

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 members support for the review of the council's Statement of Licensing Policy. It advises of the consultation undertaken and of the amendments made as a result changes to legislation and revised guidance.
2. This report seeks members support for the review of the special policy on saturation and cumulative impact for part of the city centre, known as the cumulative impact zone (CIZ). It advises of the consultation undertaken, following a request from North Yorkshire Police that the boundary area of the CIZ be amended to reflect current patterns of crime and disorder in the City.
3. The report seeks a recommendation to full council that the revised policy be approved.

#### **Background**

4. In September 2013 North Yorkshire Police (NYP) submitted a report requesting that the boundary of the CIZ be amended to reflect the current patterns of crime and disorder in the city centre, and also to include the off sale of alcohol. A report regarding this request was brought to committee on 21 October 2013. Members authorised officers to go out for formal consultation on the proposed CIZ boundary.
5. Section 5 of the Licensing Act 2003 (the 2003 Act) requires licensing authorities to determine and publish a Statement of Licensing Policy (Policy), every 5 years. The City of York Council current Policy was published on 7<sup>th</sup> January 2011.

6. The Act requires that, before determining its Policy, the licensing authority must consult:
  - a) the chief officer of police
  - b) the fire authority
  - c) persons representative of premises licence and club premises certificate holders
  - d) person representative of personal licence holders
  - e) persons representative of businesses and residents
7. In April 2012 the Police Reform and Social Responsibility Act 2011 and the Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013 made a wide range of changes to the 2003 Act. Due to these changes, it was agreed to also carry out a formal consultation on the full Policy as well as the CIZ.
8. The consultation asked respondents if they wish to see any changes to the current policy and for their views on the proposed CIZ.
9. The draft revised policy, including the CIZ, is attached at Annex 1.

### **Consultation**

10. A 12 week consultation was carried out on the Statement of Licensing Policy and the proposed CIZ between November 2013 & February 2014. The process for the consultation involved direct mailing and use of the council's website.
11. The council consulted over 50 organisations/individuals as part of the consultation process (see Annex 2 for list of consultees), and every licensed premises within the authorities area. One response was received to the consultation; however the issues raised were not related to the questions asked as part of the consultation.

### **Options**

12. Option 1 – approve the revisions and CIZ as indicated in the draft policy.
13. Option 2 – amend the draft policy.

### **Analysis**

14. The council's first Policy was published in January 2005. The Policy has been fully reviewed and published on a further two occasions, January 2008 and January 2011.

15. At the request of NYP, the council's Policy has included a special policy on saturation and cumulative impact (CIZ) since April 2005. The boundary for the first CIZ was 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.
16. In July 2010, at the request of NYP, this boundary was updated to include Coney Street, Lendal, Museum Street, Blake Street, Davygate, New Street, Feasegate and Market Street, due to the changes in patterns of crime and disorder.
17. Due to the changes in crime and disorder patterns, in September 2013 NYP made a request to committee that the CIZ boundary be updated to include the Back Swinegate, Goodramgate and Fossgate areas. The draft Policy has been updated to include these areas.
18. Officers have spoken to / communicated with representatives from the organisation listed below with regards to the content of the Policy. Where appropriate relevant changes have been made to the draft Policy with regards to information received.
  - a) Public Health
  - b) Children Services
  - c) NYP
  - d) Safer York Partnership
  - e) Environmental Protection
  - f) Planning
  - g) Policy, Performance and Change
  - h) Tourism
19. The policy has been updated to include the changes to legislation following the introduction of the Police Reform and Social Responsibility Act 2011 and the Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013, these include:
  - a) mandatory licensing conditions
  - b) responsible authorities
  - c) early morning restriction orders
  - d) late night levy
  - e) temporary event notices
  - f) regulated entertainment

## Council Priorities

20. 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. Successful application of the Act will contribute in promoting these objectives and reduce the perceived impact of violent, aggressive and nuisance behaviour on people in York.
21. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

## Implications

22. 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:** It is a legal requirement of the Licensing Act 2003 that the Council is required to publish a statement of licensing policy every 5 years. Failure to do so would result in the Licensing Authority being unable to discharge its legal duty under the Act.
  - **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

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

## Recommendations

24. The Committee is asked to:
  - Approve option 1 and recommend to full council that the draft statement of licensing policy be adopted.

**Reason:** To reflect the result of the consultation and meet legislative requirements.

## Contact Details

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**Chief Officer Responsible for the report:**

**Steve Waddington**  
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**Report  
Approved**



**Date** 7<sup>th</sup> March 2014

**Specialist Officer Implications: None**

**Wards Affected:**

**All**



## Background Papers:

Statement of Licensing Policy 2011

## Annexes

Annex 1: Draft Statement of Licensing Policy 2014

Annex 2: List of consultees

## Glossary of Abbreviations

CIZ – Cumulative Impact Zone

NYP – North Yorkshire Police