



# **Statement of Licensing Policy 2025 – 2030**

## **Licensing Act 2003**

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## 1. Introduction

- 1.1 This Statement of Licensing Policy was prepared under Section 5 of the Licensing Act 2003 (the Act), with regards to the Guidance issued under section 182 of the Act.
- 1.2 City of York Council (the Council) is the Licensing Authority for the purposes of the Licensing Act 2003 (the Act) for the administrative area of the City of York.
- 1.3 Revisions to the policy were approved by the Council on XX March 2025.
- 1.4 The Act specifies that any decisions taken by the Licensing Authority in regard to the determination of licences, certificates and notifications should aim to promote the licensing objectives. The Council will carry out its functions under the Act with a view to promoting the licensing objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 1.5 Through the licensing process the Council seek to ensure we continue to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment. Valued by those who live in, work in and visit the city.
- 1.6 The Council believes a properly balanced application of the Licensing Act 2003 offers a range of opportunities to progress the objectives of the Council by:
- improving the quality of life for local residents through a reduction in alcohol related crime and disorder, disturbance and anti-social behaviour;
  - creating a leisure environment that supports York residents' health free from alcohol-related issues;
  - giving business greater freedom and flexibility to meet their customers' expectations;
  - improving quality of life by bringing greater choice to residents, consumers, tourists and businesses about where, when and how they spend their leisure time;

- encouraging more family-friendly premises where younger children and young people can be free to go with the family;
- further developing a rich culture of live music, dancing and theatre in our area;
- encouraging a variety and mix of high quality licensed premises that will appeal to a broad spectrum of people, including a well-used city centre, day and night, that is safe and accessible to all.

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## 2. Purpose and Scope

### Purpose

2.1 In preparing this policy the Council has consulted a wide range of organisations and stakeholders, these include:

- The responsible authorities
  - North Yorkshire Police (Police)
  - North Yorkshire Fire and Rescues Service
  - City of York Council - Public Protection Environmental Protection
  - City of York Council - Public Protection Environmental Health (H&S)
  - City of York Council - Public Protection Trading Standards
  - City of York Council - Planning & Development Services
  - City of York Council - Director of Public Health
  - City of York Council - Children Services
  - Home Office (Immigration Services)
- Licensed premises
- Bodies that represent the licence trade
- Bodies that represent local businesses
- Parish Councils
- Ward Councillors

2.2 The purpose of this policy is to:

- set out the policies the Council will apply to meet the licensing objectives when making decisions on any licence application under the Act;
- provide applicants for licences and all stakeholders with details of those adoptive and discretionary matters that the Council consider necessary to meet the aims of promoting the licensing objectives in the authority area;
- inform licence applicants of the parameters under which the authority will make licence decisions and how a licensed premises is likely to be able to operate within the authority area;
- inform residents and businesses of the parameters under which the authority will make licence decisions and how their needs will be addressed;
- guide the Council in its decision making processes.

### Scope

2.3 The Council is responsible for licensing the licensable activities as defined

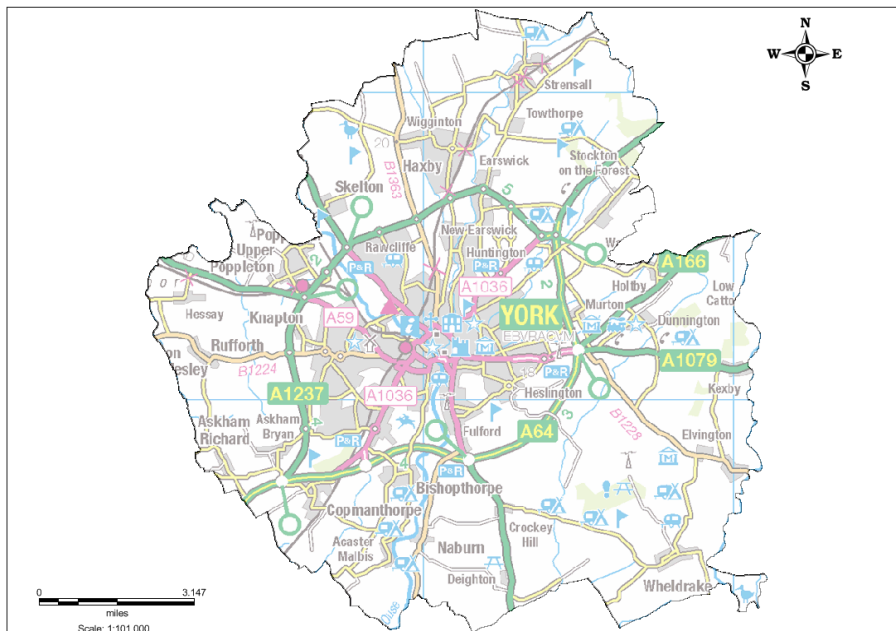
by the Act. These are:

- The sale of alcohol
- The supply of alcohol by or on behalf of a club
- The provision of regulated entertainment
- The provision of late night refreshment

- 2.4 Throughout this policy a general reference to a premises licence, unless otherwise specified, will include a club premises certificate and/or temporary event notice.
- 2.5 Throughout this policy the wording will refer to ‘applicants’ for licences. It should be noted that the principles set out within this policy apply equally to new applicants, applicants for variations and consideration of any request to review a licence.
- 2.6 Any reference in this policy to guidance or regulations includes those where the Secretary of State has used his powers contained in the Act to make Regulations (Section 5) and issue Guidance (Section 182).

### 3. Profile of York

#### 3.1 3.1 City of York Authority Area



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- 3.2 City of York Council is a unitary authority covering an area of 105 square miles and comprises the urban area of York which is surrounded by many small rural and semi-rural settlements covered by parish councils. **More than 206,780 (2023 mid-year est.)** which includes a small black and minority ethnic population.
- 3.3 York is nationally and internationally a prominent City for a range of reasons. Not only is it an historic centre for England and an important location for the Church of England, it is also one of the most visited destinations in the country. **York has excellent rail links around the UK with over 10 million passengers every year.** It is also a centre of academic excellence, with **around 27,000 students making up approximately 13% of York's population in term time.**
- 3.4 Tourism and leisure are important industries for York, attracting over eight million visitors a year, **8.9 million visitors a year, of which the total value to York's economy is £1.7 billion.** The visitor economy supports 17,000 jobs in the city and a fifth of York's visitors stay overnight with **£249 million of direct spend from visitors going towards accommodations.**
- 3.5 This level of tourism can, however, present challenges to the city in



balancing the requirements of residents against the economic benefits that tourism can bring.

- 3.7 Historically York was known for having one public house for each day of the year. This is no longer the case, but there are 886 premises of various types licensed to sell alcohol in the authority area.
- 3.8 As an historical centre the city has many historical buildings and museums. The authority area offers a wide range of premises supplying alcohol and providing entertainment activities. There are many outstanding restaurants, licensed entertainment venues, including four cinemas and five theatres, numerous high quality traditional and historic public houses/bars, and York Racecourse and York Community Stadium which offer sporting activities as well as conferencing and hospitality facilities. In addition, there are a significant number of retail premises across the authority selling alcohol, including the large supermarkets, off-licences and small convenience shops.

## 4. Links to other Plans, Policies, Strategies, Initiatives, Legislation & Guidance

4.1 Integration with other Council policies and national strategies are a key part of this policy, as elements of these contribute to achieving the licensing objectives.

### Council Plan

4.2 The Council's decision making, and work plans are underpinned by a set of policies, strategies and plans.

In particular the '[Council Plan 2023 to 2027](#) One City For All' which sets the core commitments and priorities for the Council, which are as follows:

#### Core Commitments

- Equalities and Human Rights – equality of opportunity
- Affordability – tackling the cost-of-living crisis
- Climate – environment and the climate emergency
- Health – health and wellbeing

#### Priorities

- Health and wellbeing: a health generating city, for children and adults.
- Education and skills: high quality skills and learning for all.
- Economy and good employment: a fair, thriving, green economy for all.
- Transport: sustainable accessible transport for all.
- Housing: increasing the supply of affordable housing.
- Sustainability: cutting carbon, enhancing the environment for our future.
- How the council operates.

These are supported by the Health and Wellbeing Strategy, York Economic Strategy and the Children and Young People's Plan. These strategies provide a crucial focal point for the identification of local issues.

### Tourism

4.3 In developing this Statement of Licensing Policy the Council has taken into account York Tourism Strategy 'A vision for tourism in York: 2032', prepared by York Tourism Advisory Board with partners and stakeholders, including the Council. The Strategy is focused on five Key Priorities with specific ambitions for the city:

1. A Regenerative Visitor Economy: York is a responsible, robust and

- profitable destination with a regenerative visitor economy.
2. Green York: Our businesses and visitors' commitment proactively contributes to York's transition to net zero carbon emissions by 2030.
  3. Culture: York is renowned for its heritage, culture and cutting-edge approach to creativity, which attracts cultural tourists and supports the city's regenerative visitor economy.
  4. Residents and Localhood: Local people experience the very best of their city alongside its visitors, with tourism contributing to the quality of life in York and beyond.
  5. Skills and recruitment: The visitor economy is a first-choice career for school leavers and graduates, businesses invest in upskilling, training and career development, and commitment to equality, diversity and inclusion.

### **The Our City Centre York Vision**

- 4.4 The Council are currently developing [The Our City Centre York Vision](#). The themes covered by the vision are:
- a family friendly and affordable city centre
  - an attractive and active city centre
  - making tourism work for York
  - embracing our riverside
  - a safe city centre which is welcoming and accessible to all
  - thriving businesses and productive buildings
  - celebrating heritage and making modern history

### **Joint Health and Wellbeing Strategy 2022 – 2032**

- 4.5 The York Health and Wellbeing Board has published a joint [Strategy](#) because they believe health is precious, and they want more of it for the 200,000 people who live within our wonderful city of York.

### **York Climate Change Strategy**

- 4.6 City of York is known nationally as an authority area that floods, residential properties and businesses (including licensed premises) in close proximity to the rivers flood at least once a year. Applicants and licence holders should be aware of the Council's [Climate Change Strategy](#) and the Yorkshire and Humber [Climate Action Plan](#) and consider climate related

matters such as emissions and waste, for example:

- make sure boilers and gas appliances are serviced regularly – look at switching from gas and fossil fuels;
- buy food/drink locally;
- recycle;
- reduce waste and litter:
  - don't use single use\* plastic such as straws and drink stirrers;
  - don't use single use\* plastic/papers cups.

\*Applicants and licence holders must be aware of [The Environmental Protection \(Plastic Plates etc. and Polystyrene Containers etc.\) \(England\) Regulations 2023](#), and the penalties in place for failing to comply with the regulations. The Department for Environment, Food and Rural Affairs has published guidance on the [single-use plastics bans and restrictions](#).

## Crime and Disorder

4.7 Under the Crime and Disorder Act 1998 the Council must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area. The Council will have regard to the likely impact of licensing on related crime and disorder in the authority area, particularly when considering the location and impact of the operation and management of all new licence applications and variations of existing licences. Information relating to crime is available via the Police UK Crime Map for [York Outer](#) and [York Inner](#), which provides interactive maps showing crimes and statistics.

4.8 The Council will consider matters contained in Safer York Partnerships [Community Safety Strategy](#) in relation to the four licensing objectives.

## Counter Terrorism

4.9 Crowded places, such as bars, pubs, nightclubs and music venues have been targets of acts of terrorism across the UK and the world. The National Counter Terrorism Security Office ([ProtectUK](#)) has produced guidance to operators of crowded places giving advice on how to reduce the threat of attack. The [Terrorism \(Protection of Premises\) Bill](#), known as Martyn's Law, received its first reading in Parliament on 12 September 2024, the Bill outlines mandatory terrorism protection training, risk assessments, and the development of security plans that will be required.

4.10 As the city attracts over 8.9 million visitors each year licence holders should always be aware of the current threat level. The threat level should be taken

into consideration at all times, especially when:

- events/festivals are taking place in the authority area which attract large numbers to visitors to the city;
- national and international sporting events are taking place and are televised in licensed premises.

4.11 Applicants and licence holders are encouraged to implement the requirements of Martyn's Law, and guidance provided by ProtectUK with regards to operation of their premises and/or events.

4.12 When planning an event/festival, organisers must always consider counter terrorism and the measure that they need to put in place.

4.13 [See, Check and Notify](#) (SCaN) also aims to help businesses and organisations maximise safety and security using their existing resources.

### Night-time Safety

4.14 Resident and visitor safety, especially the safety of those using the night-time economy, is an important factor that the Council, applicants and licence holders have to take this into consideration, especially as reports of violence against women and girls (the Home Office published the national strategy on tackling this matter on 21 July 2021) are on the increase.

4.15 York and North Yorkshires Office for Police, Fire, Crime and Commission, in conjunction with partners, has published a Strategic Needs Assessment with regards to the [Serious Violence Duty](#) for York and North Yorkshire.

4.16 According to data from the National Police Chiefs' Council, most spiking incidents, 80%, happen in public places, especially places where people go to enjoy themselves at night:

- almost half of reported incidents happened in a bar;
- after that, nightclubs were the most common location.

The Government has produced a [spiking factsheet](#) which provides further information.

The police response to spiking is Operation Lester which has clear investigative strategy and works with licensed premises on initiatives to keep people safe. Police.UK has produced further [information on spiking](#).

4.17 Hate crimes (if a person has demonstrated or been motivated by hostility based on race, religion, disability, sexual orientation, or transgender identity

or perception thereof), although York's levels of hate crime are below that of the national average, the Council and Police are aware of a pattern of racial hate crime linked to the night-time economy. Some incidents are directed to those who work in support, e.g. door staff, bar staff and taxi drivers. The multi-agency York Hate Partnership is working to deter this behaviour and encourage reporting, through initiatives such as the Choose Respect Not Regret campaign. All hate crime incidents are reviewed by the Police.

4.18 Applicants and licence holders are encouraged to engage in national and local schemes that promote customer safety, such as:

- joining Safer York Business Partnership and using the Pubwatch radio;
- joining Pubwatch;
- using Sentrys;
- promoting 'Ask for Angela' in your venues;
- national and local initiative tackling violence against women and girls;
- register with Community Messenger to receive updates on policing matters relevant to the local community and nighttime economy;
- ensure staff and customers are aware of and adhere to the city's Code of Conduct;
- engage with Police operations (which may also include partners) that are in place to tackle alcohol related issues, such as violence, ASB, street drinking and thefts.
- engage with York BID rangers, Street Angels and if your premises is in close proximity to the river York Recuse Boat volunteers;
- engage with/promote local and national campaigns such as 'Choose Respect Not Regret' and the 'Walk Away Campaign', and any crime reduction initiatives supported by the Police to keep people safe;
- engage with the work of the York Drug and Alcohol Partnership;
- engage with the University of York, York St John University, York College and Askham Bryan College with regards to their 'All About Respect' initiative if your premises offer dedicated student nights, or promotions to encourage students into your premises. This initiative relates to the importance of healthy relationships, addressing issues such as sexual harassment, sexual violence, domestic abuse and hate crime;
- if you are planning/organising an event engage with York's Events Safety Advisory Group.

4.19 Applicants and licence holders are also encouraged to:

- a) make sure staff are trained to identify and report issues, this training

should include awareness and safety of:

- 1) lone customers leaving the venue, especially if the customers appear vulnerable (drunk or under the influence of drugs);
  - 2) unwanted contact (touching) between customers (on speaking to women news reports have identify that women are regularly touch without their consent, in some cases inappropriately, when walking through busy licensed premises);
  - 3) drink and needle spiking – the police receive several allegations each year that customers in licensed premises have been spiked.
  - 4) hate crimes – all hate crime incidents are reviewed by the Police.
- b) make sure the correct staff are in place, for example if you are a city centre venue door supervisors may be required, if you are a late-night venue a member of staff to deal with customer welfare may also be required;
  - c) make sure staff are aware of the closest taxi ranks and bus stops that offer an evening/late night services, and have contact details available for taxi and private hire firms, booking a vehicle for customers if needed;
  - d) have a safe place to take customers if required;
  - e) have a zero tolerance towards drugs, having systems in place to prevent drugs from entering the premises, and dealing with issues of drug use, this should be included within staff training;
  - f) have signage in place at entrances and within the venue with regards to customer welfare and safety;
  - g) make sure staff are aware of the location of the river and river safety, especially those premises in close proximity to the river. As the River Ouse flows through the centre of the city, the city has sadly seen a number of river deaths. We encourage premises in close proximity to the river to have Throw Lines available, and to engage with the Fire Service with regards to training in their use, as they are a useful tool for river safety;
  - h) as staff working in licensed premises can finish work late at night and/or into the early hours of the morning, consideration should be given to having arrangements in place to make sure they get home safely, such as providing free transport and offering appropriate additional training. Following concerns raised by workers, especially women, Unite launched the [Get Me Home Safely](#) campaign, which City of York Council [fully support](#).

4.20 With regards to paragraph 4.19 (a) the Police advocate The WAVE (Welfare and Vulnerability Engagement) training. This training explores what vulnerability is, how to identify it and appropriate interventions. The Police will provide this training on request –

[NYPLicensing@northyorkshire.police.uk](mailto:NYPLicensing@northyorkshire.police.uk)

## Engagement

4.21 The Council and Police understand the importance of engaging with the licensed trade to offer help or guidance, update on new legislation and national/local schemes, discuss issues/concerns and share best practice. We do this via meeting with applicants prior to submitting an application, having one to one meetings with licensed premises, or holding meetings where a majority of the licence trade can attend.

## Pubwatch

4.22 The Council and Police promote and encourage [Pubwatch](#), as it enables the sharing of best practice between licensed premises to achieve a safer drinking environment. Pubwatch enables licensees to take collective action to share information, ban troublemakers, while promoting effective working relations between licensed premises, the Police and the Council.

## York Drug and Alcohol Partnership

4.23 York Drug and Alcohol Partnership provides a single setting for Council departments, Police, Probation, education partners, health providers and other community groups to work together to reduce drug and alcohol related harm.

4.24 The Partnerships work in York will reduce alcohol harms by shaping the key factors which ultimately drive alcohol-related harms, including ease of purchase (availability), pricing/promotion and the social norms around alcohol, recognising that availability may also impact pricing and cues around drinking alcohol. Prevention of underage sales sits within this. Partners also work together to improve access to support for people wanting help to reduce the amount of alcohol they drink or needing specialist treatment and support for alcohol dependence, including through challenging stigma around alcohol use disorder and making recovery from substance use disorders visible in the city.

## Purple Flag

4.25 Purple Flag standard is an accreditation process similar to the Green Flag award for parks and the Blue Flag award for beaches. It allows members of the public to identify town and city centres that provide a safe, vibrant and



varied night out.

4.26 The Council applied for [Purple Flag](#) accreditation in autumn 2021, the city achieved Purple Flag status in March 2022. York BID, with support from the Council, the Police and other partners, applied to renew this accreditation in March 2024, the city achieved Purple Flag status for the second time in May 2024.

### **Public Space Protection Orders**

4.27 The Council has made a Public Space Protection Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, in relation to an area incorporating York city centre and The Groves. Full details of the [Order](#) and the area map are available on the Council website.

### **Equalities Act 2010**

4.28 Applicants and licence holders must make themselves familiar with their responsibilities under the Equalities Act and relevant guidance for businesses, which can be found on the [Equality and Human Rights Commission](#) website.

4.29 The Council must have regards to its public sector duty under the Equality Act.

### **Regulators' Code 2014**

4.30 The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006 and provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Nearly all regulators, including local authorities and the fire and rescue service authorities, must have regard to it when developing policies and procedures that guide their regulatory activities.

## 5. Local Factors

- 5.1 York city centre, predominately the area within the City Walls, is made up of:
- the main shopping area featuring high street named stores and local independent operators;
  - the main tourist area featuring visitor attractions such as York Minster, Jorvik Viking Centre, Cliffords Tower and Castle Museum;
  - the main restaurant area featuring nationally known operators and local independent operators;
  - the main pub/bar/nightclub area featuring nationally known operators and local independent operators;
  - a number of hotels featuring nationally known operators and local independent operators;
  - office spaces;
  - transport hubs;
  - short term holidays lets; and
  - residential properties.
- 5.2 The make-up of the city centre means that residents, families, shoppers and tourists are in close proximity to people who are in the city to predominately consume alcohol.
- 5.3 The area outside of the City Walls is made up of:
- four retail parks – Monks Cross, Vangarde, Clifton Moor and Designer Outlet – featuring nationally known high street stores and cafes/restaurants. Clifton Moor also offers leisure/entertainment facilities such as gyms, a cinema and bowling;
  - York Community Stadium complex is the home on York City Football Club and York City Knights, also featuring cafes/restaurants and leisure/entertainment facilities such as a gym, swimming pool, a cinema and bowling;
  - shopping areas in Haxby and Acomb featuring nationally and local independent stores, cafes/restaurants and pubs/bars;
  - residential areas, with smaller nationally known and local independent stores and pubs/bars;
  - a number of hotels featuring nationally known operators and local independent operators;
  - short term holiday lets.
- 5.4 Over the last ten years drinking behaviour has changed in the city centre on a Saturday, during the day and early evening, in that more people come to

the city to visit the pubs and bars. A majority of these people travel by train, some of which 'pre-load' on the train while travelling to York. The impact of shoppers, families and tourists being in the city centre alongside these people has caused an increase in anti-social behaviour in the city centre, at the railway station and on the trains when these visitors are returning home.

- 5.5 Over the last five years we have seen an increase in pubs and bars:
- offering 'bottomless brunches'; and/or
  - having staff walking round venues offering/selling shots; and/or
  - asking customers to download apps or scan QR codes, requesting that they place their food/drink orders via these means, so they do not have to go to the bar.

The Police and the Council have had to engage with some licensed premises following incidents that have arisen due to customers partaking in one or more of the above, which has led to customers consuming large quantities of alcohol.

- 5.6 Within the last year across the city centre and the suburbs of York there has been a:

- 2% decrease in anti-social behaviour;
- 15.6% increase in anti-social behaviour in the city centre alcohol restriction zone;
- 0.7% increase in crime; and
- 9.4% decrease in crime in the city centre alcohol restriction zone.

76.53% of residents have identified through the councils' Big York Survey that 'low crime levels' are the most important factor in making somewhere a good place to live. 25.53% of residents also identified that people being drunk or rowdy in public places is a problem in their local area.

- 5.7 Alcohol-related harm is a particular matter of concern in York, with a higher than average rate of alcohol related hospital admissions and mortality, and concerning rates of hospital admissions and mortality related to alcohol more broadly, which are all only the tip of the iceberg of alcohol-related harm<sup>1</sup>. Collaborative action on reducing alcohol harm is urgently needed. There were already national increases in alcohol related hospital admissions and death before the Covid-19 pandemic, and modelling suggests that pandemic-era changes in alcohol consumption are likely to have a significant negative impact on public health inequalities, even under optimistic assumptions<sup>2</sup>.

<sup>1</sup> [Alcohol Profile - Data | Fingertips | Department of Health and Social Care \(phe.org.uk\)](https://www.phe.org.uk/data/fingertips/alcohol-profile)

<sup>2</sup> [Angus, Henney and Price \(2024\) Modelling the longer-term health and health inequality impacts of changes in alcohol consumption during the COVID-19 pandemic in England](#)

- 5.8 Hospital admissions for York residents where an alcohol related conditions is either the primary reason or a contributory factor for admission were 1,908 per 100,000 in 2022/23, which is significantly higher than the England wide rate for the same period<sup>3</sup>.
- 5.9 York's alcohol specific admission rate has also consistently been significantly worse than the national average in recent years, with the latest rate (2022/23) being 731 per 100,000, which is 11.4% higher than in 2016/17. Across the same period, the England rates have differed by 4.1% (with rates of 558 per 100,000 in 2016/17 and 581 per 100,000 in 2022/23)<sup>4</sup>.
- 5.10 In 2022 alone, 89 people died in York of conditions which are wholly or partially caused by alcohol<sup>5</sup>.
- 5.11 21.4% of York adults report drinking above the low risk level of up to 14 units per week<sup>6</sup>. This means that 21.4% of York adults are at an increased risk of alcohol-related disease and other long-term harm.
- 5.12 11.9% of York adults report binge drinking (drinking more than six units, for women, or more than eight units, for men, of alcohol in one day)<sup>7</sup>. This population are at an increased risk of experiencing acute alcohol related harm.
- 5.13 Alcohol alone is not considered to be a cause of domestic abuse but there are many ways in which alcohol and domestic abuse are related. Local Police records indicate that alcohol consumption was one of the main vulnerabilities associated with domestic abuse crime across North Yorkshire, recorded in 30% of domestic abuse cases<sup>8</sup>, which tallies with national records but is likely to be an underestimate of the involvement in alcohol in domestic abuse crimes due to varied recording methods. The reporting of domestic abuse incidents increases around the time of major sporting events; an increase in alcohol consumption have been one of the factors linked to this. Making sure staff have undertaken the WAVE training and having 'Ask for Angela' in place, may aid staff in identifying signs of domestic abuse and offer victims a chance to seek help. The Council

<sup>3</sup> Admission episodes for alcohol-related conditions (Broad) (2022/23) [Alcohol Profile - Data | Fingertips | Department of Health and Social Care \(phe.org.uk\)](#)

<sup>4</sup> Admission episodes for alcohol-specific conditions (2016/17-2022/23) [Alcohol Profile - Data | Fingertips | Department of Health and Social Care \(phe.org.uk\)](#)

<sup>5</sup> Alcohol-related mortality (2022) [Alcohol Profile - Data | Fingertips | Department of Health and Social Care \(phe.org.uk\)](#)

<sup>6</sup> % of those 18yrs+ who reported drinking more than 14 units of alcohol each week, Health Survey for England 2015-18 combined data [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](#)

<sup>7</sup> % of those 18yrs+ who reported drinking more than 6 / 8 units (women / men respectively) on their heaviest drinking day in the last week, Health Survey for England 2015-18 combined data [Local Alcohol Profiles for England - Data - OHID](#)

<sup>8</sup> North Yorkshire Police Operational Problem Profile Domestic Abuse 2024 Annual Report, supplied to CYC Public Health

provide further information about [domestic abuse](#), and how victims can get help and support.

- 5.14 There has been a shift in the UK towards drinking at home. More alcohol is purchased from the off-trade, such as supermarkets and shops, than in the on-trade such as pubs, bars, clubs and restaurants<sup>9</sup>. A growing number of drinkers are more likely to drink at home before a night out, commonly known as ‘pre-loading’. This change in drinking patterns is largely driven by low cost alcohol available from the off trade.
- 5.15 Those drinking at the highest, and therefore most harmful, levels are more likely to consume the majority of alcohol at home<sup>10</sup>. This supports 2018 analysis that revealed people drinking at harmful levels account for 32% of alcohol-related revenue in the off-trade, compared with 17% of revenue in the on-trade<sup>11</sup>. Given that drinking habits polarised in the Covid 19 pandemic, with heavier drinkers drinking more and lighter drinkers drinking less, people drinking at harmful levels are likely to account for an even greater share of revenue than this pre-pandemic analysis.
- 5.16 Research by the institute for Fiscal Studies found that heavier drinkers tend to consume alcohol products that are both cheaper and stronger on average, compared with lighter drinkers<sup>12</sup>. High strength, cheaper products are therefore likely to be associated with the greatest harms.
- 5.17 The sale/supply of cheap alcohol can increase consumption which can undermine the licensing objectives. Alcohol can be cheap due to price and due to its strength. The Council, where appropriate, may impose conditions to control the sale of certain types of ‘super strength’ alcohol products.
- 5.18 The availability of high strength alcohol products, such as high strength lager and cider, from the off trade, usually favoured by people drinking on the street also has an impact on anti-social behaviour, crime and disorder and public health. Off licences selling single cans of lager, beer and cider can add to this issue. Consideration should be given by licence holders to sign post customers known to be alcohol dependent or those known to be homeless to support services:
- [Alcohol and drugs help in York](#)
  - [Rough sleeping in York](#)

<sup>9</sup> Foster, J.H. & Ferguson, C.S. (2012). [Home Drinking in the UK: Trends and Causes](#)

<sup>10</sup> Public Health England (2017) [Local Alcohol Consumption Survey National Report \(publishing.service.gov.uk\)](#) See Figure 8.

<sup>11</sup> Bhattacharya, A. et al. (2018). [How dependent is the alcohol industry on heavy drinking in England?](#)

<sup>12</sup> Griffith, O’Connell and Smith (2017). [Tax design in the alcohol market.](#)

- 5.19 The 2023-24 York Secondary School Health and Wellbeing Survey found that 65.6% of the pupils aged 11-17 years surveyed said that they have tried or drink alcohol, and 30.5% said that the alcohol was given to them and a further 8.3% said someone had bought it for them with their money. Just over three percent of the pupils surveyed responded 'I buy it in a shop' to the question 'How do you get alcohol?'<sup>13</sup>
- 5.20 Excessive alcohol consumption is not just an issue for individuals, families and communities, but it has a significant impact on our public services, including the police and health services.
- 5.21 Due to the factors highlighted above, the Council encourages licence holders to recognise the importance of their approach to alcohol sales in York. This could include the price (the sale of cheap alcohol can increase consumption, and therefore undermine the licensing objectives), the availability of low and/or alcohol free alternatives (making sure they are competitively priced relative to their alcohol equivalents), and the way alcohol is advertised/promoted as well as ensuring high quality practices in relation to all legal requirements for alcohol sales.
- 5.22 The Council strongly encourage licence holders to consider how they market/promote alcohol inside and outside their premises. Alcohol should not be promoted in such a way as to encourage people to drink more than they would ordinarily do, or in a manner that does not promote the licensing objectives, for example quantity based discounts, displays and promotion of alcohol products visible from outside the premises, at entrances or in multiple positions in a premises (especially at premises near schools), or in venues attended by children. Promotions of alcohol-free alternatives that share branding with alcohol products should not appeal to children. Consideration should also be given with regards to the advertising of alcohol on signage on barriers around and umbrellas within pavement cafes / outdoor drinking areas (beer gardens), and drink promotions boards outside pubs/bars.
- 5.23 The ordering of alcohol online and via an App has become more prevalent over recent years with off-licences and take-ways, as well as some pubs and restaurants undertaking home delivering or collection services, licence holders offering such services must have measures in place to make sure the person purchasing the alcohol is 18 or over, and that staff members (including an agent acting on their behalf) do not hand alcohol over to

<sup>13</sup> [Summary of the Secondary/Sixth-Form School Health and Wellbeing Survey in York 2023-24](#)

someone who is under 18 or drunk. Pubs, bars and restaurants that encourage customers to scan a QR code or download an App to make their order and provide table service, must also have these measures in place.

- 5.24 The Police have seen an increase in the reports of thefts from premises across the authority area, especially in the city centre. A number of these reports relate to the theft of alcohol from the large supermarkets and the smaller stores, alcohol is stolen several times a week (sometimes daily) from some licensed premises. To help prevent alcohol theft it is recommend that when premises licence holders considering the layout of stores, especially smaller stores, that alcohol is positioned in locations that are clearly visible to staff and are covered by CCTV. Consideration should also be given to placing high value alcohol behind the checkouts so that customers must engage with staff to purchase. Premises licence holders should deter from placing displays of alcohol products adjacent to entry/exit doors.
- 5.25 Due to complaints received the location of premises, such as takeaways, wanting to offer late night refreshment will be a consideration, due to noise and anti-social behaviour that can be associated with such premises, for example noise from extraction fans, customers and delivery drivers/vehicles late at night and into the early hours of the morning. Such premises can also be a place for people to gather.

## 6. City of York Council Approach to Licensing

- 6.1 The Council accepts the importance of licensed businesses to the culture, economy and vitality of the city. By using the opportunity presented by the Act and through this policy the Council can enhance the opportunities for businesses, residents and visitors while at the same time safeguarding residents and business amenities through the promotion of the licensing objectives.
- 6.2 In determining a licence application the overriding principle will be that each application will be determined on its own merits, having regard to the promotion of the licensing objectives and taking into account this licensing policy and the guidance issued under Section 182. Where it is necessary to depart from the guidance or this policy the Council will give clear and cogent reasons for doing so.
- 6.3 The Council will apply the requirements of the Act in such a way, so far as is possible, to avoid duplication with other regulatory regimes.
- 6.4 Within the general framework the Council would like to specifically address its policy in the following way:
- **Diversity** – the council strongly supports a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It believes diversity will attract a broader range of customers from local residents and visitors, also giving greater choice for different age groups. It gives potential for positively changing and improving the ambience of the city. This in turn may have a positive effect in increasing the number of evening visitors to the city centre while improving safety and reducing nuisance, crime and disorder.
  - **Use of Public Space** – the Council wishes to continue to promote a broad range of entertainment within the city including live music, dancing, theatre and other entertainment.
  - **Local Business** – through its policy the Council will encourage the development of local businesses recognising the benefits to the local economy, by supporting local enterprise to the benefit of residents.
  - **Premises Serving Food and Drink in the Open Air** – the Council wishes to respond appropriately to applications from public houses, bars and restaurants requesting to serve food and alcohol in areas adjacent to or immediately outside their premises. Approvals may also be required from the planning and highway authorities. **Information relating to**



[pavement café licences](#) can be found on the Council's website.

- **York's Licensed Heritage** – the Council recognizes the important part traditional and historic public houses play in our cultural and tourism heritage and would seek to preserve and enhance those assets for future generations.
- **Live Entertainment and Performing Arts** – the Council encourages the development of venues for the provision of live entertainment and performing arts, recognizing the contribution made to the vitality of the city.

## Application Procedure

- 6.5 All applications for premises licences, variations and provisional statements must be submitted in accordance with the Act and associated Regulations.
- 6.6 As part of the application process there is a requirement for the submission of an operating schedule. The Council will normally expect the operating schedule to have regard to the nature of the area where the premises is situated, the type of premises concerned, the licensable activities to be provided, operational procedures, and the needs of the local community in addressing the four licensing objectives.
- 6.7 Applicants are legally obliged to give notice of their application in two ways, by displaying a blue notice at the premises for a period of 28 days and placing a notice in a local newspaper. Each notice must clearly state the date by which representations must be received, where the application can be viewed in full and where representation must be sent.

## Representations

- 6.8 Representations may be received from the responsible authorities and by other persons (as defined by the 2003 Act). Elected members may make representation in their own right, or on behalf of residents or the applicant; in both cases the elected member cannot take part in the decision process. Guidance on submitting a representation is available by contacting the Licensing Section.
- 6.9 Members of the public who wish to submit a representation in regard to an application need to be aware that once submitted to the Council it becomes a public document. Their representation with personal details will be made available to the applicant and will also be included in any report that is presented at a Licensing Sub-Committee Hearing ([representors personal](#)

details will not be published on the Councils website). If this is an issue, they may contact a local representative such as a ward councillor, parish or town councillor, or any other locally recognised body such as a resident's association about submitting the representation on their behalf. The Council cannot accept anonymous representations.

- 6.10 'Relevant representations' are representations as defined by Section 18 of the 2003 Act:
- about the likely effect of the application on the promotion of the licensing objectives;
  - which have not been withdrawn and, in the case of representations made by other persons, are not, in the Council's opinion irrelevant, frivolous or vexatious.
- 6.11 Unless relevant representations are made by a responsible authority and/or other persons licences will be granted on the terms set out in the application.

### **Determination of Applications**

- 6.12 The Council will consider each application on its own merits whilst having regard to the 2003 Act, the Section 182 guidance and this policy.
- 6.13 Any delegated decision made by the Council will be carried out in accordance with the Scheme of Delegation.
- 6.14 Applications where there are relevant representations will be dealt with by a Licensing Sub-Committee, unless the Council, the applicant and everyone who has made representations agree that a hearing is not necessary.
- 6.15 Where possible, officers from the Council will act to mediate between applicants and persons making relevant representations to resolve issues, thereby preventing unnecessary hearings.

### **Composition of a Licensing Sub-Committee**

- 6.16 A Licensing Sub-Committee shall comprise of any three elected members who serve on the Licensing and Regulatory Committee (Licensing Committee). The Council's Code of Conduct requires Members to register and declare their financial and other interests and sets out consequences for the Member's participation in the decision making process in respect of an application, in the light of those interests.

## 7. Licensing Objectives

- 7.1 The Council will carry out its functions under the Act with a view to promoting the four licensing objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 7.2 It is for the applicant to decide what measures to include, if any, in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.
- 7.3 The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern. Responsible authorities and other person may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives.
- 7.4 The Council recommends early consultation with responsible authorities; this can be done directly or through the Council's Licensing Section. Contact details for responsible authorities can be found on the Council's website or by contacting the Licensing Section.
- 7.5 The Council will have regard to the location and character of premises and the impact of the operation and management of all proposed licence applications and variations.

### Prevention of Crime and Disorder

- 7.6 Prevention of crime and disorder is both an objective of the Act and an important responsibility of the Council under the Crime and Disorder Act 1998.
- 7.7 There are many steps an applicant may take to prevent crime and disorder. The Council will look to the Police for the main source of advice on these matters. In accordance with the Section 182 guidance, police views on matters relating to crime and disorder will be given considerable weight. Steps that an applicant may take include:
- CCTV - It is recommended that CCTV should be digital systems covering

all areas where alcohol is sold and consumed, entrances and to cover queues. Recordings should display correct time/date, be available within 48 hours of a request from any responsible authority and kept for a minimum of **31 days**.

- Door Supervisors - Where appropriate an adequate number of door supervisors should be provided at premises, **city centre licensed venues should consider using door supervisors at peak times, such as Friday evening, Saturday afternoon and evening, Sundays prior to a bank holiday Monday and days when race meetings take place in York.** Whenever security supervisors are employed at licensed premises to carry out a security function, they must be licensed by the Security Industries Authority (SIA).
- Staff training – It is recommended that staff, especially those involved with the sale/supply of alcohol, are trained with regards to the legal requirements of the Licensing Act 2003 and the premises licence in force.
- Night-Time Economy Radio Scheme - It is recommended that city centre licensed venues participate in the Night-Time Economy Radio Scheme (Pubwatch radios), provided by Safer York Business Partnership. This radio link covers both the daytime and night-time economies, giving participating venues a link to the CCTV room, the police and the chance to share 'real time' information with each other.
- Capacity - To prevent overcrowding that is likely to lead to disorder and violence, it is recommended that applicants, in certain classes of licensed premises, state in their operation schedule a maximum safe capacity for their premises and the management arrangement to ensure it is not exceeded.

## **Public Safety**

- 7.8 The licensing system should protect the safety of those visiting and working in licensed premises. All licensed premises within the Council area should therefore be safe, well managed and maintained.
- 7.9 The Council will not normally impose conditions on a premises licence relating to matters that are dealt with by other legislation.

## **Prevention of Public Nuisance**

- 7.10 Applicants need to focus on the effect of licensable activities on persons living and working in the area around the premises when considering the promotion of this objective.

7.11 Public nuisance is not narrowly defined and can include low level nuisance affecting one or a few person(s) living locally, as well as a major disturbance affecting the whole community. Issues will mainly concern noise nuisance, light pollution and litter.

7.12 Applicants should consider the following measures to address disturbance and nuisance:

- Hours of operations – the tolerance to disturbance is likely to be reduced at certain times and days. The later into the night the operation continues the greater the likelihood of public nuisance being caused. Particular consideration should be given to minimise disturbance during the night-time hours of between 11:00pm and 7:00am, additional consideration should be given with regards to the operating hours of any outside area and the activities that take place in these areas.
- Customer management:
  - queuing outside premises – supervision of queues by door supervisors, CCTV covering queues, queues not blocking the public highway;
  - dispersing from premises – prominent notices at exits, door supervisors and staff asking customers to leave the area quietly, directing customers away from sensitive areas;
  - outside drinking areas – supervision of outdoor areas by door supervisors and staff, CCTV covering outside area;
  - smoking areas – positioning smoking areas away from residential properties, supervision of smoking areas by door supervisors and staff, CCTV covering smoking areas, provide litter bins, clean smoking areas located on the public highway during (if needed) and at the end of trading to manage waste associated with your premises, smokers not blocking the public highway;
  - car parks – prominent notices in car parks asking customers to be quiet, not to slam car doors.
- Operation of premises:
  - loud music escaping from licensed premises – closing windows and doors, installation of soundproofing, acoustic lobbies, carrying out noise monitoring checks.
  - waste disposal – consider the timing of emptying waste on site and waste collections, particularly the emptying of bottle bins.

Further information is available online [Noise from Pubs, Clubs and Licensed Premises](#).

- Litter – excessive litter is generated from licensed premises in various forms, particularly takeaway food wrappers and event/venue promotion leaflets (flyers) and cigarette butts, providing litter bins and clean the public highway during (if needed) and at the end of trading to manage waste associated with your premises.
- Outdoor Music Events – further information is available in the [Code of Practice](#).

## Protection of Children form Harm

7.13 The Act provides specific protection for children from the sale or provision of alcohol and regulated entertainment. The Council will not normally impose conditions requiring or prohibiting the admission of children to any premises as it believes that this should remain a matter of discretion of the licence holder. However, there are areas that will give rise to particular concern in respect of children and where additional controls are likely to be necessary. These include:

- where there have been convictions of the current management for serving alcohol to minors;
- where premises have a reputation for allowing under-age drinking and/or requirements of proof of age is not the norm;
- where premises have a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where adult entertainment is provided on an occasional basis and is not already licensed under other legislation.

7.14 In addition, licensees may identify that the access of children to particular parts of the premises poses more risk than others and seek only to exclude children from areas of highest risk.

7.15 The Council may, as appropriate, consider whether conditions are necessary. If conditions are necessary, these may include:

- limitations on the hours when children may be present;
- limitations upon the presence of children of certain ages when specified activities are taking place;
- limits on the parts of the premises to which children may have access;
- age limitations;
- limitations or exclusions when certain activities are taking place;
- requirements for accompanying adults or stewarding.

7.16 It is a mandatory requirement for premises which sell or supply alcohol to have an age verification policy in place, the Council recommends that this policy should be 'Challenge 25'.

7.17 The Council will carefully consider the effects of alcohol sales and alcohol marketing on children, young people and family life, including concerns around:

- Any normalisation of being drunk when responsible for children.
- Any normalisation of drinking alcohol around children and young people under 18.
- Any normalisation of drinking alcohol during pregnancy.
- Any normalisation of drinking alcohol in new settings/contexts where people would traditionally not expect to purchase alcohol, particularly venues that are oriented to families and children.
- Exposure of children and young people to alcohol marketing which can increase the likelihood of an earlier age of consumption and associated risks relating to alcohol later in life.

7.18 The Council will also carefully consider the need to alcohol to be sold/supplied are premises that are predominately used for activities targeted at children, for example soft play.

## 8. Guidelines for Applicants

- 8.1 These guidelines are intended to help applicants by setting out criteria and considerations that they should consider when drawing up an operating schedule. Not all of these considerations necessarily apply, or apply equally, to all applications.
- 8.2 These considerations have been developed with reference to the licensing objectives following consultation with the responsible authorities. They therefore alert applicants to the matters which responsible authorities will be likely to consider when deciding whether to make representation on an application.
- 8.3 These considerations also draw the attention of applicants to matters that are likely to be the subject of conditions designed to promote the licensing objectives that may be attached to the grant of a licence if representations are made.
- 8.4 These considerations are based on experience and good practice established over the years in the city.

### Planning

- 8.5 The use of premises for the sale or provision of alcohol, provision of regulated entertainment or late night refreshment is subject to planning control. Such use will normally require planning permission or must otherwise be lawful. Planning permission is generally required for the establishment of new premises or change of use of premises.
- 8.6 In line with the S182 guidance, planning and licensing regimes involve considerations of different (albeit related) matters. Licensing committees are not bound by the decisions made by a planning committee and vice versa.
- 8.7 While there is no obligation for an applicant to have planning permission before applying for a premises licence, provisional statement or for a substantial variation, it is recommended that lawful planning use is obtained initially. The planning authority is a responsible authority under the Act whom applicants are required to give notice of applications.
- 8.8 Where relevant representations are received, the **Licensing Committee is not bound by decisions made by Planning Committee, and vice versa. If**



there are circumstances where a terminal hour is a conditions of planning permission and this is different to the terminal of the licence, the applicant must observe the earlier closing time.

- 8.7 It should be noted that any decision made by the Council does not relieve an applicant of the need to apply for building control approval.

## Licensing Hours

- 8.8 The Council recognises, that in some circumstances, more flexible opening hours will help address the issue of large numbers of patrons leaving licensed premises at the same time. The intention behind this is to reduce disorder and disturbance such as friction at late night food outlets, taxi ranks and in the street.
- 8.9 A thriving and safe evening / night-time local economy are important considerations in relation to investment, local employment and attractive to residents and tourists. However, the Council believes that any licensable activity has the potential to impact adversely on the surrounding area due to disturbance and/or crime and disorder. The noise generated by licensable activities, especially customers departing late at night can be intrusive when ambient noise levels are much lower, however dependant on the type, it could also be intrusive when ambient noise levels are higher.
- 8.10 The Council believes that full consideration should be given to the risk of disturbance to local residents and possibly to businesses when licensable activities continue late at night and into the early hours of the morning.
- 8.11 The Council recognises that there is no general presumption in favour of lengthening licensing hours and the licensing objectives should be paramount considerations at all times. Restrictions may be made to the proposed hours of use where, if relevant representations are received, the Council considers it appropriate for the promotion of the licensing objectives to do so. Consideration will be given to the individual merits of an application.
- 8.12 Generally shops, stores and supermarkets will be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes unless there are good reasons, based on the licensing objectives, for restricting those hours.

## Drinking up time / cooling down period

8.13 Even though the traditional drinking up time was not carried over into the Act the Council recommends that applicants of premises licensed for the on-sale of alcohol should consider a drinking up / cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transportation from the premises. The Council considers that a 30-minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.

## Dispersal

8.14 The effective dispersal of customers away from premises will be a consideration for the Council when it is required to determine licensing hours as crime and disorder and public nuisance is most likely where crowds gather to queue or wait after leaving licensed premises.

## Designated Premises Supervisor (DPS)

8.15 An applicant for a premises licence which includes the sale and supply of alcohol must nominate a DPS. That person will normally have been given day to day responsibility for the running of the premises. The DPS will also be a personal licence holder.

8.16 The Act does not require the presence of the DPS at all material times. If the DPS is not present on the premises the Council would normally regard it as appropriate for a **duty manager / senior staff member, with knowledge of the operation of the premises and the requirements of the licence**, to be present on the premises at all times that alcohol is sold, and particularly where alcohol is sold late in the evening or early hours of the morning. **The Council would also normally regard it as appropriate for the duty manager / senior staff member to hold a personal licence.**

## Authorising the Sale of Alcohol

8.17 It is a requirement of the Act that every supply of alcohol made under a premises licence must be made or authorised by a person who holds a personal licence. The Council strongly recommends that personal licence holders give specific written authorisation to any individuals that they are authorising to supply alcohol. It is recommended that the form of authorisation should include the following criteria:

- there should be an overt act of authorisation, for example, a specific written statement given to the individual being identified;

- the person(s) authorised to sell should be clearly identified;
- the authorisation should specify the acts which may be carried out by the person being authorised.

8.18 Also each and every sale or supply of alcohol by someone under 18 years must be specifically approved by a responsible person; unless the alcohol is sold or supplied with a table meal in a designated area, and the consumption of alcohol is ancillary to a meal.

## **Staff Training**

- 8.18 The Council recommends that all persons employed on licensed premises who are engaged in the management of the premises, for example manager, assistant manager, duty manager and senior bar staff, are trained to raise awareness of the requirements of the premises licence, the mandatory licence conditions and offences contained within the Act.
- 8.19 It is recommended that all persons employed on licensed premises who are engaged in the sale and supply of alcohol are trained to raise awareness of their responsibilities and the offences contained within the Act.
- 8.20 It is recommended that persons employed on premises providing entertainment for children and youths do training in basic child protection and safety, and if appropriate have the necessary Disclosure and Barring Service checks.
- 8.21 It is also recommended that persons employed on the premises are trained in relation to the matters detailed in paragraph 4.14 above. Licence holders should ask the Police to deliver WAVE training to all persons employed.
- 8.22 All persons employed on licensed premises should be provided with basic training on health and safety, food hygiene and the housekeeping arrangements for the premises.

## **Disabled People or People with other Vulnerabilities**

8.23 Consideration must be given to the access needs of disabled people and people with other vulnerabilities. Staff training should include awareness so they can provide support where needed. Where possible, premises should be accessible, this should include been step free by having suitable ramps or lifts, providing accessible toilet(s), providing menus with large print and assistance in serving where requested. The Councils Access Team can

provide free advice – email: [cycacessteam@york.gov.uk](mailto:cycacessteam@york.gov.uk). The [Purple Pound](#) provides information on the value of being inclusive as this not only enables the disabled person to use your services, but also their friends and family will likely use them too. The site explains the loss of income to businesses when disabled people who walk away due to lack of accessibility.

8.25 Premises providing live and recorded music, and/or premises that can be very busy, should consider providing a ‘quiet zone’ for customer who may be more sensitive to loud music/spaces and busy spaces. Consideration should also be given to people who live in the vicinity of premises that provide live and recorded music, that may be more sensitive to loud music.

### **Waste Collection**

8.26 All businesses have a legal responsibility to care for the rubbish they produce, store, transport or dispose of, and to ensure that it does not harm the environment. This is called their duty of care. Commercial bags or containers placed out on the public highway must be presented in the correct way at the correct time and must not cause a nuisance or be detrimental to the visual amenity.

8.27 We appreciate that some late night traders may leave waste presented overnight for an early morning collection but the Council may take enforcement action if this begins to cause a problem, e.g. bags being kicked around or ripped open by pests or late night revellers. In some circumstances this may constitute a duty of care or fly-tipping offences.

8.28 The timings that waste is collected is also an important factor due to the noise waste collections can create, consideration should be given to make sure waste is not collected during the night-time hours of between 11:00pm and 7:00am.

## 9. Cumulative Impact

- 9.1 Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 9.2 Section 5A of the Act provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts. Relevant authorisations means:
- premises licence
  - club premises certificate
- 9.3 Prior to the introduction of Section 5A of the Act, the Council included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. The Council published its first Cumulative Impact Assessment (assessment) in March 2019, following a review the second assessment was published in March 2022.

### Cumulative Impact Assessment

- 9.4 As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by the Police and the Councils Public Protection Service (noise). The Council has published its third assessment in relation to an area that has been identified in York city centre. A map showing the area can be found in the assessment.
- 9.5 As required by the Act the Council has formally consulted on the assessment.
- 9.6 The Council will review the assessment at least every three years as required by the Act. The assessment is available on the Council's website.
- 9.7 By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area

described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy.

### **Cumulative Impact Area**

- 9.8 The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:
- prevention of crime and disorder
  - prevention of public nuisance
- 9.9 The Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:
- pubs, bars, nightclubs, restaurants, cafes, hotels (with bars open to the general public), late night refreshment premises (takeaways) and off-licensed premises (including supermarkets and convenience stores);
  - especially in the night-time economy; and
  - especially at weekends (day and night-time economy).

### **Applications within the Cumulative Impact Area**

- 9.10 Applications for new premises licences or variations for premises situated within the cumulative impact area, that are likely to add to the cumulative impact already experienced, will normally be refused if relevant representations are received. The applicant will be expected to demonstrate through the operating schedule, the steps that they intend to take to promote the licensing objectives, so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.
- 9.11 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section. Applicants should also have regard to the guidance issued by the Home Office under Section 182 of the Act.

- 9.12 The assessment does not relieve the responsible authorities or any other person the need to make relevant representations where they consider the licensing objectives would be undermined by if the application was granted. Anyone making a representation may base their evidence on the published assessment, or the fact that an assessment has been published for the area. As with all licensing applications under the Act, if no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
- 9.13 The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Where relevant representations are received and the Council determines to grant an application, reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation, with the reasons for departing from the Policy. If the Council decides that an application should be refused, reasons for the refusing the application will be given to the applicant and all parties who made a relevant representation.
- 9.14 Application for the grant or variation of a premises licence in the cumulative impact area may be considered more favourably if the applicant can demonstrate through the operating schedule that if:
- the application relates to the ‘on-sale’ of alcohol, that the premises is going to be predominantly food led with:
    - alcohol being sold/supplied ancillary to a meal, with substantial\* food being served throughout the duration of the operating hours;
    - no vertical drinking, all customers seated at tables;
    - set number of table covers;
    - table service only, no customers at the bar;
    - no drinks promotion, unless they are in line with a food promotion.
 \*something more substantial than a bag of crisps or a bowl of olives or nuts.
  - the application relates to the ‘off-sale’ of alcohol, that the premises does not:
    - do drinks promotions;
    - offer single cans of –
      - beer

- lager
  - cider
  - spirits with a mixer
  - wine
- offer small bottles of wine (200ml or less);
  - offer small bottles of spirit (50ml or less);
  - high strength (above 5% ABV) beer/lager/cider;
  - promote alcohol outside or inside the premises;
  - display alcohol near entrance doors.

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## 10. Early Morning Restriction Orders (EMROs)

- 10.1 The power conferred to licensing authorities to make, vary or revoke an EMRO is set out in sections 172A to 172E of the Act. This power came into force on 31 October 2012 and the Government provided guidance as part of the S182 Guidance to Licensing Authorities.
- 10.2 This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am to 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 10.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributed to specific premises.
- 10.4 An EMRO:
- Applies to the supply of alcohol authorised by premises licenses, club premises certificates and temporary event notices;
  - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
  - Applies for a limited or unlimited period;
  - Applies to the whole or any part of the licensing authority's area;
  - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
  - Will not apply to the supply of alcohol to residents by accommodation providers between 12am – 6am, provided the alcohol is sold through mini-bars/room service;
  - Will not apply to a relaxation of the licensing hours by virtue of an order made under section 172 of the Act.
- 10.5 Before a licensing authority determines to make an EMRO it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The licensing authority should consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence.
- 10.6 The licensing authority should consider whether other measures may address the problems that they have identified as the basis for introducing

an EMRO. These measures include:

- Introducing a cumulative impact assessment;
- Reviewing licences of specific problem premises;
- Encouraging the creation of business-led best practice schemes in the area.

10.7 It is the intention of the Council to support businesses, whilst ensuring the promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.

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## 11. Personal Licences

- 11.1 A personal licence authorises an individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence. The licensing authority for the area where the applicant resides issues a personal licence.
- 11.2 The Council recognises it has no discretion regarding the granting of personal licences where:
- the applicant is 18 or over,
  - possesses a licensing qualification,
  - has not had a licence forfeited in the last five years, and
  - has not been convicted of a relevant offence.
- 11.3 An application for a personal licence must be made in the form specified in Government guidance and regulations. The application must be accompanied by the requisite fee. The applicant should also be able to produce evidence of the relevant qualification.
- 11.4 Applicants should produce a Disclosure and Barring Service certificate which must be less than one calendar month old on submission.
- 11.5 Applicants from foreign jurisdictions are expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.
- 11.6 Applicants must prove that they have the right to work in the UK. A personal licence may not be issued to an individual who:
- Does not have the right to work or live in the UK; or
  - Is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.
- 11.7 The police may make objection on the grounds of an unspent relevant or foreign offence. If an objection is lodged a hearing has to be held unless otherwise agreed by all parties.

## 12. Temporary Event Notices (TENs)

- 12.1 The Act does not require the issue of a licence for a temporary event, it is a notification process. The police and the Council's public protection section (noise) are the only parties permitted to make representation if they believe the licensing objectives would be undermined.
- 12.2 There are two types of TENs; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than 10 clear working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event.
- 12.3 TENs are subject to various limitations. These are:
- Anyone aged 18 or over can be given a maximum of five standard or two late TENs per year\*
  - Personal licence holders can be given a maximum of 50 standard or 10 late TENs per year\*
  - Must involve no more than 499 people
  - Last up to 168 hours
  - No more than 15 can be given in respect of any particular premise in any year
  - Any particular premise can have a maximum aggregate duration of 21 days in any year
  - There must be a minimum of 24 hours between events
- \*Late TENs count towards the total permitted number of TENs a person is permitted to give per year.
- 12.3 The police and the Council's public protection section (noise) may object to an event proposed under a TEN by serving an objection notice to the Council and the applicant on the grounds that one or more of the four licensing objectives will be undermined. An objection notice must be issued within three working days of being notified. If an objection notice is received to a late TEN the event will not be authorised to proceed. Therefore the Council encourages notice providers to give the earliest possible notice of events likely to take place. The Council may issue a counter-notice to the applicant if it considers it necessary for the promotion of the licensing objectives.
- 12.4 An intention notice for a temporary event must be made in the form specified by Government guidance or regulations. The notice must be accompanied by the requisite fee.

- 12.5 The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 came into force on 16 September 2021. These Regulations have increased the maximum number of events and days per year for 2022 and 2023 that can be permitted under temporary event notices.
- 12.6 Under the Regulations the maximum number of temporary event notices is increased 20, and the number of days is increased to 26.

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## 13. Enforcement, Reviews and Suspension

### Enforcement

- 13.1 Where necessary, enforcement action will be taken in accordance with the principles of the Regulators Compliance Code and the Council [Enforcement Policy](#). Effective enforcement is needed to meet the licensing objectives and to support residents and businesses.
- 13.2 Enforcement will be targeted on those premises and activities that give rise to the highest risk. Formal enforcement, such as a prosecution, will be a last resort and proportionate to the degree of risk. The key principles of consistency, transparency and proportionality will be maintained.
- 13.3 The Council recognises that the effectiveness of its licensing policy will be determined by enforcement action undertaken. The Council will undertake routine monitoring of licence conditions on a risk based programme. The Council will work with the police, fire authority, public protection section and other agencies to produce joint working practices.

### Reviews of Licences

- 13.4 Following the grant of a premises licence a responsible authority or other person may apply to the Council for it to be reviewed. Applications for a review must relate to one or more of the licensing objections being undermined.
- 13.5 Before undertaking a review the Council must first consider whether the complaint made is not relevant, vexatious, frivolous or repetitious.
- 13.6 A review will be considered by a Sub-Committee of the Licensing Committee which has a range of options available to it under the Act. These include:
- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
  - To exclude a licensable activity for the scope of the licence (permanently or temporarily)
  - To remove the designated premises supervisor
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence
- 13.7 Where a Magistrates Court makes a Closure Order under part 8 of the Act,

on the grounds of disorder, the Council must carry out a review of the licence.

- 13.8 Where a Magistrates Court makes a Closure Order under Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014, the police or the Council's public protection section may request a review of the licence.
- 13.9 The Violent Crime Reduction Act 2006 and the Licensing Act 2003 (Summary Review of Premises Licence) Regulations 2007 provides the police and local communities with powers in the specific area of alcohol-related violence. The summary review procedure allows the police to initiate an expedited review of a premises licence if a senior police officer is under the opinion that the premises are associated with serious crime, serious disorder or both.

### **Matter for Consideration**

- 13.10 When considering enforcement action or a request for a review the Council will take relevant circumstances into account. However, the following matters will be viewed particularly seriously:
- use of premises for criminal activities such as the supply of drugs or money laundering
  - failure to promptly respond to a warning given by a responsible authority
  - previous convictions for licensing offences
  - previous failure to comply with licence conditions and the requirements of the Act
  - failure to engage with a responsible authority in an effective manner

### **Suspension for Non-Payment of Fees**

- 13.11 The Council is required to suspend a premises licence if the annual fee has not been paid when it is due. Where a premises licence has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension shall be lifted immediately upon payment of the fee and licensable activities may be resumed.
- 13.12 If an annual fee has not been paid by the due date, the licence holder shall be notified accordingly by the Council and given notice of the date that suspension shall take effect.

## 14. Business and Planning Act 2020

- 14.1 The Business and Planning Act 2020 came into force on 22 July 2020. The Act was introduced to aid economic recovery and growth following impact of the Covid 19 pandemic. Some provisions within the Act temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises in England and Wales.
- 14.2 The new off-sales permission permits off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm, or the closure time of an existing outside area, whichever is earlier. The provisions also temporarily suspend existing licence conditions in so far as they are inconsistent with the off-sales permissions.
- 14.3 The off-sales permission is authorised under section 172F(2) of the Licensing Act 2003 in respect of on-sales licences and section 172F(5) of the Licensing Act 2003 in respect of dual licences (on and off sales).
- 14.4 The permission will lapse on 31 March 2025, unless the temporary period is extended by regulations made by the Secretary of State or is otherwise suspended, removed or varied.



## 15. Other Relevant Legislation, Information and Guidance

### Legislation

- **Health and Safety at Work Act 1974 and associated legislation** – City of York Council is the authority for this legislation in relation to most licensed premises in the area.
- **Human Rights Act 1998** – City of York Council has a duty under the European Convention of Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operate their business without undue interference (Article 1 of the first protocol).
- **Crime and Disorder Act 1998 Section 17** – this Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states  
 “Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent  
 a) crime and disorder in its area; and  
 b) the misuse of drugs, alcohol and other substances in its area; and  
 c) re-offending in its area.”

This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirements under this Act.

- **Violent Crime Reduction Act 2006** – Part 1 of this Act amends the Licensing Act 2003 and includes measures to tackle alcohol-related violence and disorder.
- **Policing and Crime Act 2009** – Part 3 of this Act amends the Licensing Act 2003 and includes measures to tackle alcohol misuse.
- **Police, Reform and Social Responsibility Act 2011** – Part 2 of the Act amends the Licensing Act 2003.
- **Anti-social Behaviour, Crime and Policing Act 2014** – Section 59 of this Act gives local authorities powers to make a Public Space Protection Orders. Orders can include Alcohol Restriction Zones (ARZ). In areas where an ARZ is in place it is an offence for a person who is consuming alcohol to not cease

and/or surrender the alcohol when requested to do so by a police officer or other authorised person.

- [\*\*Policing and Crime Act 2017\*\*](#) – Part 7 of this Act amends the Licensing Act 2003.
- [\*\*Environmental Protection Act 1990\*\*](#) – this covers a wide range of types of pollution including noise.
- [\*\*The Clean Neighbourhoods and Environment Act 2005\*\*](#) – this provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11.00pm – 7.00am.
- [\*\*Anti-Social Behaviour Act 2003\*\*](#) – Section 40 and 41 of this Act provides that if the noise from a licensed premises is causing a public nuisance, an authorised environmental health officer will have the power to issue a closure order effective for up to 24 hours. This compliments the police powers under Part 8 of the Licensing Act 2003 to close licensed premises for temporary periods.
- [\*\*Health Act 2006 \(Workplace Smoking Ban\)\*\*](#) – the ban on smoking in all enclosed work places and public places came into force on the 1 July 2007. The ban includes smoking in pubs, restaurants and members clubs where bar or other staff are employed.
- [\*\*The Regulatory Reform \(Fire Safety\) Order 2005\*\*](#) – [\*\*North Yorkshire Fire and Rescue Service\*\*](#) enforce fire safety legislation. Further information of the legal requirements can be found on their website.
- [\*\*Data Protection Act 2018\*\*](#) – applicants should have regard to the provisions of this Act in relation to their premises and in particular to the Information Commissioners Code of Practice on CCTV.
- [\*\*Modern Slavery Act 2015\*\*](#) – premises licence holders should have regards to the provisions of this Act and the common forms of slavery identified – licensed premises might be unwitting hosts to modern slavery by allowing victims and their traffickers to use the licensed establishment as a place to meet. The Act imposes a statutory duty on City of York Council, as a public body, to cooperate with the Independent Anti-Slavery Commissioner. The offences set out in this Act would undermine the crime and disorder licensing objective of the Licensing Act 2003.

- [Immigration Act 2016](#) – premises and personal licence applicants and holders, and the local authorities should have regards to the provisions of this Act with regards to rights to work requirements and offences, and the implications of immigrations requirements and offences within the Licensing Act 2003. The offences would undermine the crime and disorder licensing objective.
- [National Minimum Wage and National Living Wage Rates](#) – as an employer premises licence holders should be aware of the legal requirements of the national minimum levels, been mindful of employees who are under 21 and how obligations to younger employees change over time, and the offences that are in place for failing to meet these requirements. Employers may also want to consider the [Real Living Wage](#), which is the wage rate based on the cost of living.

### Information and Guidance Documents

- [Licensing Act 2003](#)
- [S182 Guidance](#)
- [Guidance on Persistently Selling Alcohol to Children](#)
- [Tackling Violence Against Women & Girls](#)
- [HSE - Purple Guide](#)
- [HSE - Running an Event Safely](#)
- [HSE - Managing Risk & Risk Assessments](#)
- [Controlling Noise](#)
- [Reducing Litter](#)