

2010 Consultation Responses

Ref :	Name & Address	Comments	Officer Comments
1	Ilan Tempest Visit York 1 Museum Street York YO1 7DT	<p>Suggested amends to sections in 1.1, 3.5 and 13.1.</p> <p>1.1 Third paragraph can be replaced with:</p> <p>Tourism and leisure are important industries for York, attracting over seven million visitors a year who spend £443mn annually in the city. Over £92mn a year is spent on eating out and evening entertainment. Nearly 23,000 jobs have been created in the tourism sector.</p> <p>Para 3.5 (in a list of "local policy and strategy issues" is about Tourism, but it refers to the previous Tourism Strategy and Action Plan developed by First Stop York in 2007.</p> <p>It would be better to replace the whole paragraph with something like this:</p> <p>3.5 Tourism</p> <p>In developing this Statement of Licensing policy the Licensing Authority has taken into account York: A Vision for Tourism, prepared by Visit York in consultation with partners and stakeholders, including the Council. The Vision seeks to deliver long-term, sustainable growth in the value of the visitor economy for the benefit of visitors, businesses and residents by building on York's distinctiveness, enhancing the quality of the visitor experience and promoting York as a world class visitor destination. Among the ambitions for tourism are to widen and deepen the partnership of businesses, stakeholders and residents, develop York's position as a leading European cultural centre (combining a unique heritage with a modern outlook) and enhancing York's public realm so it becomes the most special in</p>	<p>Included in policy</p> <p>Included in policy</p>

		<p>England. Licensed establishments, entertainment and cultural venues all have a vital role to play in achieving these goals. Each year the Licensing Committee will receive an update on the local tourist economy.</p> <p>13.1 Tourism and employment</p> <p>The first two paragraphs are fine. The final paragraph simply needs revising to:</p> <p>Links, where possible, will be made to the Economic Development Programme (sic) and to York: A Vision for Tourism (the city's Tourism Strategy).</p>	<p>Included in policy</p>
<p>2</p>	<p>Anthony Dean Principle Environmental Protection Officer EPU City of York Council 9 St Leonards Place York YO1 7ET</p>	<p>With regard to the above review of the 2008 licensing policy, the environmental protection unit would advise the following</p> <ul style="list-style-type: none"> <li>• Throughout the policy mention is made of responsible authorities and often refers to the Police and Fire Authority by name. As EPU is a responsible authority as well I would be grateful if EPU could be added such references.</li> <li>• On page 29 of the policy under the 'Operation of premises and clubs' EPU would recommend that the management control measures be updated to include the following <ul style="list-style-type: none"> <li>- Carrying out regular noise monitoring of noise levels coming from inside the premises and noise from customers outside the venue.</li> <li>- Training of staff regarding noise management control procedures and measures.</li> <li>- Providing a direct contact number for the duty manager to</li> </ul> </li> </ul>	<p>Included in policy</p> <p>Included in policy</p>

		<p>residents living in the vicinity of the premises on request.</p> <ul style="list-style-type: none"> <li>- Provision of a procedure for investigating noise complaints.</li> <li>• On page 33 of the policy under cumulative impact zones, the streets referred to within the CIZ needs updating to reflect the recent changes made . In addition the plan Appendix j will also need updating.</li> <li>• On page 40 of the policy under Temporary Event Notices this whole section may need to be altered to reflect the proposed changes to the TENs procedure, i.e. other consul tees such as EPU, extending time period for consultation, inclusion of conditions on existing premises licences on TENs etc. EPU agree that such changes would be highly beneficial. If these proposed changes do not occur prior to the introduction of the revised licensing policy in Jan 2011, then it might be advisable to mention that the policy may be changed within the next 3 years should these proposed changes occur.</li> <li>• On page 42 of the policy under Section 11 Enforcement EPU would suggest that the last paragraph be altered to include EPU, along with the police and fire authority, to produce working practices.</li> </ul>	<p>Already done when new CIZ agreed.</p> <p>Proposed new legislation not in force at this time.</p> <p>Included in policy</p>
3	<p>Sandra Branigan Senior Asst Solicitor City of York Council Guildhall York</p>	<p>Planning and licensing are two separate statutory regimes that operate entirely independently of each other. The use of any licensed premises is subject to planning controls.</p> <p>Under the Licensing Act 2003, licences must be granted by the Council as licensing authority, in the absence of 'relevant representations', if various criteria stipulated by law are met. The discretion as to grant or refusal comes into play when relevant representations are received from interested parties and responsible</p>	

	<p>authorities. They are only permitted to make representations within very tightly defined parameters i.e. they must relate to the licensing objectives such as public nuisance or crime and disorder. The Licensing Authority cannot consider any representation that does not fall within the four licensing objectives. Therefore a decision on the basis of a reason such as that the applicant cannot demonstrate lawful planning use for the proposed activity or that it would be contrary to planning conditions, would be in contravention of the Licensing Act 2003 and therefore unlawful.</p> <p>In general, any planning position should be resolved prior to making a licensing application. However, there is no legal requirement that planning permission be granted prior to an application for a licence to operate. Applicants for premises licences and for planning permission are free to decide the order in which they make the applications as the Planning and Licensing systems operate independently of each other. Planning and Licensing will often consider the same issue but will draw different conclusions; this is because they both work under appropriate separate legislative frameworks and approach the issue from different perspectives. However, where a licence permits the use of premises for hours which differ from the planning permission, an application to vary the planning condition must be made.</p> <p>For these reasons it is strongly recommended that the first line of Policy 3.1 is deleted from the Statement of Licensing Policy. This policy should state:</p> <p>“POLICY</p> <p>Applicants need to be aware that there are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.</p> <p>Reason: To ensure that all licensed premises have lawful planning permission and that no conflicts arise between the Council acting as</p>	<p>Included in policy</p>
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