

Report from the Assistant Director – Housing and Community Safety

## **Statement of Licensing Policy**

### **Review of the Saturation & Cumulative Impact Zone**

#### **Summary**

1. This report seeks member's approval to formally consult on changes to the boundary of the Saturation and Cumulative Impact Zone (CIZ). This follows a request from North Yorkshire Police to review the current boundary based on changing patterns of crime and disorder and public nuisance in the city centre.

#### **Background**

2. It is a legal requirement of the Licensing Act 2003 that licensing authorities must publish a 'Statement of Licensing Policy'. The Council's first Policy was published in 2005 and subsequent Policies have been published in 2008 and 2011.
3. The Council's Statement of Licensing Policy includes a special policy on saturation and cumulative impact for part of the city centre. Cumulative impact being 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 to that effect are received. That is, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already experienced. Further information can be found in Section 6 of the Licensing Policy.
4. The boundaries for the first CIZ were approved by Council in April 2005 based on patterns of crime and disorder prior to that date. The first zone included the main drinking areas on the west of the river

Blossom Street, Micklegate, George Hudson Street, Rougier Street and Bridge Street, only including Low Ousegate, Spurriergate and Clifford Street on the east of the river.

5. In July 2010 the council approved changes to the boundaries for the second CIZ based on changing crime and disorder patterns. The new zone also included Coney Street, Lendal, Museum Street, Blake Street, Davygate, New Street, Feasegate and Market Street.
6. North Yorkshire Police have now submitted a report to the council requesting that the boundaries of the CIZ be amended to reflect current patterns of crime and disorder in the City. Their request and supporting documentation is attached at Annex 1.
7. Their request also asked that the CIZ includes the off sale of alcohol, and that it is not only restricted to the late night drink led entertainment premises.

## **Consultation**

8. This report seeks authority to commence consultation.
9. Should members wish to pursue this matter there is a formal process of consultation and decision making to be undertaken. The licensing authority has a duty to consult with:
  - Chief Officer of Police;
  - Chief Fire Officer'
  - Responsible Authorities;
  - Representatives of local holders of premises licences and club premises certificates;
  - Representatives of local holders of personal licences;
  - Representatives of businesses and residents in the area;
10. Consultation will also take place with local ward councillors.
11. Any decision relating to changes to the Licensing Policy must be approved by Full Council.
12. If member determine that consultation on the proposal is undertaken then it is suggested that the following timetable be adopted:

- Consultation period November 2013 – January 2014
- Gambling, Licensing & Regulatory Committee – March 2013
- Full Council – 27 March 2013

## **Options**

13. Option 1 - Authorise officers to consult on the proposals to amend the boundary of the Cumulative Impact Zone as proposed by the Police, and stipulate if this boundary should include Goodramgate and Fossgate Areas.
14. Option 2 - Authorise officers to consult on alternative proposals to amend the boundary of the Cumulative Impact Zone. There must be an evidential basis for the CIZ boundary.
15. Option 3 - Take no further action.

## **Analysis**

16. York has for many years been held in high regard nationally for the way it manages its night-time economy.
17. Statistics shown in the report compiled by Safer York Partnership (SYP) show the continued reduction of violent crime and criminal damage in the city centre. These positive results could not be achieved without the excellent partnership working of the statutory agencies with the support of the trade. In considering the request from the Police members are requested to consider the role of the licensing authority in the partnership arena in maintaining continued improvement.
18. The decision to, or not to support this request will need to be reasoned as it will affect licence applications in the future which are subject to judicial scrutiny.
19. The request from the police has the support of SYP through its Alcohol Violence and Night Time Economy Group.

### Back Swinegate Area

20. The request from the Police asked that the CIZ boundary should be extended to include the Back Swinegate area.

21. There are 54 licensed premises currently located within this area which includes the following streets:

- Back Swinegate
- Church Street
- Duncombe Place
- Finkle Street
- Goodramgate
- Grape Lane
- High Petergate
- Little Stonegate
- Low Petergate
- Minster Gate
- Minster Yard
- St Sampson's Square
- Stonegate
- Stonegate Walk
- Swinegate
- Swinegate Court East
- Swinegate Court West

22. Crime Patterns in this area from 2011-12 to 2013-14 (estimated) show that:

- Trends for violent crime is increasing;
- Trends for criminal damage is increasing;
- Trends for anti-social behaviour is decreasing;
- Trends for anti-social behaviour recorded as involving alcohol is increasing;
- Trends of theft other and theft from person is decreasing;
- Trends for noise complaints are increasing.

#### Spurriergate Area

23. The Police have also requested that the CIZ boundary should be extended to include the Spurrigate area. This area includes part of High Ousegate, part of Peter Lane and the part of Spurrigate not currently included within the CIZ. Whilst there is only 1 licensed premise currently located in this area, it adjacent to the existing

boundary and was only excluded from the current CIZ given that the areas was under development at the time.

24. Inclusion of this area will ensure that the comprehensive approach is taken and remove the anomaly.

#### Fossgate / Goodramgate

25. The Police have identified 2 areas where there is currently a high density of licensed premises comparative to the number of properties and area size, the Fossgate and Goodramgate areas. They recognise that at this time there is no hard police data evidence of overall crime and disorder increasing over the last 3 years to include these areas within the CIZ in the main recommendation. However, they are requesting that these areas be considered by members for the following reasons:

- The two areas show similar early warning signs / crime patterns to how Back Swinegate was 3 years ago when the CIZ was last reviewed and was highlighted as an area of concern for possible displacement and growth of licensed premises.
- Violent crime and damage have been falling quite significantly across York over the last 3 years but they are either stagnant or increasing in these areas. With proposed opening of several licensed premises in these areas it is predicted that crime will rise rather than fall and the Police are likely to request a review of the CIZ again.
- This will provide a degree of future proofing to areas with high density of licensed premises and the potential to see more premises converted to either on or off licences.

#### Fossgate

26. There are 49 licensed premises currently located within this area which includes the following streets:

- Castlegate
- Church Street
- Newgate
- Parliament Street

- Clifford Street
- Colliergate
- Coppergate
- Coppergate Walk
- Fossgate
- Friargate
- High Ousegate
- Jubbergate
- Kings Court
- Kings Square
- Lady Peckitts Yard
- Little Shambles
- Nessgate
- Patrick Pool
- Pavement
- Peter Lane
- Piccadilly
- Pump Court
- Shambles
- Silver Street
- St Marys Square
- St Sampson's Square
- St Saviourgate
- Walmgate
- Whip Ma Whop Ma Gate

27. Crime Patterns in this area from 2011-12 to 2013-14 (estimated) show that:

- Trends for violent crime is neither increasing or decreasing;
- Trends for criminal damage is increasing;
- Trends for anti-social behaviour is neither increasing or decreasing;
- Trends for anti-social behaviour recorded as involving alcohol is neither increasing or decreasing;
- Trends of theft other and theft from person is decreasing;
- Trends of noise complaints is neither increasing or decreasing.

### Goodramgate

28. There are 25 licensed premises currently located on Goodramgate.
29. Crime Patterns in this area from 2011-12 to 2013-14 (estimated) show that:
  - Trends for violent crime is neither increasing or decreasing;
  - Trends for criminal damage is neither increasing or decreasing;
  - Trends for anti-social behaviour is decreasing;
  - Trends for anti-social behaviour recorded as involving alcohol is decreasing;
  - Trends of theft other and theft from person is increasing;
  - Trends of noise complaints is neither increasing or decreasing.

### Off Licences

30. The Police are requesting that the special policy statement also includes specific reference to off licensed premises, there are concerns about the growing number of medium sized supermarkets opening in the city centre and the problems associated with them.

### **Current CIZ Area**

31. The police report state that the current CIZ has been effective in reducing violent crime and criminal damage in the night-time economy. Evidence suggests that all areas of the current CIZ need to stay in place.

### **Proposed Areas**

32. Officers support the extension of the CIZ to include the Back Swinegate and Spurriergate areas, along with off licences due to the evidenced and supporting information provided by the Police.
33. However, at this time there is insufficient evidence and supporting information for officers to support the inclusion of Goodramgate and Fossgate areas as provided by the Police. The Police have requested these areas to be included based on their professional

experience with other areas of the city centre; therefore their request looks to future proof these areas. The Police will attend the Committee meeting to provide further information regarding this request.

### **Council Priorities**

34. 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.
35. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

### **Implications**

36. The implications arising from this report are:
  - **Financial:** There are no direct financial implications associated with this report.
  - **Human Resources:** There are no Human Resources implications associated with this report.
  - **Equalities:** There are no equalities implications associated with this report.
  - **Legal:** There are no legal implications arising directly from this report.
  - **Crime and Disorder:** The CIZ promotes the licensing objective "the prevention of crime and disorder".
  - **Information Technology (IT):** There are no IT implications associated with this report.
  - **Other:** There are no other implications associated with this report.

### **Risk Management**

37. There are no known risks associated with this report.



## Recommendations

38. The Committee is asked to:

- Approve option 1 and instruct officers to consult on the proposals to amend the boundary of the Cumulative Impact Zone, based on evidence and supporting information provided in relation to the Back Swinegate and Spurriergate areas.
- Consider future proofing the zone in relation to Goodramgate and Fossgate areas following the receipt of further information from the Police. Report back the results of the consultation to this Committee.

**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.

## Contact Details

### Author:

Lesley Cooke  
Licensing Manager  
Phone: 551515

### Chief Officer Responsible for the report:

Steve Waddington  
Assistant Director (Housing and  
Community Safety)

Report  
Approved



Date 9<sup>th</sup> October 2013

Specialist Officer Implications: None

Wards Affected:

All

### Background Papers:

Statement of Licensing Policy 2011

## **Annexes**

Annex 1: North Yorkshire Police Report – York CIZ Potential Extension