



Statement of Licensing Policy 2022 to 2027

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 Council on 24 March 2022.
- 1.4 The Act specifies that any decisions taken by the Licensing Authority in regards to 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;
- 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 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;
- encouraging responsible retailing and consumption of alcohol and preventing alcohol related health issues.

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
 - North Yorkshire Fire and Rescues Service
 - City of York Council, Public Protection Environmental Health (Noise)
 - City of York Council, Public Protection Environmental Health (Health and Safety)
 - City of York Council, Public Protection Trading Standards
 - City of York Council, Development Control (Planning)
 - 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

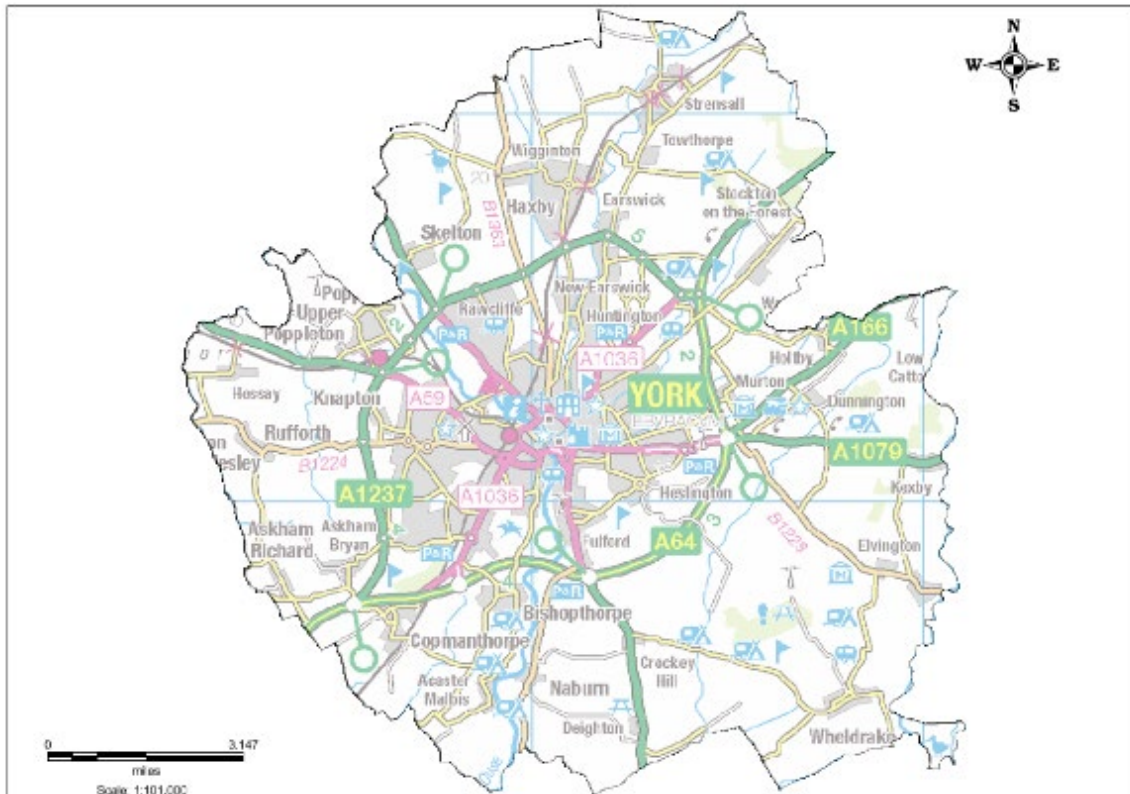
2.4 Throughout this policy a general reference to a premises licence, unless otherwise specified, will include a club premises certificate and/or temporary event notice.

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



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- 3.1 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 211,000 live in the council area (2021 est. from Office of National Statistics) this includes a small black and minority ethnic population.
- 3.2 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 across the UK with over ten million passengers every year. It is also a centre of academic excellence, with around 25,000 students making up approximately 12% of York's population in term time.

- 3.3 Tourism and leisure are important industries for York, attracting over eight million visitors a year, who spend £765 million in the city. Over £125 million a year is spent on eating out and evening entertainment. Over 24,000 jobs in the tourism sector are dependent on these visitors to our city.
- 3.4 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.
- 3.5 Historically York was known for having one public house for each day of the year. This is no longer the case, but there are 880 premises of various types licensed to sell alcohol in the authority area.
- 3.6 As an historical centre the city has many historical buildings and museums. The city 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, and bars.

Other premises, such as village and community halls and a bingo hall, provide alcohol and entertainment as part of their overall activities. In addition, there are a significant number of retail premises selling alcohol, including the large supermarkets, off-licences and small convenience shops.

4. Links to other Plans, Policies, Strategies, Initiatives, Legislation and 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.
- 4.2 The Council's decision making and work plans are underpinned by a set of policies, strategies and plans. A list of these policies is available on the Council's website www.york.gov.uk/CouncilPlan.

In particular, the Council Plan 2019 to 2023 sets the high-level priorities for the council, which are as follows:

- Well-paid jobs and an inclusive economy
- A greener and cleaner city
- Getting around sustainably
- Good health and wellbeing
- Safe communities and culture for all
- Creating homes and world-class infrastructure
- A better start for children and young people
- An open and effective council

These are supported by Health and Wellbeing Strategy, York Economic Strategy and the Children and Young People 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: A Vision for Tourism, prepared by Visit York in consultation with partners and stakeholders, including the Council.

The Vision seeks to deliver long-term, sustainable growth in the value of the visitor economy for the benefit of visitors, businesses, students and residents by building on York's distinctiveness, enhancing the quality of the visitor experience and promoting York as a world class visitor destination.

Amongst the ambitions for tourism is the development of partnerships with businesses, stakeholders and residents, increasing York's position as a leading European cultural center (combining a unique heritage with a modern outlook) and enhancing York's public realm so it becomes the most special in England. Licensed establishments, entertainment and cultural venues all have a vital role to play in achieving these goals.

My City Centre York

- 4.4 The Council are currently developing a Vision for the City Centre. The themes covered by the vision are:

- a family friendly city centre
- events, experiences and investment in public spaces
- an attractive city at all times
- making tourism work for York
- embracing our riverside
- a city centre which is welcoming to all
- thriving businesses and no empty buildings
- celebrating heritage and making modern history

Further information can be found on the Council's website:

www.york.gov.uk/MyCityCentreYorkVision

Crime and Disorder

- 4.5 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 particular 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.

- 4.6 The Council will take into account matters contained in Safer York Partnerships Community Safety Strategy in relation to the four licensing objectives.

Counter Terrorism

- 4.7 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 has produced guidance to operators of crowded places giving advice to operators to reduce the threat of attack.

www.gov.uk/government/organisations/national-counter-terrorism-security-office.

Applicants and licence holders are encouraged to have regard to this guidance in the design and operation of their premises.

Free eLearning is also available for companies and private individuals: ct.highfieldlearning.com.

- 4.8 As the city attracts over eight 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 time, 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.

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

4.10 In January 2022 the Home Office, through the Protect Duty consultation, has pledged to consider legislative approaches requiring venue operators to consider the risk of terrorist attacks, and to take proportionate and reasonable measures to prepare and protect the public.

Whilst legislation is being considered by the Government, operators of venues and organisers of events/festivals may find it beneficial to refer to the Protect Duty consultation documents until such laws are enacted, see:

www.gov.uk/government/consultations/protect-duty/outcome/government-response-document

Night-time Safety

4.11 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 into consideration, especially as national reports of violence against women and girls (the Home Office published the national strategy on tackling this matter on 21 July 2021), the spiking of drinks and spiking by injection are on the increase.

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

- joining YBAC (York Business Against Crime) and using the Store-Net radio;
- joining Pubwatch;
- using Sentrysis;
- promoting 'Ask for Angela' in your venues;
- national and local initiative tackling violence against women and girls;
- register with Neighbourhood Alert to receive updates on policing matters relevant to the local community and night time economy;
- ensure staff and customers are aware of and adhere to the Code of Conduct;
- engage with the BID rangers and Street Angels; and
- if you are planning/organising an event engage with York's Events Safety Advisory Group.

4.13 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 customer appears vulnerable (drunk or under the influence of drugs);
 2. unwanted contact (touching) between customers (on speaking to women news reports have recently identified that women are regularly touched without their consent, in some cases inappropriately, when walking through busy licensed premises);
- 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 rank 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.

- 4.14 With regards to paragraph 4.13 (a) North Yorkshire Police advocate The WAVE (Welfare and Vulnerability Engagement) training. This training explores what vulnerability is, how to identify it and appropriate interventions. North Yorkshire Police will provide this training on request, email: NYPLicensing@northyorkshire.police.uk

Pubwatch

- 4.15 The Council and North Yorkshire 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.
- 4.16 Further information on Pubwatch can be found on the National Pubwatch website: www.nationalpubwatch.org.uk

Purple Flag

- 4.17 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.
- 4.18 The Council submitted an application to achieve Purple Flag accreditation in autumn 2021, on 1 February 2022 the Council received notification that the application was successful, the Purple Flag will be awarded to the city in March.

For further information on how to achieve Purple Flag accreditation, see: www.atcm.org/purple-flag

Equalities Act 2010

- 4.19 Applicants and licensees 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: www.equalityhumanrights.com
- 4.20 The Council must have regards to its public sector duty under the Equality Act.

Regulators' Code 2014

- 4.21 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, Jovik 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; 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 Over the last eight-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.

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

- 12% decrease in anti-social behaviour;
- 7.7% increase in anti-social behaviour related to alcohol;
- 10% increase in crime; and
- 24% increase in crime related to alcohol.

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.

5.5 Residents have identified that 'young people being drunk, rowdy, or a nuisance' as the second highest priority within the anti-social behaviour indicator set that needs to be addressed, and alcohol related anti-social behaviour carried out by adults and young people is a real issue for residents and businesses in certain parts of our city centre and some of our neighbourhoods.

5.6 Alcohol-related harm is a particular matter of concern in York, with a higher than average rate of alcohol related hospital admissions, and concerning rates of alcohol related mortality and alcohol specific mortality¹. In the context of an 18.6% increase in alcohol specific deaths in 2020 across the UK (the highest year-on-year increase on record)², collaborative action on reducing alcohol harm is urgently needed. Before the Covid-19 pandemic, there were already national increases in alcohol related hospital admission and deaths. The pandemic seems to have accelerated these trends³.

1 [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](https://www.phe.org.uk/data/local-alcohol-profiles-for-england)

2 Office of National Statistics (2021). [Alcohol-specific deaths in the UK: registered in 2020](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandlife/articles/alcohol-specific-deaths-in-the-uk-registered-in-2020)

3 Public Health England (2021) <https://www.gov.uk/government/publications/alcohol-consumption-and-harm-during-the-covid-19-pandemic/monitoring-alcohol-consumption-and-harm-during-the-covid-19-pandemic-summary>

- 5.7 Hospital admissions for alcohol related conditions in York were 1,629 per 100,000 in 2020/21, which is significantly higher than the England wide rate for the same period⁴.
- 5.8 York's alcohol specific admission rate was last similar to the England average in 2014/2015, at a rate of 590 per 100,000. In every year since, York's alcohol specific admission rate has been significantly worse than the average, with the latest rate (2020/2021) being 683 per 100,000, which is 15.8% higher than in 2014/15. Across the same time period, the England rates have differed by 1.9% (with rates of 576 per 100,000 in 2014/15 and 587 per 100,000 in 2020/21).
- 5.9 In 2020 alone, 69 people died in York of conditions which are wholly or partially caused by alcohol⁵.
- 5.10 21.4% of York adults report drinking above the low risk level of up to 14 units per week⁶. This means that 21.4% of York adults are at an increased risk of alcohol-related disease and other long term harm.
- 5.11 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)⁷. This population are at an increased risk of experiencing acute alcohol related harm.
- 5.12 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

4 Admission episodes for alcohol-related conditions (Broad) (2020/21) [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](#)

5 Alcohol-related mortality (2020) [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](#).

6 % 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 \(phe.org.uk\)](#).

7 % 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](#).

restaurants⁸. 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.

⁸ Foster, J.H. & Ferguson, C.S. (2012). [Home Drinking in the UK: Trends and Causes](#).

- 5.13 Those drinking at the highest, and therefore most harmful, levels are more likely to consume the majority of alcohol at home⁹. This supports analysis that revealed harmful drinkers account for 32% of alcohol-related revenue in the off-trade, compared with 17% of revenue in the on-trade¹⁰.
- 5.14 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 drinkers¹¹. High strength, cheaper products are therefore likely to be associated with the greatest harms.
- 5.15 During the period 2014/15 to 2017/18, Yorkshire Ambulance Service records show that central York had the highest number of ambulance attendances where the ambulance service have recorded alcohol as a factor at the scene, 961 attendances, compared to other areas of the city¹².
- 5.16 The availability of high strength alcohol products, such as high strength lager and cider, usually favoured by street/problem drinkers from the off-trade 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.
- 5.17 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.

9 Public Health England (2017) [Local Alcohol Consumption Survey National Report \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) See Figure 8.

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

11 Griffith, O'Connell and Smith (2017). [Tax design in the alcohol market.](#)

12 Yorkshire Ambulance Service, via [SHAPE Place Atlas • Attendances related to alcohol • Counties and Unity Authorities \(shapeatlas.net\)](https://shapeatlas.net).

- 5.18 Due to the factors highlighted above, and to encourage the safe/responsible consumption of alcohol, the Council encourages licence holders to make sure the sale of alcohol is carried out in a responsible manner, this could be done through the price, the way it is advertised/promoted/sold and the availability of low and/or alcohol free alternatives.

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.
- **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 on the Councils website or by contacting the Licensing Section.
- 6.9 Members of the public who wish to submit a representation in regards 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.
- 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 residents 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.

Members will also disqualify themselves if the application relates to a premises within their ward.

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 28 days.
- **Door Supervisors** - Where appropriate an adequate number of door supervisors should be provided at premises. 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 (Store Net radios) as agreed with the police. This radio link covers both the day-time 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 to 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.
 - Customer management:
 - queuing outside premises – supervision of queues by door supervisors, CCTV covering queues;
 - 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;
 - 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 in the Guide to Controlling Noise from Pubs and Clubs, produced by the Public Protection Team, which is available on the Council's website, or by contacting the Public Protection Section; telephone: 01904 551555.

- Litter – excessive litter is generated from licensed premises in various forms, particularly takeaway food wrappers and event/venue promotion leaflets (flyers) and cigarette butts.
- Outdoor Music Events – further information is available in the Code of Practice and Guidance Notes on Noise Control for Concerts and Outdoor Events, produced by the Public Protection Section, which is available on the Council's website or by contacting the Public Protection Section on 01904 551555.

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.

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, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building control consent was lawful and correct. It will take into account what the impact of granting a licence will be on the licensing objectives.
- 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 regulation authorisation.

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 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 personal licence holder 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.

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 4.13 above. Licence holders should ask North Yorkshire 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.

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, with effect from 6 April 2018.

This 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.

9.2 Relevant authorisations means:

- premises licence
- club premises certificate

9.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

9.4 The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has changed over the years.

Cumulative Impact Assessment

9.5 As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its second cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the

Council website or from the Licensing Section.

The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.

9.6 As required by the Act the Council has formally consulted on the assessment.

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. 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. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.

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.

9.8 Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.

9.9 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 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.

- 9.10 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.

Cumulative Impact Area

- 9.11 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

- 9.12 North Yorkshire 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).

- 9.13 Red zones have been identified in this area due to the high concentration of licensed premises, the impact of which has led to

a high level of occurrences in relation to crime and disorder related issues.

Therefore, the Council should refuse all applications within the red zones where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in these zones. A map showing the red and amber zones can be found in the assessment.

- 9.14 Amber zones have also been identified in this area, again due to the high concentration of licensed premises, the impact of which has led to a high level of occurrences in relation to crime and disorder related issues.

Therefore, unless the application relates to a food led operation, as details in paragraph 9.15, the Council should refuse all applications within the amber zones where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in these zones.

A map showing the amber zones can be found in the assessment.

- 9.15 Applications 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 the premises is going to be predominantly food led with:

- alcohol being sold/supplied ancillary to a meal, with substantial food (more substantial than a bag of crisps or a bowl of olives or nuts);
- 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.

- 9.16 The Covid 19 pandemic, and government restrictions, have impacted the operation of a number of licensed premises dramatically, with some premises, such as nightclubs and theatres, closing for at least 12 months.

Therefore, the evidence base for the cumulative impact assessment does reflect a reduction in crime and disorder related issues during 2020/21, which has made changes to the previously large red zone, providing a smaller red zone areas and introduces an amber zones.

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.

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.

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 local residents and businesses.
- 13.2 The Council has adopted the fundamental principles recommended in the Hampton Report in its Enforcement Policy. 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 on 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 11.00pm, 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 30 September 2022, 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 to 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: www.northyorksfire.gov.uk

- [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.

Information and Guidance Documents

- Licensing Act 2003 - www.legislation.gov.uk/ukpga/2003/17/contents
- Section 182 Guidance, Pool Conditions Supporting Guidance and Guidance on Persistently Selling Alcohol to Children - www.gov.uk
- Alcohol Strategy - www.gov.uk/government/publications/alcohol-strategy
- Tackling Violence Against Women and Girls – www.gov.uk/government/news/tackling-violence-against-women-and-girls-strategy-launched
- Health, Safety and Welfare Music and Other Events - www.thepurpleguide.co.uk
- Running a Safety Event - www.hse.gov.uk/event-safety/running.htm
- Risk Assessments - www.hse.gov.uk/risk/controlling-risks.htm
- Controlling Noise – www.york.gov.uk/NoisePollution
- Reducing litter - www.gov.uk/government/publications/reducing-litter-caused-by-food-on-the-go-a-voluntary-code-of-practice-for-local-partnerships