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| 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].