

Gambling and Licensing Acts Committee

3 September 2010

Report of the Director of Communities and Neighbourhoods

Licensing Act 2003 Update

Summary

1. This report seeks to provide members with an update on the current local position on the impact of the of the Licensing Act 2003, up to the 31 March 2010.

Background

2. There are currently 866 premise licences and 59 club premise certificates in force within the authority area. A breakdown by type is shown at annex 1. During the year 2009/10 26 new premise licence grant applications were received and 42 variation applications. 15 of the grant and variation applications were determined by licensing sub committee hearings. 1 premise licence has also been reviewed, members determined to modify licence conditions.
3. This authority also licences 1773 personal licence holders. Personal licences are granted for a period of 10 years, unless surrendered or revoked. Within the year 2009/10 192 new personal licences were granted. During this period 379 temporary event notices have been received. A break down of all applications received by the Licensing Section is shown at annex 2.
4. During the year 2009/10 licensing officers have undertaken 250 licenced premises visits, 96 of these were multi agency enforcement visits. At these visit officers offer help, support and advice as well as enforcing licensing legislation. Officers general report minor issues, for example the premise licence summaries not been displayed, premises not operating refusals books and smoking signage incorrectly displayed. Any issues are always brought to the operators attention as the time of the visit and followed by a written report. During evening enforcement work officers have requested that 1 premise closed voluntarily as the designated premise supervisors was no longer in place.
5. The authority area has 21 designated public places orders (alcohol exclusion zones). The local authority may make an order where it is satisfied that nuisance or annoyance to member of the public, or disorder has been associated with the consumption of alcohol in that place. An order makes it an offence for any person to drink alcohol in that place after being requested by a police officer not to do so. The police also have powers of confiscation. Within 2009/10 a new zone was introduced within the Clarence Gardens area.

6. The licensing section holds bi-monthly licensing enforcement meetings, these are attended by representatives of Planning, Environmental Protection Unit, Trading Standards, North Yorkshire Police and North Yorkshire Fire & Rescue Service. These meetings enable officers to share information, discuss current issues, give updates on the process of applications and update officers on changes in legislation. The meetings enable officers to target resources at problem areas and premises.
7. Within 2009/10 the councils income from the Licensing Act was £219349. However, including responsible authorities costs, it cost the council £255556 to administer and enforce the legislation.

Consultation

8. Responsible authorities were consulted with regards to this report. The following comments have been received.

Trading Standards

9. City of York Council Trading Standards have now received training and have the powers to issue police PND's (Penalty Notice for Disorder). When undertaking test purchase exercises test purchasers now use covert cameras in shops rather than have officers in close proximity. This is to make the situation more life like. During 2009/10 35 test purchases were carried out in off licensed premises. 1 made an illegal sale, the seller received a formal caution.

Environmental Protection Unit (EPU)

10. During 2009/10 EPU received 176 complaints relating to 38 licensed premises, this is an increase of 8.6% on the previous year. 90 of these complaints were received by the out of hours noise patrol. 11 noise abatement notices were served on 7 different premises. EPU applied for a review of a premise licence for Ziggy's Nightclub following a number of noise complaints and serving a noise abatement notice, the review hearing took place on 18 January 2010, Members determined to modify conditions on the licence.

North Yorkshire Police

11. During the summer of 2009 North Yorkshire Police carried out a campaign within the city centre, the Altn8 campaign. The campaign involved extra police officers providing high visibility policing within the city centre on Friday and Saturday evenings. It also involved other agencies, such as North Yorkshire Fire & Rescue Service, Safer York Partnership and the health service. High profile information units were placed in a number of city centre locations during the course of the evenings providing free water, flip flops, condoms, etc and offered advice and information. During the course of the campaign police saw a reduction in alcohol related crime and disorder. The Police have reported that there has been a 24% reduction in crime on the previous year, an 11% reduction within the city walls.

12. In September 2009 a voluntary organisations “Street Angels” started to operate on Friday and Saturday evenings. They operate a high visibility patrol of the city centre between 22:00 – 02:00 hours. Offering assistant were required, they supplied water, flip flops, etc and assist in making sure people get home safely.

Options

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

Analysis

15. No issues have been raised in respect of public safety or the protection of children from harm.
16. North Yorkshire Police submitted a report to the council in January 2010 requesting that the boundaries for the cumulative impact zone be amended to reflect changing patterns of crime and disorder in the city centre. Members determined on the 5 February 2010 that an extended boundary should be considered for inclusion in the CIZ subject to consultation and an evidence base. A second report was submitted by the police in March 2010 including the extended boundary, the Chair in consultation with other Members determined that this report should go out for formal consultation. The report went out for formal consultation in March 2010.

Corporate Strategy

17. 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.
18. 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

19. **Financial:** None

Human Resources (HR): None

Equalities: None

Legal : None

Crime and Disorder: None

Information Technology (IT): None

Property: None

Other: None

Risk Management

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

Recommendations

21. Members are asked to approve option 2 and instruct officers to provide an annual update on the Licensing Act 2003.

22. 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 19 August 2010

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 – Breakdown of licensed premises

Annex 2 – Breakdown on type and number of licensing application received