

Report of the Head of Elections, Licensing and Registration

Report to **Licensing Committee**

Date: **20th May 2016**

Subject: **Amendment to the Council’s Licensing Act 2003
Statement of Licensing Policy 2014-18**

| | | |
|---|------------------------------|--|
| Are specific electoral Wards affected? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If relevant, name(s) of Ward(s): | | |
| 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. The Licensing Act 2003 Statement of Licensing Policy 2014-18 (the Licensing Policy) was adopted by Council on 15th January 2014. It would normally be reviewed every 5 years unless matters dictate that it should be reviewed.
2. The Licensing Authority has been working with partners to address issues around anti-social behaviour amongst people drinking on the street in Armley. A cumulative impact policy (CIP) for Armley has been investigated and consulted upon. This report includes the responses to the consultation and the changes to the Licensing Policy required to introduce the CIP for Armley.
3. Whilst this major review was being undertaken, officers, on request from West Yorkshire Police have reviewed the wording in the City Centre CIP and have amended some working to remove an area of ambiguity.

Recommendations

4. That Licensing Committee reviews the response to consultation on the Armley and City Centre CIPs and endorses this report as the Council’s response.
5. That Licensing Committee refers the amended Licensing Policy to full Council for adoption.

1 Purpose of this report

- 1.1 This report presents the response to the two consultations relating to the introduction of a CIP for Armley and the amendment of the CIP for the City Centre.

2 Background information

- 2.1 The Licensing Act 2003 Statement of Licensing Policy 2014-18 was adopted by full Council in November 2013. This Licensing Policy was to run for five years. The Council has the option, in its role as Licensing Authority to review and update the Licensing Policy as the need arises.
- 2.2 It was brought to the attention of the Area Community Safety Officers that Armley was experiencing antisocial behaviour from people drinking in the street. A multiagency group was formed and some initial work had been undertaken. Two groups were identified; dependant street drinkers and groups of Eastern European men. The public, through a survey undertaken by Mrs Rachel Reeves MP, had expressed concern and fear about shopping in Armley.
- 2.3 Entertainment Licensing officers were invited to join the group to identify if there were any measures that could be introduced that would alleviate the problems. After some initial research it became apparent that Armley has experienced a growth in the off licence sector with the number of businesses selling alcohol for consumption off the premises (off licences) having increased five fold in 12 years.
- 2.4 Leeds Anti-Social Behaviour Team and West Yorkshire Police provided information that showed that Armley was experiencing high levels of disorder and antisocial behaviour, a matter that is relevant to the Licensing Act 2003 as the prevention of crime and disorder and public nuisance are licensing objectives under the Act.
- 2.5 A cumulative impact policy was proposed that could halt the increase in off licences on Town Street and Branch Road, the main shopping areas in Armley. The inclusion of a new CIP requires an amendment to the current Licensing Policy and consequentially requires public consultation under the legislation.
- 2.6 As the Licensing Policy was to undergo a review and approval process, officers, on request from West Yorkshire Police, reviewed the wording to the city centre CIP and suggested amendments to remove some ambiguity about the scope of the CIP.
- 2.7 Both matters have been subject to a public consultation. The Armley CIP Consultation ran from 27th January to 8th April. The City Centre CIP ran from 14th March to 15th April. The responses to the consultation are outlined in this report.
- 2.8 Approval of a revised Licensing Policy is a matter for full Council and the matter always referred from Licensing Committee. Therefore this report recommends endorsing this report as the response to the consultation and referring the revised Licensing Policy to Council for adoption.

3.0 Main issues

Armley CIP

- 3.1 Armley is an area which, like other areas in Leeds, has shown a decrease in premises licensed for the sale of alcohol on the premises, such as pubs and registered clubs. However it has also seen an increase in off licences.
- 3.2 A quick survey of the licensing statistics shows an increase as follows:
- In 2011 there was the usual mix of applications across Armley including two on licences, an off licence and a take away.
 - In 2012 and 2013 there were no applications.
 - In 2014 there were two off licence applications and an on licence (Neli's Bar which was subsequently revoked on review).
 - In 2015 there have been 4 off licence applications granted.
 - In 2016 so far there have been 2 applications with a third expected.
- 3.3 It demonstrates there is an increase in off licence applications in an area that currently has 10 off licences on Town Street and Branch Road and so this would highlight that this area is becoming attractive to businesses wanting to establish an off licence type operation.
- 3.4 This alone does not warrant a cumulative impact policy. However there has been some negative press regarding antisocial behaviour around Armley Town Street. Part of the issue is that there is a culture of street drinking which involves two distinct groups. Firstly, adult Eastern European males drinking in small groups, generally orderly and compliant and who hand over alcohol when requested as per the DPPO. The second group are a more anti-social group of white British males who congregate on Town Street and whilst in drink commit crimes, and generally make a nuisance of themselves to passers-by and shop premises.
- 3.5 A multiagency partnership was formed in 2015 and consists of officers from West Yorkshire Police, Leeds Antisocial Behaviour Team, Front Door (social workers), Housing, Public Health, Community Safety, and Entertainment Licensing. The group meets regularly to discuss case work as well as more general long term solutions for antisocial behaviour on Town Street.
- 3.6 One of the issues highlighted is the prevalence of strong and cheap alcohol at various off-licence premises on and around Town Street. West Yorkshire Police can identify the shops concerned as they are finding littered bottles and cans that are only available in certain shops and so are confident that the issue seems to be with the smaller independently owned off licences. However each premises is working within the Licensing Act and so would not be subject to enforcement action.
- 3.7 Added to this is the increase in off licences opening on Town Street, and more recently Branch Road. The multiagency group decided the number of off licensed premises and their cumulative impact warranted further investigation to see if a cumulative impact policy would be appropriate.

- 3.10 In order to establish if the problems reported in Armley are tangible or perceived problems, West Yorkshire Police provided a crime report and Leeds Antisocial Behaviour Team (LASBT) produced a report which provided examples of the complaints and issues they are dealing with in Armley.
- 3.10 The LASBT report showed that it was worth investigating a CIP further including consulting with Community Committees, local residents and requesting further reports from Partner Agencies who are dealing with disorder in this area.
- 3.8 The report from the Police shows that although the types of crimes associated with on licensed premises remain low or are decreasing, there has been a significant increase in violent crime and antisocial behaviour of the type that could be linked with alcohol.
- 3.11 The CIP was developed in conjunction with the multiagency group, and presented to the public along with a consultation questionnaire. Consultation packs were available online on the council website, through Talking Point and were placed in Armley One Stop Centre. Officers attended a meeting of the Community Committee to present the consultation and also the Armley Forum which is a meeting of both Ward Members and members of the public. 50 packs were distributed this way.
- 3.12 The Ward Members and interested members of the public distributed packs to the shops on Armley Town Street to ensure that businesses affected by the change were also aware of the consultation and had the ability to respond. Volunteers distributed packs through Helping Hands, an organisation that supports older people.
- 3.13 The consultation ended on the 8th April. 158 responses were received. A breakdown of the results to the four main questions were as follows:

| | Yes | No | Not sure | No answer |
|---|------------|-----------|-----------------|------------------|
| Q1 Do you think people who live in Armley mostly buy their alcohol in Armley | 92 | 15 | 36 | 8 |
| Q2 Do you think the number of off licences in Armley contributes to the anti-social behaviour of the street drinkers on Town Street? | 111 | 15 | 12 | 8 |
| Q3 If a CIP is introduced for Armley, it may mean that new licences for off licences, mini markets and convenience stores could be refused even if other shops close. Is this acceptable? | 108 | 12 | 19 | 9 |
| Q4 The CIP would cover Armley Town Street, Branch Road and some of the neighbouring streets. Is this the right area? | 111 | 9 | 22 | 11 |

- 3.14 People were given an opportunity to provide any further comments. We asked respondents to tell us about anything they think might help us in reducing anti-social behaviour in Armley, such as other schemes they may have heard of that they think we should look into. Overwhelmingly people wanted more police presence, with the police on foot patrols.

“More rounds for police to come into the area as there is very little impact on this unacceptable issue/behaviour. An increased number of foot patrols of the area would benefit substantially.”

“Community Police. I never see any around. It was proved a few years ago that their presence made things better.”

“Not enough police presence to move people on. People especially the elderly daren't shop on Town Street where groups of men hang about on the seats drinking all day.”

“A high visible presence on Town Street and surrounding area by police is necessary. They need to engage with the public not sit in cars or vans.”

- 3.15 However other suggestions included solving the problem directly with the individuals concerned either through education or punishment.

“Education and job opportunities for citizens in area to create better wellbeing and respect for not just themselves but their neighbours. Drug and alcohol programs to help addicts.”

“Arts projects which support mental health - the sort of work Space 2 does. Investment in things like I Love West Leeds arts festival. Enforcement when there are misdemeanours. Public art commissions (like Chapeltown and Dewsbury Road).”

“Reducing the number of off-licences will not reduce the problem of anti-social drinking; at best it will just move it somewhere else. Education and action is the answer.”

“Closing, or refusing further alcohol licenses won't make any difference, as they only need one place to be able to purchase alcohol - this would stifle competition and mean that normal law-abiding people don't have a choice in where to buy alcohol in the consultation area. More should be done to tackle the bad behaviour, rather than punishing everybody because of a minority causing problems. Imposing and enforcing drinking in public spaces would be a better solution.”

- 3.16 A number of people suggested reducing the sale of cheap alcohol:

“Reduction of the sale of cheap alcohol should hopefully make it less convenient to drink on Armley Town Street. The local police need as much support as possible to be able to positively act against ASB. Community projects to 'reclaim' areas frequented by street drinkers and other anti-social behaviour needs to be embraced

to bring about long term change and improvement, and root causes identified and addressed.”

“Shops selling cheap alcohol have contributed to the rise in antisocial behaviour around Town Street, the shops should be made more accountable and be responsible to a certain extent. They could inform customers when purchasing alcohol (especially single cans), that street drinking is not acceptable in Armley. Shops selling illegal alcohol and tobacco should have their licences revoked. We are in danger of our children and grandchildren thinking it is perfectly normal to drink alcohol in the streets. It is very intimidating to walk past a group of men who are or have been drinking for me as an adult even more so for the elderly or school children.”

3.17 A broader, more holistic view was suggested by several people.

“Anti-social behaviour and deprivation go hand in hand; you cannot resolve one without the other. There are short term strategies, such as restrictions suggested in this report, increased community policing and the use of CCTV to name a few. However to really increase the wellbeing of residents and to decrease the anti-social behaviour, a more holistic view of the issues should be taken into consideration. Looking to curb social misconduct by regulating the physical space in which it occurs is not a new concept and case studies both for and against such policy can be found. I do believe that controlling the number of off licences would be a useful starting point, so I am in agreement with this, however this cannot be looked at as a success if it is done in isolation. I would be really interested to learn more about the wider approach planned for Armley in order to make these first steps really count. Thank you.”

“a strong community comes from a community that has pride in its self. 30 years ago we had a pub on every corner and one off licence, the pub was the social meeting place for the whole community, now half the pubs have gone and the amount of off licenses have increased so has the trouble and community pride has been eroded. get serious and reduce the amount of off licences, get tough with public drinking and drink related crimes, even if this offends the business community.”

3.18 Overall the consultation elicited a positive response to the proposal for a CIP in Armley. We received many very useful comments which will be considered by the multi-agency group and taken forward if appropriate.

3.19 We were pleased that some people felt that the CIP alone wouldn't make a significant difference but that a more holistic approach is needed. This is a view shared by the multiagency group and one on which the group is based. Entertainment Licensing, on behalf of the licensing authority and the Council, is working with partners across all departments of the council, as well as with Public Health, treatment services and West Yorkshire Police to provide a multi-system solution to anti-social behaviour in Armley.

City Centre

- 3.20 The council introduced the City Centre CIP in 2007 when the first Licensing Policy was adopted. Over the years the CIP has been amended and changed as the city centre has changed. In 2014 it was recognised that moving to a five year Licensing Policy, as well as the 2012 Brewdog Appeal Judgement, would necessitate a new approach and so the city was zoned red, amber and green, with red being the area where no new licences should be granted, amber encouraging new and different concepts, with green being kept under review.
- 3.21 The City Centre CIP has always applied to all new and variation applications as stated at paragraphs 7.4, 7.5, 7.14, 7.20, and 7.24. However an amendment made when the Council changed the CIP to specify red and amber zones for the city centre has introduced an ambiguity at paragraph 7.20 by inferring that the council is only concerned with applications for new licences and those seeking an amendment to vary hours of operation.
- 3.22 As it is clear in the rest of the section that any new or variation application in the red area will be within scope the suggestion is to remove the reference to hours in 7.20 to make it clear.
- 3.23 Officers emailed and wrote to all businesses in the City and Hunslet ward, and sent an email to all known contacts including licensing solicitors, PubWatch, BACIL and anyone else representing businesses affected by the proposal. West Yorkshire Police and the other responsible authorities were also informed. A closing date for comments was set for 15th April. To date we have had no responses.
- 3.24 Therefore is it recommended that the Licensing Policy be changed as follows:
- 7.20 The council will seek to refuse all applications in these **red areas** on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or **existing premises** extending their **hours operation** no matter how impressive the concept or application is. The council will only grant applications in the red zone in exceptional cases.*
- 3.25 A copy of Section 7, with the amendments which relate to the CIP for Armley and the changes to the City Centre CIP is attached at **Appendix A**. You will note that there are also a few minor typographical changes included.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Both the CIP for Armley and the changes to the City Centre CIP have been consulted upon. The CIP for Armley has been discussed at residents meetings and all businesses in Armley have received a copy of the consultation pack. The amendments to the CIP for the City Centre have been sent to all premises in the City and Hunslet area and licensing solicitors who represent them.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no implications for equality in the imposition of a cumulative impact policy and the consultation took into consideration religious and cultural events.

4.3 Council Priorities and Best Council Plan

4.3.1 The Statement of Licensing Policy sets out the principles the council will use to exercise its functions under the Licensing Act 2003. Applicants for licences are expected to read the Licensing Policy before making their application and the council will refer to the Licensing Policy when making its decisions.

4.3.2 The licensing regime contributes to the following Best Council Plan 2015-20 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.

4.3.3 The licensing regime is linked to the Best Council Plan objectives:

- Supporting communities and tackling poverty, and
- Becoming a more efficient and enterprising council

4.4 Resources and Value for Money

4.4.1 The consultation and implementation of the Armley CIP has a cost implication, however it is low in comparison to the expected improvements in Armley. There are no cost implications for the other amendments.

4.5 Legal Implications, Access to Information and Call In

4.5.1 A cumulative impact policy is a concept described in the Guidance issued under S182 of the Licensing Act 2003, produced by the Home Office. Although a CIP states that the council will refuse licence applications, it can only do so if it is appropriate for the promotion of the licensing objectives. Therefore a CIP is backed by statistical evidence provided by the Police or other parties and the council which shows a direct link between a cumulative impact of licensed premises and the licensing objectives. This, in itself, ensures the CIP is robust to legal challenge.

4.6 Risk Management

4.6.1 A CIP must be supported by evidence which shows the necessity for such a policy. In addition existing businesses have been consulted during the public consultation and were able to make their views known on the proposal.

5 Conclusions

- 5.1 Armley is a town in a deprived area of Leeds and Armley Town Street is reportedly suffering from antisocial behavior. The work already undertaken by the multiagency partnership group could be supported by the introduction of a cumulative impact policy. The people of Armley have been consulted with and in broad agreement with the proposals.
- 5.2 The minor changes to the City Centre CIP have also been consulted upon. There is no major objection to the imposition of the Armley CIP, although some members of the public question its value standing on its own. There were no objections to the City Centre CIP changes.

6 Recommendations

- 6.1 Members of Licensing Committee are recommended to:
- 6.1.1 Review the response to consultation on the Armley and City Centre CIPs and endorse this report as the Council's response
- 6.1.2 Refer the amended Licensing Policy to full Council for adoption

Background documents¹

None

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.