themselves to death and then the lone survivor were to fall in the river and drown. Indeed the city could licence such a fight (boxing and wrestling), build an amphitheatre to house it, an charge for the licence and admission, thus fulfil its main apparent ambition, making money from visitors</i>". Prove that view wrong by beefing up the CIZ.</p>	
010	Charles Hulme 67 The Mount York YO24 1AX	I am writing to express my opposition to the proposal to remove the CIZ status from Blossom Street. This is an area that is primarily residential, and which contains a number of schools and playgroups. There is already considerable nuisance in this area on race days from people who have drunk too much. The road here is also extremely busy and has traffic travelling at	

		quite high speeds. I imagine that an increase in pubs and clubs in this area would lead to significant increase in road accidents. In sum I am totally opposed to the proposal.	
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011	Professor Maggie Snowling 67 The Mount York YO24 1AX	I am writing to express my opposition to the proposal to remove the CIZ status from Blossom Street. Unlike the other areas in York where applications for licenses are proposed Blossom Street borders a residential area and already, residents are extremely inconvenienced by all of the fast food outlets (litter; sickness; etc). The addition of more drinking establishments would be a significant deterioration in the quality of the environment, and especially on race days. As you know there are several schools and indeed nurseries/playgroups in the area and to consider that these can be mixed with licensed premises is to in the public's interest. I am also concerned that any increase in drinking will increase the number of road traffic accidents on what is a busy road; on one occasion to day, we have picked up a drunk from the road, this sort of incident could only increase. In summary I am totally opposed to this scheme.	
012	Mrs D Megone 11 South Parade York YO23 1BF	I am writing to you to object to the proposed removal of Blossom Street from the Cumulative Impact Zone. I am a resident of South Parade and I believe that the establishment of the existing CIZ has helped to contain the problems caused by the number of licensed premises in the area. However there continues to be an underlying level of nuisance and anti-social behaviour in the area such as night time noise, urinating in the street and litter which is linked to the number of licensed premises in the area. I believe that the removal of Blossom Street from the zone would exacerbate these problems considerably. I do of course recognise that there is a good case for extending the zone to Coney Street (though I imagine there are far fewer residents in that area). However this should not mean that Blossom Street is removed as it would then be likely that the axis of night life would shift back in the direction of the residential area around Blossom Street. I trust that the Council will take account of the views and experiences of residents in any re-designation of the boundaries of the CIZ.	
013	M Holford East Mount Road York	I am concerned to hear that Blossom Street is to be removed from the CIZ. I live on East Mount Road and am worried about the impact that this will have on the surrounding area. Anyone who walks down Micklegate on a Saturday, Sunday or Monday morning dodging pools of vomit and broken glass should realise that for this type of behaviour to spread in to residential areas is just not acceptable. We already suffer the nuisance on race days and can watch both men and women urinating in Shaw's Terrace and on Scarcroft Green. I do not want any more pubs or	

	<p>bars on Blossom Street, they cause noise, litter and broken bottles, this is made worse by smokers standing outside polluting the air and throwing away their fag ends and boxes.</p> <p>The area around Blossom Street is mainly residential and generally a quiet place to live. Coney Street is not residential and how you can be considering treating both area the same does not make sense.</p> <p>I have walked up Micklegate at 8pm with my children who are under 15 and seen fights outside The Artful Dodger on Micklegate with two vans of police in attendance. Only 2 weeks ago I saw a women sitting on the kerb outside the Nags Head vomiting into the gutter at 7.30pm. I do not want this type of behaviour to spread to Blossom Street and my children to see it when they go to Sainsbury's. I hope you will reconsider altering the Cumulative Impact Zone and not including Blossom Street in it.</p>	
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014	Ms Denise Vanstone South Parade York YO23 1BF	<p>I am writing to express my deep concern over the proposal to remove Blossom Street from the current cumulative impact zone in York. The current level of crime, disorder and antisocial behaviour in this area is more than enough as it is without the introduction of yet more bars, extended licences or other late night establishments.</p> <p>It seems a bizarre concept for the police to say that just because the crime levels are not bad (from their records of reported crimes in a particular area) that it is then alright for the area to be opened up to the sort of premises that likely to result in a rise in crime and cause a great deal of damage to the quality of life for local residents. This is surely perverse? It will be a backward step ending up with pre 2005 crime levels or worse?</p> <p>There are many, many incidents of low level nuisance and disorder in the area that are never reported to the police. I have had two tyres of my car set alight. Our street is used regularly as a toilet. I was recently confronted by one such drunken individual who thought it amusing to expose himself. Every day I have to pick up litter from our street and the entrance to the street. The general night time noise of drunks, revellers, vehicles and other noise associated with existing establishments is already barely tolerable for many residents. The problems associated with the takeaways, who will no doubt apply for later closing times if the CIZ is lifted, are not all known to the police. For example they are not interested in the huge quantities of litter generated by the takeaway clientele, or by the noise and disturbance they cause, or by their vehicles being illegally parked, or by the almost daily confrontation experienced by street residents in trying to access or exit Blossom Street from the Parade. This would all without a doubt increase if the proposal went ahead.</p> <p>I had thought the Council was trying to avoid York at night being seen primarily as a place for visiting hen and stag parties, and to make it a place where ordinary people and their families (both residents and visitors) could enjoy during the day and at night. I love York and am proud to be a resident but it would be wonderful if the Council placed the concerns and quality of life of local residents above the financial gain of a few club and bar owners. I would be most grateful if you would allow Councillor David Merrett to be allowed to represent residents local needs on this</p>	
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015	<p>Andrew Hingston Churchwarden Parish of St Helen with St Martin, York 19 Mount Parade York YO24 4AP</p>	<p>The Parochial Church Council of St Helen with St Martin supports the extension of the York CIZ on the grounds that the noise and behaviour associated with the exiting number of licensed premises within the area in question interferes with present and potential use of the churches and other non-licensed activities within the city centre.</p> <p>Activities associated with licensed premises impact upon the churches in two ways.</p> <ol style="list-style-type: none"> 1. Noise and disturbance from bars and users affect use of the churches. For example a weekly meeting on Tuesdays between 7.30 and 8.15 pm at St Martin's Church is regularly disturbed by noise. This inhibits use of the buildings in the evening. 2. Users, and potential users, are discouraged from coming to the churches by an atmosphere in the city centre which they find intimidating and unwelcoming. The bars sue music to advertise and to create a street ambience attractive to their own clientele but which is perceived as hostile by others. Even more significantly, the large numbers of drinkers and associated disorder is intimidating to many people and can interfere with their legitimate activities. An example here was complaints from bell ringers who left St Martin at approximately 8.30 pm on Sunday 2 May that they were physically impeded in making their way home by groups of drunks, for example in Coney Street and Davygate. We know that visitors to churches are seeking out peace and quiet not available in the streets; undoubtedly others would visit the city centre if it was more welcoming in the evenings. We aim where practicable to leave the churches open to the public into the evening, but the surrounding atmosphere is off-putting. <p>Whilst welcoming the present review, we think that City of York Council could be more effective in controlling the situation. The likelihood of problems in the Coney Street area was predicted when the current CIZ boundaries were drawn up and prompter and more responsive action should have been taken in response to problems. Licensing restrictions should be routinely imposed to limit street noise, and the council should seek and take into account evidence other than recorded crime statistics. If existing legislative powers are inadequate the council should make representations for change. The Government's commitment to overhaul the Licensing Act is very relevant here, and we hope that City of York Council</p>	
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		<p>will actively participate in this exercise to reflect the needs and concerns of the majority of residents and visitors.</p> <p>The parish of St Helen with St Martin includes Lendal, Coney St, Davygate and parts of Stonegate and Blake St. It is responsible for two churches, St Helen Stonegate and St Martin Coney St, both of which fall within the area of the proposed CIZ extension.</p>	
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016	<p>Mr D L J Harrap Chairman South Parade Society 16 South Parade York YO23 1BF</p>	<p>I write as Chairman of the South Parade Society. The Society membership comprises of all the residents of South Parade, York. South Parade adjoins Blossom Street and changes to the status of Blossom Street have a direct and significant impact on South Parade.</p> <p>At the Annual General Meeting of the Society held on Friday 21 May it was unanimously agreed that I should respond to you with the concerns expressed at the meeting over the proposed removal of Blossom Street from the York City Cumulative Impact Zone and the implications this will have for local residents, including those of us living in South Parade.</p> <p>In responding to you I have taken note of both the York City Council (YCC) Licensing Policy, in particular those sections relating to Saturation and Cumulative Impact, as well as the Police York CIZ Report. With regard to these I would like to make three points:</p> <ol style="list-style-type: none"> 1. The Licensing Policy requires, as its first step, the “Identification of concern about crime and disorder. This must be evidence based and supported by the North Yorkshire Police and Safer York Partnership”. <ol style="list-style-type: none"> a. Nowhere in either the Police report or the consultation statement on the YCC Website is there any identification of what concerns there are about crime and disorder and whether there is evidence to justify these. Rather the Police report, upon which the proposed changes are founded, is based solely on crime and disorder statistics and patterns. It does not place these statistics within the context of legitimate concerns of local residents and businesses. i.e. as it stands the police report reflects policing issues and not the concerns of residents and businesses and does not meet the required first step as set out in the YCC Licensing Policy in determining the CIZ. b. There is potentially ample evidence about local concerns that could and should be gathered before a decision is reached about substantial changes to the CIZ. This could be gathered from, say, Ward Committee meetings, a survey of residents within and immediately adjacent to the CIZ, reports from Community Police Officers amongst others. I note from a quick scan of other Council web sites elsewhere in the country that in determining their CIZs note is taken of the scale and impact of low level disorder linked to the licensed economy not just 	
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	<p>reported crime statistics (i.e. note is taken of late night noise, litter, broken bottles, discarded cans, dumped food from late night takeaways, urinating and vomiting in the street, damage to cars and property. Though there may be is no crime number and therefore does not appear in the statistics it nevertheless happens and has a considerable impact. The scale of this should be assessable).</p> <p>2. The Licensing Policy requires in its second step “Consideration of whether the risk factors are such that the area is reaching a point when cumulative impact is considered unacceptable”. There is no assessment in the Police CIZ Report of the implications, and with this the risks, of removing Blossom Street from the CIZ. Nor equally important is there an assessment of what has been achieved by having Blossom street within it. Blossom Street already has a high density of takeaway food establishments which attracts considerable trade not least from those leaving the pubs and clubs, race-goers and many others. The Street is a main thoroughfare for those leaving both Blossom Street licensed premises and others leaving premises from within the city walls. Blossom Street lies within an area containing a high residential population whose streets are a main thoroughfare into Blossom Street itself. Cumulatively, the scale of the takeaway food trade, licensed trade, movement of people to and from these premises and the associated behaviour that flows from this degree of activity, imposes considerable ‘stress’ on local residents and there are risks and implications here that have not been assessed or considered. This should be part of the process in considering this second step of the YCC Licensing Policy</p> <p>3. The Police CIZ Report, in formulating its recommendations, makes no assessment of the scale of crime and disorder in areas adjacent to the CIZ and which is associated with the licensed trade within the CIZ. Where there is a substantial element of such crime and disorder in adjacent areas, it would seem to us, that this should form part of the assessment process in deciding any CIZ area adjustments and in particular whether to remove Blossom Street from the CIZ. In South Parade, the scale of this disorder is significant and includes within the time frame 2007 – 2010 being considered by the police in their report (this is not a definitive list and Police Records should be able to confirm/identify more):</p>	
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	<p>(1) A recent, severe assault in the Parade on a man after leaving the Kentucky Fried Chicken takeaway after he had stepped in to assist two ladies being abused by two drunken youths in the takeaway.</p> <p>(2) Two years ago, if memory serves me correctly, the police were called to address a late night argument in the parade where knives were being threatened.</p> <p>(3) Because of the scale of disorder/misbehaviour of those passing through the street, particularly late at night, we have had a considerable amount of discussion with the Safer York Partnership on how to minimise this. The consistent advice from them was that the scale of disorder was sufficient to justify putting up a case for alleygating South Parade. Alleygating was not pursued as there was concern within the Parade about the implications of closing a public right of way and the resentments, perhaps leading to malicious damage, this could potentially lead to. Nevertheless the problem remains. The Safer York Partnership advice to us in the Parade, and the awareness of the problems behind this, sits at odds with the Police CIZ report. They and we know we have a problem which needs controls if it is to be contained.</p> <p>(4) The Police have recently asked the residents of No 1 South Parade to monitor and report potential drug dealing activity in the area around the end of South Parade/Blossom Street because of its perceived prevalence.</p> <p>(5) No 1 South Parade has twice in the last year had deliberate damage inflicted on the car parked in its forecourt. Similarly, this year, No 8 has twice had its car 'key' scratched and a brick thrown at in the early hours.</p> <p>(6) We had a spate of incidents in late 2008 early 2009 of deliberate damage to car tyres in the early hours. Some 20 or so tyres were spiked or set on fire with lighter fuel. This led to the police installing a CCTV camera for a period to try and identify the culprits. This is not the first time this scale of incidents has happened. It ebbs and flows with time.</p> <p>(7) There is on-going and frequent minor damage to cars from late night activity – ripping off of aerials, breaking wing mirrors etc. The CCTV camera (see 6 above) recorded one such incident but the quality of the recording was insufficient to identify the culprits.</p> <p>(8) Last year a resident's car was burnt out in the turning circle at the end of South Parade.</p> <p>(9) No 1 South Parade has had to call the police to have a gathering of drunken people removed from their forecourt in the early hours.</p>	
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	<p>(10) There is very frequent late night noise and shouting from those returning from pubs and clubs in the early hours between around midnight till 4 – 5 am which is disturbing for residents.</p> <p>(11) Because the parade is comparatively dark/off the main public highway it is frequently used by ‘drinkers’ and on race days by race-goers on their way to the pubs and clubs in town to relieve themselves. This leads, in turn, frequently leads to personal confrontation with residents trying to control this behaviour.</p> <p>(12) There is a constant flow of litter from the takeaways, broken bottles and, frequently, vomit from late night revellers which needs to be cleared by residents. South Parade is an un-adopted road hence the burden of tidying this up falls on the residents. Other adjacent Streets no doubt suffer too from this low level misbehaviour.</p> <p>On behalf of the residents of South Parade, I would be grateful if, in considering the boundaries of the CIZ and in particular the merits of removing Blossom Street from it, you could take note of these points. As a Society representing the interests of those living in South Parade we would consider this a severely retrograde step in managing the local area.</p>	
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017	Jon C Stroup 1 South Parade York YO23 1BF	<p>I am writing in opposition to removing Blossom Street from the CIP Zone. First, I would like to say that I do not understand why YORK would want to make the main entrance into this beautiful, historic town even more vulnerable to the acts of crime and anti-social behaviour that result from pubs and clubs.</p> <p>I live at 1 South Parade and my house sits on the corner of South Parade and Blossom Street. Our main entrance door is on Blossom Street. The following is a list of crimes, disorder, and anti-social behaviour that would only increase with removing Blossom Street from the CIP Zone:</p> <ul style="list-style-type: none"> - We called the police as drunks were fighting in our garden and attempted to enter our house after throwing food at our windows and attempting to throw a planter from our garden through our dining room window ... the police carted them away. - Our car window has been smashed twice and the car was ransacked as they were looking to steal. - At least two dozen tires have been slashed on the Parade in the last year. - Drunks are constantly throwing KFC rubbish, as well as beer bottles into our garden and all over Blossom Street. - Drunks are constantly urinating on blossom street. In fact, on one occasion, our front door was the target and my 4 year old daughter watched as the urine flowed into our hallway. - Drunks are constantly vomiting on blossom street. - Drunks are often fighting on Blossom Street and some fights must be on police record, as the police have had to intercede. - There are noises from drunks yelling, singing, and fighting all hours of the night and morning. - There have been several very serious incidents on Blossom Street recently where drunks have beaten people. One recent incident occurred where 2 drunk males were beating a girl in the KFC; a man came to the girls defence; when the man left KFC, the 2 drunks followed him down South Parade and beat him badly with a brick! He could have died due to these drunks! 	
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	<p>My list could go on forever! Why do we want to make a change that could increase the amount of problems we already have on Blossom Street, the main entrance into our city?</p> <p>Are there not enough pubs and clubs around? I can tell you there are enough on and around Blossom Street.</p> <p>I hope that the Government personnel who are considering this change, investigate the facts and realize the nuisance behaviour that already exists. We already have police officers and community support officers walking and on bicycles covering Blossom Street on most weekends...they must have some good advice.</p> <p>I would like to note that Councillor David Merrett may speak on my behalf.</p>	
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Gambling and Licensing Acts Committee

18 June 2010

Report of the Director of Communities and Neighbourhoods

Licensing Act 2003 – Minor Variations

Summary

1. Following a report brought to members on the amendments to the Licensing Act 2003 in respect of minor variations applications, this report is to advise members of the number and type of applications received since the amendments came into force.

Background

2. Following the Legislative Reform (Minor Variation to Premises Licences and Club Premise Certificates) Order 2009, which came into force on 29 July 2009, licensing authorities can now receive minor variation applications. Minor variations are classed as small variations that will not impact adversely on the licensing objectives, and are therefore subject to a simplified process. Statutory Guidance gives examples of minor variations as:
 - small variations to structure and layout;
 - the removal of a licensable activity;
 - addition of a licensable activity (excluding the supply of alcohol);
 - to reduce licensing hours or to alter (without increasing) the hours between 07:00 and 23:00;
 - addition of volunteered conditions (the licensing authority cannot impose conditions);
 - amending or removing existing conditions, in most cases any application to remove or change conditions should be treated as a full variation, however there may be some circumstances when the minor variations process is appropriate, for example premises change over time and circumstances that led to conditions being attached may not longer apply, such as embedded restrictions carried forward from the Licensing Act 1964.
3. An application for a minor variation is only submitted to the licensing authority. A white notice must be placed at the premise for a period of 10 days. The application does not need to be advertised in the local press.
4. When a minor variation application is received the licensing authority must consider whether the variation could adversely impact the licensing objectives. The licensing authority must consult the relevant responsible authority if there is any doubt on the impact of the proposed variation, however there is no requirement to consult on every application. When determining the application the

licensing authority must also consider any representations received from interested parties. There is a 10 day representation period.

5. At the end of the 10 day period the licensing authority must determine the application within the next 5 working days (from receipt of the application it is determined within 15 days). The application can be granted or refused. There is no right to a hearing, if the application is refused the fee must be returned. Applications that are not determined within the 15 day period will be treated as being refused. A refused application maybe resubmitted as a full variation.
6. Since the 29 June 2009 14 minor variations applications have been received. Please find attached at Annex 1 a summary of these applications.

Consultation

7. There has been no consultation associated with this report.

Options

8. Option 1 – That Members note the content of this report
9. Option 2 – That Members note the content of this report and request that officers report back on an annual basis.

Analysis

10. None

Corporate Strategy

11. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
12. The promotion of the licensing objectives will support the Council's strategy to make York a safer city with low crime rates and high opinions of the city's safety record.

Implications

13. **Financial:** None

Human Resources (HR): None

Equalities: None

Legal : None

Crime and Disorder: None

Information Technology (IT): None

Property: None

Other: None

Risk Management

14. There is no risk to the council with respect to this report.

Recommendations

15. Members are asked to approve option 2 and instruct officers to provide an annual update, which will be included in the annual report to Members on the Licensing Act 2003.
16. Reason – To keep Members informed of the effect of their Licensing Policy.

Author:
Lesley Cooke
Senior Licensing Officer

Chief Officer Responsible for the report:
Andy Hudson
**Assistant Director of Neighbourhoods and
Community Safety**

**Communities and
Neighbourhoods**

Report Approved Date 08/06/10

Tel No: 01904 551526

Specialist Implications Officer Legal
Sandra Branigan
Tel No. 01904 551040

Wards Affected: All

For further information please contact the author of the report.

Annexes:

Annex 1 – Summary of applications received

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Premise	Date Rec'd	Application Details	Responsible Authority Consulted	Status
The Dormouse Clifton Park Avenue York	30/09/09	Internal layout alterations	No	granted
Burton Stone Inn 34 Clifton York	05/11/09	Removal of embedded restrictions relating to children.	North Yorkshire Police – no issues	granted
English Martyres Parish Hall Dalton Terrace York	19/02/10	Addition of Stage Plays to licensable activities	North Yorkshire Fire & Rescue Service – no issues	granted
Long Boat Table Table 28 – 40 Blossom Street York	11/03/10	Amend wording of licence condition to define 'resident'.	North Yorkshire Police – no issues	granted
Long Boat Table Table 28-40 Blossom Street York	29/03/10	Amend wording of licence condition in relation to maximum capacity and seated covers.	North Yorkshire Police – no issues	granted
Vue Cinemas Stirling Road Clifton Moor	12/04/10	Internal layout alterations	North Yorkshire Fire & Rescue Service – no issues	granted
Sainsburys Supermarket Jockey Lane Huntington York	1/04/10	Structural and layout alterations	North Yorkshire Police – no issues	granted
Tangelwood Malton Road Stockton on the Forest	16/04/10	To extend the opening hours	North Yorkshire Police – no issues	granted
Beeswing Hotel 55 Hull Road York	16/04/10	Internal layout alterations	North Yorkshire Police & North Yorkshire Fire & Rescue – no issues	granted

Flares 6 Tanner Row York	28/04/10	Internal layout alterations	North Yorkshire Police – no issues	granted
Pitcher & Piano Coney Street York	10/05/10	Internal layout alterations	North Yorkshire Police & North Yorkshire Fire & Rescue – no issues	granted
Ha Ha Bar and Grill 13 New Street York	11/05/10	Amend wording of licence condition	North Yorkshire Police – no issues	granted
Tanglewood Malton Road Stockton on the Forest	21/05/10	Internal layout alterations	North Yorkshire Fire & Rescue Service – no issues	granted
Black Bull Hotel Hull Road York	25/05/10	Removal of licensed area	No	pending