

LICENSING PROTOCOL FOR THE CITY OF YORK

This document has been produced by the licensing officers of the North Yorkshire Police and the City of York Council.

The primary purpose of the document is to set down the broad criteria upon which the respective agencies will support, or otherwise, applications to the Licensing Justices based upon existing policies and precedents.

The document will also expand upon the longer-term aims for the development of licensed premises in the city and where appropriate, these will reflect in observations submitted to the Justices.

The document provides a statement for applicants to understand the position of the Police and the City of York Council with respect to any application they may submit to the Licensing Justices.

Overall Strategy

The Licensing Officers of the North Yorkshire Police and the City of York Council wish, through their influence on the development of licensed premises, to promote "A well used city centre - day and night -that is safe, accessible and friendly to all ages and walks of life". It is recognised in achieving this aim, the city will benefit from:-

- Increased city centre investment, not just licensed premises, but theatres and cinemas, art venues etc.
- increased employment opportunities
 - » Encouraging more overnight stays from visitors
- Making the city attractive to a wider cross section of the community
- Reduced crime levels - more usage of cities at night by a wider cross-section of the community reduces crime.

Licensed premises are leading contributors to the vitality and attractiveness of the city. It is hard to imagine York without the life, street-colour and community well being that its many pubs bring. At the same time, licensed premises take a variety of forms these days, some more congenial than others to the aims set out above, and an overall strategy needs to recognise and respond to their differences. Traditional style public houses for instance, whether within the city centre or outside it, are usually small in scale and provide well run, trouble free environments for civilised drinking, typically with an experienced resident publican and an older or mixed-age customer base. As a

unique British institution, moreover, and part of our living heritage, traditional pubs are increasingly gaining recognition as cultural and tourism assets. Some of them preserve valuable unspoilt interiors and there is a growing awareness of their importance as part of York's historic built heritage.

Historical Perspective

It was once said that York was blessed with the achievement of having a pub for each day of the year. That statistic does not hold true today but nonetheless the city is well served with licensed premises.

During the late 1970's to late 1980's there was a marked increase in drink-related disorder and violence in the city. The same period saw a major upsurge in the number of drinking establishments which brewers and other pub operators were targeting solely or mainly at the lucrative youth market - often through major conversion and internal enlargement of older pub premises. York was targeted as a venue for a night out by those from further afield who arrived by the coach load just to imbibe alcohol and visit the many night clubs. During this period the city centre became an undesirable place for most citizens and visitors on a Friday and Saturday night.

Things have now improved considerably thanks to the unrelenting work of the Police together with the support of the Courts and the ambitions of the City Council. Of significance, the number of nightclubs has been reduced to a level that accommodates local residents and visitors to the city; schemes have been introduced for the vetting and training of licensees and for the training and registration of door staff. This period has also seen the development of the CCTV system. These initiatives amongst others have seen the level of street disorder and violence related to drink drop significantly to its present level. Paralleled with these activities there has been a policy by the Police of objecting to all applications for new justices on-licences.

Present Situation

As detailed above, the present level of drink related disorder and violence has reduced considerably in the city over the last decade but there is still a long way to go in meeting our objective. This is against the national trend and must be a reflection on the policies adopted in the city. Violence within licensed premises has almost been eliminated but disorder and aggravation on the streets continues to be of concern.

The 'Micklegate Run' as it is colloquially called, is the local drinking 'circuit', a phenomenon which is common to most cities these days. The Micklegate run can be said to start in Blossom Street, run down Micklegate into Low Ousegate and also round into Rougier Street/George Hudson Street. It can be considered to be entirely to the south west of the river. However, the opening of new outlets in the Coney Street and Lendal areas has created new drinking patterns. Large numbers of people now leave the Micklegate area via Ouse Bridge to frequent these premises. This has resulted in incidents of disorder and violence no longer being centred in the Micklegate area, but spread evenly across other city areas. The overall number of incidents has decreased significantly but we must not become complacent and must continue to promote initiatives to maintain this downward trend.

Research in 1996 has showed that it was the perception by many residents and tourists that the city on a Friday and Saturday night is not a safe place to be and many will not visit the city at that time. It is believed that this perception was of the Micklegate area.

Policy for Licence Applications

In order to influence the development of licensed premises in the city in line with the overall strategy, the Licensing Officers of the Police and City Council will adopt the following policy in relation to their submissions to the Licensing Committee.

A. New Premises

- i. Applications for new full on-licences on or close to the Micklegate run will in general be opposed,
- ii. Applications for new on-licences otherwise than in the Micklegate area will be considered on their individual merit. The following considerations will be given to each application.

Locality

Applications, which if granted would be likely to change the character of an area to the detriment of its residents, businesses or users, would not be supported.

Applications, which are in sympathy with the location and will enhance the environment, will normally be supported. Suitable

applications in the emergent cafe culture in the Swinegate **area** will be encouraged on a scale which does not adversely impact on the more relaxed environment of that area of the City. Annex 1 indicates an area considered to be suitable for this kind of development.

Size

The larger the capacity of a premise the more likely that it would be to cause a detrimental effect on the environment.

Character

The character/nature of an operation will determine the customer base attracted to it. The character of a proposed business will therefore affect the impact it will have on an area and will be taken into consideration by the Licensing Officers in their support or otherwise of the application.

Applications which include provision for loud music, dance floors, pool tables, amusement with prize machines etc indicate a certain character and target audience which will necessitate more exacting consideration and it can be anticipated that licensing officers will be more circumspect in offering support.

Applications, which involve a strong food emphasis throughout opening hours, provide a mainly or totally seated facility and provide waiter/waitress service to tables will receive more favourable consideration.

- iii. Applications for new Part IV Restaurant Licences and Residential Licences will not normally receive any opposition.
- iv. Applications for new off-licences will not normally be opposed unless they are seen to contribute to nuisance or disorder in a particular location.

B. Licences Outside Standard Permitted Hours

The summer of the Millennium year 2000 saw the granting of "Millennium Extensions" by the Licensing Committee to some premises in the City. The effect of these special orders of exemption was to add

an additional hour to the general permitted hours for those premises where applications were granted. These extensions were generally well received by the trade, the Police and customers and were seen to ease the tensions that can occur at normal closing time.

In consideration of a terminal hour, regard is given to the residential nature of the City Centre, the existing transport infrastructure and the fact that the existing late night operations now accommodate the existing trade..

Supper Hour Certificates (Section 68)

In general no objection will be raised to the granting of any extension under Section 68 of the Licensing Act 1964 providing all statutory obligations are met.

Extended Hours Certificates (Section 70)

As a general rule no objection will be raised to the granting of further extensions to the above where entertainment is provided, although the likelihood for nuisance being caused to neighbouring residents will be assessed.

Special Hours Certificates (Section 77)

Generally no objections will be raised for the grant of a special hours certificate for the period up to 1.00am on any day of the week subject to the following circumstances:

- a) All statutory provisions are met
- b) The premises have proved to be well managed
- c) The location and operation of the premises are not likely to cause a nuisance to local residents or be the cause of public disorder.

Note

It is not considered desirable to promote York as a late night drinking venue and attract more drinkers to the City, but to extend the enjoyment of those already in the City and ease the congestion at the end of normal permitted hours.

C. Minimum Standards

- i. It will be expected that all new or altered premises will secure the maximum safety at design stage. Such matters will relate to all aspects of safety and include internal layout "lighting, fixtures and fittings". Good practice in relation to pubs might take account of the better safety aspects of traditional internal planning, where a choice of separate rooms can help attract a varied and mixed age customer base and inhibit the spread of unruly and ostentatious behaviour (which the modern fashion for large open-plan interiors has done little to discourage). Architects/developers will be expected to design safety into their proposals and be able to convince the licensing Justices that they have done so.
- ii. Each application will be considered on its own merits. However, applicants will be expected to offer certain specific undertakings, as conditions of their licence, as may be appropriate to the nature and location of their enterprise. A list of these conditions/undertakings is attached in Annex 2. It is not intended that all of these conditions will apply to each application and indeed additional conditions may be appropriate in certain circumstances.
- iii. The licensing officers recognise the value of external CCTV coverage in providing for a safe site environment. Applicants may be requested to install external CCTV to their premises to be either connected or the city's network or to run independently. In certain circumstances, operators may also be asked to make financial contributions to the city's CCTV network.
- iv. All licensees will be required to adhere to the terms of the North Yorkshire Doorsafe Scheme. Where minimum numbers of staff are specified through the Public Entertainment Licence, these must also be adhered to.

D. Applications for Renewal of Existing Licences

Most existing licensees can be assured that this protocol is not aimed at burdening them with onerous new requirements at the time their licences come up for renewal. Compliance with Condition 5 (of Annex 2) is all that may normally be required for traditional-style pubs outside the city centre.

E. Alterations to Existing Premises

- i. Where an application for structural alterations to existing premises is received, support will only be given where the proposals are in line with the spirit of those parameters set out for new premises. Enlargement and change of character of a business should not be to the detriment of the local environment and those living in and using the area. In the case of pubs, there should be a presumption in favour of retaining room divisions and other aspects of traditional public house character that remain. Applications for structural alterations to pub interiors identified as having special architectural or historic importance in York (whether statutorily "listed" or not) shall not normally receive support.
- ii. Where an application for alterations of an existing premises is made, the licensing officers will request that the premises adopt the minimum standards of safety and, in the case of public houses, that proper consideration is given to retaining or restoring the better safety aspects and wider customer appeal of traditional internal planning (see B (i) above)
- iii. It would be considered good practice for applicants who wish to substantially change the character of an existing public house to take account of the views of their customers. It may be appropriate for details of the proposals, including drawings, to be displayed in the premises for customers to view prior to the licensing meeting.

F- Future Alterations

As it is possible to change many features of an operation once an on-licence has been granted, applicants who can condition their application, so that any changes to the original proposal will only be possible with the approval of the Licensing Justices, are more likely to receive support of the Police and City Council.

**Annex 2 Conditions for Grant of a New On-
licence**

1. CCTV shall be installed in accordance with the North Yorkshire Police 'Basic CCTV Specification for Licensed Premises' document (as attached).
2. Substantial food shall be available until 10pm.
3. There shall be no pool tables or darts boards on the premises.
4. There shall be no change in the style of operation from that demonstrated in the written profile submitted in support of the application.
5. There shall be no discounting of alcoholic drinks.
6. There shall be no disc jockey and music shall only be by way of background music controlled by members of staff from behind the bar.
7. Seating for no less than **** persons shall be provided at all times.
8. Seating must be provided for all customers and alcohol will be served to persons who are seated at tables by way of waiter and waitress service only.
9. The maximum number of customers permitted on the premises at any one time shall not exceed **** persons.
10. The provisional grant shall expire unless it is declared final pursuant to an application made within two years of the provisional grant.
11. There shall be no television entertainment, videos or live broadcasts.
12. One pint and half pint capacity drinking glasses, and highball (tumbler) drinking glasses, in which drinks are served, shall be of strengthened glass (tempered glassware) in a design whereby in

the event of breakage, the glass will fragment and no sharp edges are left. Glassware of any type shall not be allowed to enter or leave the licensed premises whilst under a customer's care, whether that customer enters the premises on payment or not.

13. The following court requirements will be complied with:-
 - a. To operate the early warning system (Pubwatch) on an approved electronic pager.
 - b. To comply with any instructions issued by the Police and Licensing Justices regarding closures on race days and/or other sporting events.
 - c. To ensure that when an exclusion order is made, the person subject to the order is denied access to your premises,
 - d. Licensees will attend up to two meetings a year at which matters of common interest are discussed.
 - e. If you use Doorstaff on your premises, they must be members of the North Yorkshire Doorsafe Scheme.
 - f. Portman Group proof of Age Cards and or Citizen Cards should be displayed on the premises