



SCARBOROUGH BOROUGH COUNCIL

Scarborough Borough Council

Draft Statement of Licensing Policy (Licensing Act 2003)

Draft Statement of Licensing Policy (Licensing Act 2003) 2018

The Draft Statement of Licensing Policy (Licensing Act 2003) consultation was undertaken during the period 1 May 2018 to 31 July 2018.

A questionnaire style survey was sent to the residents panel, business panel, licence holders, Councillors and voluntary organisations.

A copy of the consultation was also placed on-line for the general public to comment on the policy.

A total of 33 responses were received for this survey

Responses to this consultation were received from the following interested parties:

Church of England
Danby Agricultural Show
Delmont Social Club
North Yorkshire Police
Scarborough Sub Aqua Club

Draft Statement of Licensing Policy (Licensing Act 2003) 2018

| | Yes | No |
|---|--------|------|
| We have changed the layout and style of the Policy to make it more accessible and easier to understand. | 29 | 3 |
| Do you agree the Policy is now more accessible and easier to understand? | 90.6% | 9.4% |
| 1.1 We have revised the introduction and included additional information relating to the local area and clarified who we consult with when revising the Policy. | 30 | 1 |
| Do you agree these changes have been beneficial? | 96.8% | 3.2% |
| 2.9 Cumulative Impact Policies have previously existed as an appendix to the Policy, however, following the incorporation of cumulative impact assessments within the Licensing Act 2003, a legal framework now exists under which such policies are to be developed and reviewed. As a consequence we are proposing that any Cumulative Impact Policy will now exist independently to this Policy, enabling it to be developed and reviewed in accordance with this framework. | 31 | 0 |
| Do you agree with this proposal? | 100.0% | 0.0% |
| 3.1 We have removed references to specific initiatives and plans in favour of supporting any strategies allied with the licensing objectives. | 29 | 1 |
| Do you agree with this proposal? | 96.7% | 3.3% |
| 3.32 We have tried to clarify the types of entertainment which are de-regulated in light of legislative amendments. | 30 | 1 |
| Do you agree the types of de-regulated entertainment are now clear? | 96.8% | 3.2% |

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We have changed the layout and style of the Policy to make it more accessible and easier to understand.

Do you agree the Policy is now more accessible and easier to understand?

| | Percent of Responses |
|-----|----------------------|
| Yes | 90.6% |
| No | 9.4% |

| Draft Statement of Licensing Policy (Licensing Act 2003) general - comments | Accepted into Policy? | Reason why or why not? |
|--|-----------------------|---|
| Still hard to get through | N | Comment - We have attempted to make the Policy as user friendly and concise as possible. |
| It would be useful for a review to have specific information on the changes and the reason for the changes....easier to understand.....compared to what ? | N | Comment - Unfortunately due to the number of minor changes it was not feasible to detail them all. Instead particular focus has been paid to the contents of the Policy with the aim of making it accessible and user friendly. |
| When presented with 30 pages of draft notes to do this consultation - rather than succinct and relevant information - I gave up as my time is too precious | N | Comment - Unfortunately due to the number of minor changes it was not feasible to detail them all. Instead particular focus has been paid to the contents of the Policy with the aim of making it accessible and user friendly. |

Draft Statement of Licensing Policy (Licensing Act 2003) 2018

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Do you agree these changes have been beneficial?

| | Percent of Responses |
|-----|----------------------|
| Yes | 96.8% |
| No | 3.2% |

| Draft Statement of Licensing Policy (Licensing Act 2003) paragraph 1.1 - comments | Accepted into Policy? | Reason why or why not? |
|---|-----------------------|--|
| Unable to answer this question without more information.. | N | Comment - Unsure of additional information required. |

Draft Statement of Licensing Policy (Licensing Act 2003) 2018

2.9 Cumulative Impact Policies have previously existed as an appendix to the Policy, however, following the incorporation of cumulative impact assessments within the Licensing Act 2003, a legal framework now exists under which such policies are to be developed and reviewed. As a consequence we are proposing that any Cumulative Impact Policy will now exist independently to this Policy, enabling it to be developed and reviewed in accordance with this framework.

Do you agree with this proposal?

| | Percent of Responses |
|-----|----------------------|
| Yes | 100.0% |
| No | 0.0% |

| Draft Statement of Licensing Policy (Licensing Act 2003) paragraph 1.1 - comments | Accepted into Policy? | Reason why or why not? |
|---|-----------------------|--|
| Unable to answer this question without more information.. | N | Comment - Unsure of additional information required. |

Draft Statement of Licensing Policy (Licensing Act 2003) 2018

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| Draft Statement of Licensing Policy (Licensing Act 2003) paragraph 1.1 - comments | Accepted into Policy? | Reason why or why not? |
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Draft Statement of Licensing Policy (Licensing Act 2003) 2018

3.32 We have tried to clarify the types of entertainment which are de-regulated in light of legislative amendments.

Do you agree the types of de-regulated entertainment are now clear?

| | Percent of Responses |
|-----|----------------------|
| Yes | 96.8% |
| No | 3.2% |

| Draft Statement of Licensing Policy (Licensing Act 2003) paragraph 1.1 - comments | Accepted into Policy? | Reason why or why not? |
|---|-----------------------|---|
| why do non-for-profit community premises have to pay for a license when you could make them except. | N | Comment - Community premises which only provide regulated entertainment are already exempt from paying a licence fee. In addition many activities have been de-regulated in respect of community premises thereby negating the need for a licence at all. |
| Unable to answer this question without more information.. | N | Comment - Unsure of additional information required. |

Draft Statement of Licensing Policy (Licensing Act 2003) 2018

Are there any other comments you would like to make in respect of the Licensing Policy?

| Draft Statement of Licensing Policy (Licensing Act 2003) additional - comments | Accepted into Policy? | Reason why or why not? |
|--|-----------------------|---|
| <p>Late night refreshments at community premises should be except, particularly churches. Church's are already facing huge bills to maintain their buildings so extra costs to pay for a license when running fundraising events is a waste when you could make them except. Whats the worst that is going to happen, 30 odd OAPs over 80 year olds drunk waiting for taxis at the end of the night... I don't think so.</p> | N | <p>At present we do not consider it appropriate for the reasons of promotion of the licensing objectives to exempt late night refreshment at certain types of premises. The possibility of exempting certain premises will continue to be reviewed on a regular basis.</p> |
| <p>no</p> | N | <p>Comment</p> |
| <p>The occurrence of drunks drinking in public is fortunately quite small however there is a hardened minority which uses parks to drink. The impact of seeing people shouting and swearing at o in the morning is awful. They must have purchased the drink from off licenses . I hope the council apply theses conditions to off licenses just as rigidly.</p> | N | <p>Comment - Off-Licenses are subject to the same thorough inspection regime as on-licensed premises. In addition the Council recently introduced a Public Spaces Protection Order (PSPO) to deal with these issues. Further information oregarding the PSPO is available on the Council's website https://www.scarborough.gov.uk/home/community-and-living/public-spaces-protection-order-pspo</p> |

| | | |
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| <p>Regarding section 10.3: I agree that this is a desirable objective, but with many licensed premises owned by SBC I feel that when dealing with new/amendment applications for these premises, for the public perception to be clear that there is no favouritism being granted to its own applications, at least two independent observers should be allowed to attend the hearings, and to be allowed to sign the documents that it was a true and honest hearing and decision. These could be recruited from the consultation panels that the Council send their policies to for review/comment, or advertise for independent members of the public to request to join such a panel. A short training session on the SBC's policy document might be necessary to ensure that any appointed person fully understood the procedures that precede the final decision on any application.</p> | <p>N</p> | <p>The Licensing Act 2003 (Hearings) Regulations 2005 make provision for the procedure to be followed in relation to hearings held under the Act by an authority which The Council is unable to depart. It should also be noted that transparent, robust and established procedures exist in relation to Member conduct, which include matters such as impartiality and a requirement to declare any interests.</p> |
| <p>None</p> | <p>N</p> | <p>Comment</p> |
| <p>Poor review details.....review process and review information needs to be improved As a tourist area SBC must encourage many and varied entertainment facilities to the area Strict security policy should be enforced where violent conduct occurs including withdrawal of licence and full cooperation with the police I have witness a number of incidents where violence and unsocial activities have occurred which door security staff have turned a blind eye to (fearing their own safety), including glasses and bottles not collected around the bars leaving dangerous "weapons" available to people who are very drunk but continue to be served Examples are at Mist and Scarborough Flyer....both now under new management</p> | <p>N</p> | <p>Comment - The review process is prescribed by the Licensing Act 2003, we have produced a leaflet explaining the review process together with a review application pack. Given that a review can be brought on a number of different grounds it is important that the Policy remains broad in this regard. In addition we would encourage the reporting of any concerns regarding a licensed premises so they can be properly investigated.</p> |

I ticked yes but I was a bit confused by one section. In Section 3.43 it says that a premises with potential concern for the protection of children would be a premises which has a known association with drug taking or dealing. If a premises has such a reputation then surely that goes against the Licensing Objectives outlined in section 2.2 and therefore such a premises should have their license removed anyway (appeal depending of course)? Also, I have a specific case I wish to mention. I live in Scarborough and one night I wished to go and have some quiet drinks in two small premises on Falsgrave Road one Saturday night. This was 11pm at night and both pubs had stopped serving from what I presume was due to their license period not covering late night opening hours (one was certainly closing at 11pm). Myself and my brother had only had a couple of drinks each and so we were anything but drunk and disorderly. I certainly have never heard of any trouble from these places and I am

Paragraph 3.43 provides a number of examples which may give rise for concern in respect of children. It is agreed that concerns such as an association with drug use is likely to result in action being taken by the licensing authority or other relevant agency. In response to your question, it is clear that the Falsgrave and St Nicholas / St Thomas Street areas attract a different demographic of customer. This has been further demonstrated by a recent crime pattern analysis undertaken by North Yorkshire Police which showed the Falsgrave area to have significantly fewer crimes and other incidents compared with the St Nicholas / St Thomas Street area. In terms of the perceived reduced opening hours of premises in the Falsgrave area, a large number of premises in this area do in fact have licences which allow them to operate well beyond 11pm. However, it is often the case that premise may close earlier for operational or other reasons. In addition it is sometimes in the nature of certain premises (such as micropubs) to close at an earlier time.

N

| | | |
|--|---|--|
| <p>confident that they are staying close to the Licensing Objectives outlines in Section 2.2. However many (or even all) of the premises on St. Thomas Street and St. Nicholas Street all have late licenses yet it has a strong reputation for drugs, violence, public nuisance and have higher proportions of attendance by under-aged persons. Now I admit, those premises are busier than the Falsgrave premises and so naturally will have higher cases of trouble. Because no matter how well a premises will aim to control wayward behavior, there will always be one, so to speak. But I am sure the town centre premises have disproportionately more crime and disorder than the Falsgrave premises. My question is this: how come the town centre premises are seemingly allowed to make money despite their premises being unable to adhere to the Licensing Objectives whilst the quiet law-abiding premises of Falsgrave need to turn away income to stay within the law? Unless it is because the town centre premises can afford the late night levy whilst the small establishments can't. I do not know how much a late night levy is and so I may be wrong. But if it is the case, then I believe it's unfair on the small establishments.</p> | Y | |
| <p>The policy seems fine to me, but implementation/enforcement seems to be somewhat lacking. My wife and I and many of our friends regard St Nicholas Street as a 'no go' zone on Friday and Saturday evenings. We also try hard to avoid walking past other notorious pubs (e.g. Shakespeare, Golden Last) where drunks are frequently hanging around on the pavement.</p> | N | <p>Comment - It is acknowledged that certain areas of Scarborough's night time economy appeal to different demographics of customers. However all licensed premises are risk assessed and inspected accordingly, with any complaints received being investigated inline with the Council's Enforcement Policy.</p> |
| <p>On a personal level, the Late Night until 5am ought to be questioned? Does it really need to go on to 5am???</p> | N | <p>Comment - the Licensing Act 2003 introduced the potential for 24 hour licensing. However in reality there are very few premises which operate until 5am, with the majority closing much earlier.</p> |
| <p>It will have little impact on me.</p> | N | <p>Comment</p> |
| <p>None</p> | N | <p>N/A</p> |
| <p>No comment needed</p> | N | <p>N/A</p> |

| | | |
|--|----------|---|
| <p>Late Light Levy: Not convinced a "blanket" imposition across the Borough is proportionate or relevant. Think it was Schedule of Operation where an applicant was required to evidence in their application adequate operational management eg: Keeping logs/CCTV/Log of refused entries/Training of door staff etc got the impression that these were issued as guidance/advisory to applicant rather than mandatory. Think it should be mandatory if relevant legislation permits.</p> | <p>N</p> | <p>Comment - When an applicant prepares their operating schedule they must carefully consider the steps they intend to take to promote the 4 licensing objectives, such steps may include the provision of door staff or the installation of CCTV. It is not suggested that such steps are made mandatory, as they need to reflect the nature and location of a premises.</p> |
| <p>I refer to my opening comment. Such "consultations" as these with pages and pages of stuff and long-winded questions are unhelpful and I feel quite pointless. I suppose it keeps somebody busy but wastes a lot of other people's time. I want to contribute but it needs to be presented in a succinct and relevant way</p> | <p>N</p> | <p>Comment - Unfortunately due to the number of minor changes it was not feasible to detail them all. Instead particular focus has been paid to the contents of the Policy with the aim of making it accessible and user friendly. Any contribution is welcome.</p> |
| <p>This is a clear, concise and easy to understand policy.</p> | <p>N</p> | <p>Comment</p> |
| <p>Aislaby Parish Council wished to make a comment that they would like all parish council's to be made statutory consultees on applications within their area.</p> | <p>N</p> | <p>Unfortunately the statutory consultees are defined by legislation, therefore it is not possible to include Parish Councils or other groups/organisations. All relevant applications are however published on the Council's website.</p> |
| <p>Whitby Town Council Planning Committee considered that above consultation and feel that 'Noise emanating from establishments to be reduced after 11pm' should be included within the policy.</p> | <p>N</p> | <p>Comment - It is not considered appropriate to place a blanket requirement on all premises to reduce the noise emanating from their premises after a particular time. In addition such a requirement would need to be specific to make it enforceable.</p> |

Draft Statement of Licensing Policy (Licensing Act 2003) 2018

Are you male or female?

| | No. | % |
|--------|-----------|-------|
| Male | 20 | 69.0% |
| Female | 9 | 31.0% |
| | 29 | |

Age?

| | No. | % |
|----------|-----------|-------|
| Under 18 | 0 | 0.0% |
| 18 - 24 | 1 | 3.2% |
| 25 - 29 | 0 | 0.0% |
| 30 - 44 | 1 | 3.2% |
| 45 - 59 | 4 | 12.9% |
| 60 - 64 | 8 | 25.8% |
| 65 - 74 | 12 | 38.7% |
| 75+ | 5 | 16.1% |
| | 31 | |

To which of these groups do you consider you belong to?

| | No. | % |
|---------------------------|-----------|-------|
| White | 27 | 93.1% |
| Polish / Eastern European | 1 | 3.4% |
| Mixed | 0 | 0.0% |
| Black | 1 | 3.4% |
| Asian | 0 | 0.0% |
| Chinese | 0 | 0.0% |
| Other: | 0 | 0.0% |
| | 29 | |

Disability: The Disability Discrimination Act 1995 states that a person has a disability if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities. Do you consider you have a disability in terms of the above definition?

| | No. | % |
|-----|-----------|-------|
| Yes | 5 | 16.7% |
| No | 25 | 83.3% |
| | 30 | |