


Schedule of Responses to Licensing Policy 2007

Ref No	Respondent	Comments	Appraisal	Response
001	Chief Inspector Andy Hirst North Yorkshire Police Fulford Road York YO10 4BY	We've reviewed all our stats etc and we are happy with the CIZ as it is. Therefore we won't be proposing any changes to it.	Noted	To request up to date statistics
002	Graham Buckle North Yorkshire Fire & Rescue Service Clifford Street York YO1 9RD	We have reviewed the licensing policy and NYFRS are happy with it, our joint approach is working really well.	Noted	No further action
003	Matthew Dobson mattdob@tiscali.co.uk	<p>I don't know if I'm reading this bit of section 4.1 correctly in the licensing policy that is up for review:</p> <p>Unless relevant representations are made by responsible authorities and interested parties licences will be granted on the terms set out in the application.</p> <p>Shouldn't that be conditional upon licensees giving adequate information to the public about their plans? The first bit of section 4.1 says they <i>should</i> give information, but it seems that if the public haven't been adequately informed it wouldn't have any bearing on how you'd view a lack of complaints.</p> <p>On another point, could something be added to limit the sound level that people in clubs are subjected to? There's something about soundproofing to protect residents from escaped</p>	<p>We specify what we consider good practice in the policy. We can only insist upon the minimum requirements set down in legislation</p> <p>This is regulated by the control of Noise at Work Regulations 2005. Licensing cannot replicate</p>	<p>To advise respondent</p> <p>To advise respondent</p>

		noise, but some constraint on the volume levels in pubs and clubs might protect people who go to them. Maybe that's covered by the law already, I don't know, but I hope licensees aren't just given free rein to decide upon their volume levels.	other legislative requirements	
004	Dr Martin Rawlings British Beer & Pub Association Market Towers 1 Nine Elms Lane London SW8 5NQ	<p>We would take this opportunity to highlight the following, which we would not support being included in the final policy document as they are beyond the provisions of the Licensing Act:</p> <ul style="list-style-type: none"> • applications to be completed in a specific manner, other than that prescribed in regulations. There is a danger that the licensing authorities 'expectations' could be construed as requiring applicants to offer a significant number of restrictions in their operating schedules. Licensing authorities should never mislead applicants into believing that they must meet certain requirements. • any blanket or standard conditions on licences eg. CCTV, hours, use of polycarbonate/plastic glasses, capacity limits, membership and attendance at Pubwatch meetings, minimum-pricing requirements etc. • the Designated Premises Supervisor to be on the premises at all times, or to have a specific level of experience, training or qualification in addition to the personal licence qualification etc. • written authorisation for the sale of alcohol <ul style="list-style-type: none"> • more than one personal licence holder on the premises • measures that duplicate existing legislation, eg. health and safety (eg. smoking, fire etc.) or disability provisions 	<p>This appears to be a standard comment and not specific to CYC policy.</p> <p>This is no the case in York.</p> <p>Not applied.</p> <p>No in York's policy.</p> <p>The new guidance does advocate strongly that written authorisation is provided to help with due diligence defences. Not required in York.</p> <p>Avoided in York policy.</p>	<p>To reply to the respondent accordingly</p>

		<p>Enforcement</p> <p>We would welcome recognition of the Hampton principles of inspection and enforcement in this section, which include the following:</p> <ul style="list-style-type: none"> • No inspection should take place without a reason • Regulators should recognised that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection <p>We trust that you will find these comments helpful and look forward to any response you may have. We would also appreciate being listed as a consultee in any further licensing related consultations.</p>	We apply these principals.	No further action
005	Acaster Malbis Parish Council	The Parish Council did not have any changes to suggest to the current Licensing Policy.	Noted	No further action
006	Alan Robinson Clerk to Rawcliffe PC Green Bank Harton York YO60 7NP	<p>CONSULTATION</p> <p>a) That Parish Councils be allowed to make representations on behalf of the parish without the requirement of supplying the name and address of residents. Solicitors for the applicant should not be allowed to challenge this right, as has occurred in the past.</p> <p>b) That Licensing Committee should be allowed to consider issues relevant to an application, which are known to it, but which have not been raised by other sources.</p> <p>LICENSING HOURS</p> <p>a)Licensing Committee should place nuisance to local residents at a higher level than ‘to strike a fair balance between the needs of the licensed business and the risk of disturbance or nuisance to residents’.</p> <p>b)Parish Council endorses the proposals under ‘Licensing Hours- Late Night Refreshment Houses’.</p>	<p>This is not within the terms of the legislation or guidance and would be unlawful.</p> <p>As above.</p> <p>There has been a change in emphasis in the new guidance to this effect.</p> <p>Noted.</p>	To reply to the parish council

		<p>TAKEAWAY DELIVERIES Where alcohol is being dispensed with delivered takeaway meals the Personal Licence Holder should be on site at all times.</p>	This is unlawful.	
007	Heather Johnson	<p>1. Font - could you use Ariel (or a similar sans serif font)? Many people (visually impaired people, people with learning difficulties) find Times New Roman difficult to read because of the serifs and Ariel is the corporate font we're supposed to use I believe.</p> <p>2. 1.1 - profile of York. Our BME population is not actually that small. The 2003 population estimate done by the ONS puts it at 6.1% (see attached). Can you change the figure and the wording?</p>  <p>2003 est bme profile of york.x...</p> <p>3. could a paragraph about provision of interpreters and/or translations be included somewhere? I know a lot of BME (Black and Minority ethnic) people own or run restaurants, taxis etc. They might need licencing information/advice translated or interpreted (perhaps via the Language Line telephone interpretation service) to ensure they understand their responsibilities.</p> <p>4. Appendix C- - number 3 refers to 'his' business - can this be changed to 'their' business so as not to assume women don't run businesses? (also change any other references to 'his/him' in the document). - Number 4. DDA - this was updated in 2005. Could you also refer people to the Disability Rights Commission (www.drc-gb.org) for more information on making their premises/service more accessible to disabled people? The DRC produce guidance for service providers. - number 8 - Race relations act - this was updated in 2000 (rather than 2002).</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>To action</p> <p>To action</p> <p>Included in policy revision</p> <p>Included in policy revision</p>

008	John Lacy Chair of Nightsafe	<p>As chairman of the Nightsafe - The night time economy group tasked with the reduction of alcohol related crime in the city centre of York. is anxious that the Licensing Authority continues with the Special Cumulative Impact zone with regards to the city centre and the area covered in the current impact zone - were the impact of public disorder, crime and noise nuisance blights local residents in the city centre. The issue of noise has been extended longer by the extension to licensing hours and the no smoking ban which pushes smokers onto the streets. Members of the group question whether takeaways which are now licenced and often a centre of disorder and noise nuisance as youths congregate can now be included in the saturation zone - given they are now licensed premises. The group noted the Cumulative impact zone was recently challenged by an applicant seeking larger premises in the city but this was successfully defended in the Magistrates Court.</p> <p>Section on links to other policies should now include the new Violent crime Act and the Best Bar None Schemes which was launched in the city last year.</p> <p>We understand that the Environmental Protection Unit can now make representation or call for a review about noise in their own right without complaints being made under new guidelines if that is the case that should be included.</p>	<p>Noted.</p> <p>Takeaways can be included as a licensed premises in the CIZ.</p> <p>Noted.</p> <p>Agreed.</p>	<p>No action required</p> <p>No action required</p> <p>To include in Chapter 3</p> <p>To amend paragraph 4.1</p>
009	Liberal Democrat comments on the Licensing Policy Review Cllr Andrew Waller	<p>The Licensing Act was one of the most rushed and badly drafted pieces of legislation to be inflicted upon local government in recent years. It has cost the council taxpayers of York dearly in running costs (over £260,000 in implementation and tens of £thousands in ongoing additional costs which have not been included in either fees nor government grant) and has not always met residents' expectations of an objective decision making process. The implications of anti-social behaviour were only considered late in the passage of the Act through Parliament. The fact that this was an afterthought has shown through in the defences that</p>	<p>Noted.</p>	<p>No action required</p>

		<p>local authorities have to utilise in the aid of their public.</p> <p>Nevertheless, by anticipating the negative impacts of the Act officers, police, and the majority of members have worked hard to ensure that the city was not as adversely affected, as might otherwise have been the case. These additional efforts have contributed to the drop in violent crime, which we hope will be sustained. We are pleased that in York, unlike in many other cities, the local Licensing Policy has achieved a genuinely staggered closing time reducing the likelihood of disorder.</p> <p>However, as a result of later opening hours residents are suffering from increased levels of noise disturbance. City of York Council has seen a sharp rise in the number of complaints from residents. This will be exacerbated if there is a wave of applications for ever later licensed hours, which would simply move the 11pm-midnight 'turning out time' to 3am-4am. The council's licensing policy should seek to counter this pressure, or at least make representation to government to acknowledge the weaknesses of its own legislation, which presumes in favour of granting a license extension.</p> <p>Local authorities have no powers once people have left licensed premises. Neither does the licence holder have any responsibility once a customer has left. Once people are in the street, and noise, antisocial behaviour or criminal activity are the responsibility of the police. This is leading to a higher level of complaints from members of the public.</p>	<p>Noted.</p> <p>Noted. The new guidance does give support to members in the decision making process.</p>	<p>No action required</p> <p>Policy revised as a result of the new guidance.</p>
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		<p>could be better protected is a fact that requires us to speak out.</p> <p>The York Liberal Democrat group believes that there have been major flaws in the Act, which have permitted judgements to grant licences, which have initially been turned down by the City of York Council. Most notable of these related to the Veranda Coffee House and Grill, whereby a District Judge was able to overturn the decision of the council for a licence application purely on the grounds that the applicant had made changes to the initial (and rejected application). Natural justice would have demanded that a new application was made to the Licensing Committee based on the material changes that had been made to the application.</p> <p>An operational issue that has emerged is that members of a planning committee which has granted planning permission for a premise cannot then be included in a licensing committee. This radically reduces the pool of councillors that can hear a licensing application. Any steps that can be taken to overcome this issue should be taken.</p>	<p>This is a matter for the legislators.</p> <p>There is no legal bar to members of the planning committee hearing a licensing application. The issue is one of the appearance of bias. This could be seen as a member who expressed certain views at planning ie pro & against then determining a licence application for the same site. The standards Board of England advise that regulatory matters such as planning & licensing are particularly sensitive. In our view you should adopt a particularly cautious approach to planning & licensing matters.</p>	<p>No policy changes required</p> <p>Members views are invited</p>
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