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Meeting	Gambling, Licensing & Regulatory Committee
Date	17 March 2014
Present	Councillors Boyce (Chair), Cuthbertson, Douglas, Funnell, Gillies (Vice-Chair), Hyman, Horton, King, Looker, McIlveen, Orrell, Richardson and Taylor
Apologies	Councillors Riches and Watt

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS.**

### **14. Declarations of Interest**

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

Councillor King declared a personal non prejudicial interest in relation to agenda item 4 as the Fire Authority had been consulted on the Licensing Policy and he is a member of the North Yorkshire Fire and Rescue Authority.

### **15. Minutes**

Resolved: That the minutes of the last two meetings held on 21<sup>st</sup> October 2013 and 27<sup>th</sup> January 2014 be approved and signed by the Chair as a correct record.

### **16. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**17. A Consultation on Fees under the Licensing Act 2003.**

Members considered a report which asked them to approve the licensing authorities response to the Home Office consultation on fees under the Licensing Act 2003.

The Licensing Manager outlined the report and advised that at present, the current fees charged by City of York Council in some cases, were not sufficient to recoup the administration costs associated with the processing of some applications and licences. The new fees as suggested by the Home Office were attached at paragraph 14 of the report.

In response to Members questions, it was confirmed that the fees charged would need to be re-adjusted for subsequent years if they were found to be too much or too little.

Resolved: That Members approved Option 1 and approved the consultation response at annex 2 subject to any final amendments.

Reason: To provide an appropriate response to the Home Office.

**18. The Licensing Act 2003 - (Mandatory Licensing Conditions) Order 2014.**

Members considered a report which informed them of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 which came into force on 6<sup>th</sup> April 2014. The order relates to the banning of the sale of alcohol below the cost of duty plus VAT.

Officers outlined the report and advised that it was to make Members aware of the changes to mandatory conditions. The changes were being made to support the Governments Alcohol Strategy, of which one of the key points was 'The price level and mechanisms for a minimum unit price for alcohol'. The guidance forbids the sale of alcohol below the cost of duty plus VAT.

Members commented that the changes would particularly impact upon the off-sales trade. In response to Members questions, the Licensing Manager confirmed that she would be writing out to all licensed premises after the 6<sup>th</sup> April 2014 to inform them of the changes.

Resolved: That Members noted the content of the report.

Reason: To keep Members of the Licensing Committee informed on changes to mandatory licence conditions.

**19. Any other business which the Chair considers urgent under the Local Government Act 1972**

Councillor Taylor requested an update on the issues surrounding McDonalds Restaurant, Blake Street, York following a Licensing Hearing in 2013 and a subsequent appeal on the decision which was not challenged by the Council.

The Licensing Manager confirmed that a number of meetings had taken place between McDonalds staff, the Police, residents and Council staff to try and resolve the anti-social behaviour issues. McDonalds had taken a number of measures including extending street cleaning, employing extra night marshals and attending residents meetings.

Councillor Looker also raised an issue. She suggested that staff from Children's Services might wish to attend a future meeting to highlight how Licensed Trades, particularly the Taxi Trade, can be useful in relation to the fight against Child Sexual Exploitation. The Licensing Manager agreed to speak to colleagues to bring this forward for a future meeting.

**PART B - MATTERS REFERRED TO COUNCIL.**

**20. STATEMENT OF LICENSING POLICY - REVIEW OF THE SATURATION AND CUMULATIVE IMPACT ZONE.**

Members considered a report which outlined the review of the council's Statement of Licensing Policy, advised of the consultation undertaken and sought Members support for the review of the special policy on saturation and cumulative impact for part of the city centre known as the Cumulative Impact Zone (CIZ).

The Licensing Manager reported that a number of small changes had been made to the policy to reflect changes in legislation, the most notable being the addition of public health information at page 10 highlighting the impact of alcohol on York.

North Yorkshire Police had also requested an update to the CIZ boundary to reflect changes in crime and disorder patterns. The CIZ would now include Back Swinegate, Goodramgate and Fossgate. The policy would also now cover off licences following an increase in the number of supermarkets and convenience stores opening in the city centre.

A Member pointed out that following a change in legislation the references to the 'Primary Care Trust' in the document were no longer relevant and that public health was now the responsibility of Local Authorities. The Licensing Manager agreed to amend the wording to reflect this change.

Members welcomed the changes to the CIZ and thanked Officers and North Yorkshire Police for the work on the document.

Resolved: That Council be recommended to adopt the Statement of Licensing Policy subject to the amendment outlined above.

Reason: To reflect the result of the consultation and meet legislative requirements.

Action Required

1. Make amendment to policy.

LC

Councillor Boyce, Chair

[The meeting started at 4.00 pm and finished at 5.25 pm].