

Report of Assistant Chief Executive (Citizens and Communities)

Report to Council

Date: 14 September 2016

Subject: Licensing Act 2003 Statement of Licensing Policy

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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.
4. The matter was brought to Licensing Committee in May who approved the amendments and referred the matter to full Council for adoption of the amended policy.

Recommendations

5. That Council adopts the amended Licensing Policy as its Licensing Act 2003 Statement of Licensing Policy 2014-18.

1 Purpose of this report

- 1.1 This report presents an amended Licensing Act 2003 Statement of Licensing Policy 2014-18 for the consideration of Council.

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 work has been undertaken by a number of agencies to address the issue.
- 2.3 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 fivefold in 12 years. The addition of a cumulative impact policy for Armley was recommended and Licensing Committee endorsed this approach.

3.0 Main issues

- 3.1 A multiagency partnership was formed in 2015 and meets regularly to discuss case work with individuals as well as more general long term solutions for antisocial behaviour on Town Street.
- 3.2 One of the issues highlighted is the prevalence of strong and cheap alcohol at various off-licence premises on and around Town Street. There has been an increase in off licences opening on Town Street, and more recently Branch Road. West Yorkshire Police provided a crime report and Leeds Antisocial Behaviour Team (LASBT) produced a report which 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.
- 3.3 The consultation ended on the 8th April. 158 responses were received. A breakdown of the results to the four main questions was 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

3.4 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.

City Centre

3.5 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.

3.6 The amendment 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. As it is clear in the rest of the section that any new or variation application in the red area will be within scope, i.e. amendments to plans, the suggestion is to remove the reference to hours in 7.20 to make it clear.

3.7 There was no response to the consultation undertaken with businesses, licensing solicitors and agents.

3.8 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.*

3.9 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 That Council approve the amended Licensing Act 2003 Statement of Licensing Policy 2014 – 2018 as the new policy to have effect from 14th September 2016.

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.