

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 7th October 2014

Subject: Local Licensing Guidance

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s): City and Hunslet		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. In 2012 Licensing Committee formed a working group to consider changes to the Licensing Act 2003 in the context of recent changes to the Licensing Act 2003. The review prompted a revision to the Licensing Policy and Statement of Licensing Policy 2014-18 which was adopted by Council in November 2013 and came into effect in January 2014.
2. As part of this review Licensing Committee endorsed Local Licensing Guidance for South Leeds. This guidance was run as a pilot for 12 months from around May 2013.
3. West North West and East North East Community Committees are now seeking endorsement of Local Licensing Guidance for LS12 and LS9.

Recommendations

4. That Licensing Committee endorse revised Local Licensing Guidance for Inner South and new Local Licensing Guidance for Inner West and Inner East.

1 Purpose of this report

- 1.1 To present to Licensing Committee updated Local Licensing Guidance for Inner South and new Local Licensing guidance for the Inner West and Inner East areas of Leeds.

2 Background information

- 2.1 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. Applicants are expected to have regard to the Council's Statement of Licensing Policy. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate their local area when describing the steps they propose to take to promote the licensing objectives.
- 2.2 In order to assist applicants the council has collated information on this area including any special policies that are in place. Applicants are expected to make their own enquiries as well and to demonstrate how they have considered the local area and physical environment in their application.

3 Main issues

Joint Strategic Needs Assessment 2012

- 3.1 It is a fact (Joint Strategic Needs Assessment 2012, NHS Leeds) that if you live in some parts of Leeds you can expect your life expectancy to be lower than that of residents in other areas of Leeds. In LS10 and LS11 this is ten years lower.
- 3.2 The three contributory factors to a reduced life expectancy are alcohol, obesity and smoking. The Licensing Act 2003 authorises the activity of the sale or supply of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in these areas.
- 3.3 As a result of the Joint Strategic needs Assessment, the area team in South Leeds formed a working group to discuss matters relating to alcohol, specifically alcohol dependency in the LS10 and LS11 areas. A number of measures were discussed including planning, treatment services, youth work, responsible retailing, age related sales, and the availability of alcohol.
- 3.4 One measure that was discussed in detail was the availability of alcohol and take away food, and the lack of provision of healthy food. The main concern was the number of traditional corner shops and newsagents that are now selling alcohol for consumption off the premises. This increase in the availability of alcohol, coupled with a decrease in pubs, which provide a managed social experience of alcohol, is an issue in south Leeds.
- 3.5 A cumulative impact policy was discussed but not considered appropriate because at the time these were mainly used for on-licensed premises and it was felt there was not enough crime, disorder or nuisance evidence to provide a policy that could be defended on appeal.

- 3.6 In addition although the sale of alcohol was not welcomed, these businesses do provide fresh food and other benefits to the community. Therefore it was not the aim to prevent businesses from opening and operating. The responsible sale of retail was seen as a positive outcome that would bring other benefits to the community.
- 3.7 The working group discussed a range of measures that could be adopted by new off licences that would not only help mitigate concerns about the sale of alcohol in the area but may also help with other matters such as signposting people to treatment services and health promotion.

Section 182 Guidance for Licensing Authorities

- 3.8 The requirement to consider the local area is laid out in the revised S182 Guidance, which is attached at Appendix 1.
- 3.9 Although there is ample information on local areas available via the internet, for many applicants this is not accessible. In addition the information may be complex and difficult for a lay person to understand.
- 3.10 Entertainment Licensing has worked with the Community Area managers, local health and wellbeing managers, Environmental Health and other people to produce information in an easy to read format.
- 3.11 This information will be provided to anyone applying for a licence to sell alcohol or provide late night refreshment in these areas. In considering this information, and in negotiation with the licensing authority and the responsible authorities it is expected that applicants will consider and volunteer measures that will contribute to a positive outcome on life expectancy in these areas.
- 3.12 This guidance may be used by residents or other interested people who make a representation against an application. It will be provided to the Licensing subcommittee at any subsequent licensing hearing.
- 3.13 As the Local Licensing Guidance is not a policy there is no formal approval process. However for the guidance to be effective it is important it receives the endorsement of Licensing Committee.

Expanding Guidance to Inner East and Inner West

- 3.14 Licensing Committee endorsed the first Inner South Local Licensing guidance in May 2013 and it has been used in ten licensing applications since that time. There has been good success in discussions with applicants and agreements have been reached in all cases.
- 3.15 The area management teams which are responsible for LS12 and LS8/9 were keen to adopt this approach, specifically for the areas of Armley, Farnley and Harehills.
- 3.16 The problems in these areas are very similar to the problems being experienced in south Leeds. Specifically they have the same statistic in relation to life expectancy. They also suffer from antisocial behaviour caused by people drinking in the street.
- 3.17 In Harehills there has been a sharp increase in the number of off licences, and in common with south Leeds there has been a fall in licensed on-premises.

- 3.18 In Armley there are concerns in relation to the 24 hour off licence store in Armley being a contributory factor in the consumption of alcohol in the area. Also there are a number of older white males with alcohol problems gathering on Armley Town Street and the surrounding area.
- 3.19 Following the model developed by the Inner South team (Appendix 2), Inner West and Inner East Area teams have developed their own guidance which is attached at Appendix 3 and 4.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 As Local Licensing Guidance is not a policy document, formal consultation with residents has not taken place. It is for the applicant to read and take note of the guidance and to take action if they think it is relevant. Members may also take note of the guidance when making determinations.
- 4.1.2 The guidance has been compiled with the Area teams, Community Safety Managers, Health and Wellbeing Managers and the approach endorsed by the Community Committees.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Equality and diversity, cohesion and integration have been considered. At this time there are no implications for equality and diversity/cohesion and integration.

4.3 Council policies and City Priorities

- 4.3.1 The licensing regime contributes to the following Best Council Plan 2013-17 outcomes:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us.

- 4.3.2 The licensing regime contributes to our best council objective:

- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city.

4.4 Resources and value for money

- 4.4.1 As these documents are guidance only, there are no physical costs associated with the maintenance of these documents.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 As these documents are guidance, there are no legal implications, and no implications regarding access to information and call in.

4.6 Risk Management

- 4.6.1 As these documents are guidance only, it is for the applicant to consider if the information provided is relevant to their application. By the same token, if there are representations to the application, the licensing sub-committee considering the application may also consider if the information provided in the guidance is relevant to the application. This can be discussed at the hearing when the decision is made on whether to grant the application. As such the guidance presents a low risk.

5 Conclusions

- 5.1 The Joint Strategy Needs Assessment highlighted that the consumption of alcohol and take away food is a risk factor which impacts upon the life expectancy of people living in certain areas of Leeds. The Area Management Teams have worked with Public Health colleagues to collate information regarding these risk factors and have provided this in a guidance document to applicants who may be seeking alcohol or late night refreshment licences in their areas.
- 5.2 These guidance documents are now being presented to Licensing Committee for endorsement.

6 Recommendations

- 6.1 That Licensing Committee endorse revised Local Licensing Guidance for Inner South and new Local Licensing Guidance for Inner West and Inner East.

7 Background documents¹

- 7.1 There are no unpublished background documents that relate to this matter.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.