

Report of Director, Communities & Environment

Report to Council

Date: 14th November 2018

Subject: Licensing Act 2003 Statement of Licensing Policy

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| 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. Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of licensing policy every three years. The council's first Statement of Licensing Policy was adopted by Council on 12th January 2005 and has been reviewed every three years since then. In April 2012 the Police Reform and Social Responsibility Act changed the length of the lifetime of a policy from three to five years.
2. At Licensing Committee in January 2018, Members resolved to form a working group to work with officers to review the Statement of Licensing Policy and particularly the cumulative impact areas prior to public consultation in July to September of this year.
3. The matter was brought to Licensing Committee again in October who considered the amended Statement of Licensing Policy, the Cumulative Impact Assessment, the Consultation Report and the ECDI Assessment and referred the Policy to full Council for approval and adoption.

Recommendations

4. That Council considers the report and appendices and approves the amended Licensing Policy as its Licensing Act 2003 Statement of Licensing Policy 2019-23.

1 Purpose of this report

- 1.1 This report presents an amended Licensing Act 2003 Statement of Licensing Policy 2019-23 for the consideration of Council.

2 Background information

- 2.1 The Licensing Act 2003 regulates the sale of alcohol, provision of entertainment and provision of late night refreshment (sale of hot food or drink after 11pm). Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of licensing policy every three years. The council's first Statement of Licensing Policy was adopted by Council on 12th January 2005 and has been reviewed every three years since then. In April 2012 the Police Reform and Social Responsibility Act changed the length of the lifetime of a policy from three to five years. The Statement of Licensing Policy is due to be reviewed and consulted upon this year, with a new policy in place for 15th January 2019.
- 2.2 In April this year HM Government put cumulative impact onto a statutory footing by including it in the Licensing Act 2003. As a consequence further work was required to publish a cumulative impact assessment of all 6 areas caught under the existing cumulative impact policy.
- 2.3 At Licensing Committee in January 2018, Members resolved to form a working group of five members of the Licensing Committee to work with officers to review the Statement of Licensing Policy prior to public consultation in June to August of this year. The working group looked at the Cumulative Impact Policy and all six cumulative impact areas specified within it, as well as local licensing guidance and other more general matters.

3.0 Main issues

- 3.1 Officers from Entertainment Licensing reviewed the current policy to ensure that it is up to date with any legislation changes that have been put in place since the last review in 2012. Sections relating to cumulative impact were extensively updated to reflect changes in the legislation. The section relating to local licensing guidance has been removed with these guidance documents becoming out of date.

Cumulative Impact

- 3.3 In April 2018 the Government took the step of moving the concept of cumulative impact from the S182 Guidance to the Licensing Act 2003.
- 3.4 The legislation states that a licensing authority may publish a document ("a cumulative impact assessment") stating that it considers that the number of premises licences or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in that area and restrict changes to licensable activities of existing licences.

- 3.5 A cumulative impact assessment must set out the evidence for the authority's opinion and before publishing it, the licensing authority must consult with people affected by the assessment, including the responsible authorities, businesses and the public. The assessment must be reconsidered every three years and any review must be consulted upon before deciding whether it remains or can be removed. A licensing authority must publish any revision of a cumulative impact assessment along with the evidence.
- 3.6 The impact of this step is to put cumulative impact policies into the primary legislation and to provide guidance regarding the level of evidence required to put a policy in place. This part of the Policing and Crime Act 2017 was commenced in April 2018. Amended S182 Guidance was published at the same time.
- 3.7 To address this matter in January 2018 Licensing Committee formed a working group which consisted of five members of Licensing Committee and supported by officers from Entertainment Licensing. The working group concentrated on cumulative impact and the six areas that are subject to the cumulative impact policy described in Section 7 of the policy, and the local licensing guidance.
- 3.8 In reviewing the crime statistics for the past year as well as complaint statistics, the working group made the following recommendations, subject to ward member and public consultation:
- City Centre – to remain in place with an annual review of the evidence
 - Headingley – to be split into two areas – around North Lane and Hyde Park.
 - North Lane would be known as the Headingley cumulative impact area and would concentrate on alcohol led premises, late night refreshment and off licensed premises operating in the peak times.
 - The other area would relate to off licensed premises and late night takeaways which may contribute to the public nuisance and antisocial behaviour being experienced in the residential area to the west of Hyde Park. This area would be known as the Hyde Park cumulative impact area.
 - Woodhouse cumulative impact area to be removed from the policy entirely.
 - Chapel Allerton cumulative impact area to be removed from the policy and for consideration be given to including a special area policy for Chapel Allerton which would relate to the problems and concerns of the local residents and involve a multi-agency approach.
 - Horsforth cumulative impact area to be removed from the policy and for consideration to be given to a special area policy.
 - Armley – to remain in place with a three yearly review of the evidence.
 - Harehills - the evidence and crime report to be analysed further with a view to including Harehills as a cumulative impact area.

- 3.10 Due to the changes in the legislation the section on cumulative impact (Section 7) has been changed to provide more general information on cumulative impact, to remove all the specific detail around the cumulative impact zones, to reference the cumulative impact assessment and how that will be reviewed.
- 3.10 The terminology used in Section 7 has changed. In future:
- The cumulative impact policy will refer only to Section 7 of the Statement of Licensing Policy.
 - The six areas that are considered to be suffering from cumulative impact will be known as cumulative impact areas.
 - The two areas within the city centre that are considered to be the city's crime and disorder hotspots will be known as 'red zones' within the city centre cumulative impact area.
 - The review of the cumulative impact areas will be known as the cumulative impact assessment.
- 3.9 These changes were consulted upon and the changes were included in the final Policy, which includes Harehills as a cumulative impact area. The full cumulative impact assessment has been attached (Appendix 1) for information for Council when considering the Statement of Licensing Policy (Appendix 2).
- 3.10 The cumulative impact assessment will be reviewed, as per the legislation, every three years with the exception of the city centre cumulative impact area which will be reviewed every year. Any material change to the policy as a result of this review will result in the policy being referred back to full Council for approval. The cumulative impact assessment will be approved by Licensing Committee as per Para 7(2) of the Licensing Act 2003.

Local Licensing Guidance

- 3.11 In 2012 the licensing authority produced three local licensing guidance documents for Armley, Harehills and South Leeds. These were based on health related data but measures described within the guidance was intended to address the issues being experienced in the area which were contributing to the lower life expectancy of residents in the area. The guidance documents have been moderately successful however due to reducing resources within the Communities teams they are no longer being used effectively. Therefore these measures will be included in the wider Proforma Risk Assessment which is used by all applicants applying for premises licences. A new section has been included in the policy called "Local Concerns" which replaces local licensing guidance and makes it more generic to all areas.

Public Consultation

- 3.12 The draft policy and the cumulative impact assessment has undergone a public consultation which ran from 9th July to 30th September. The consultation received a number of comments from interested parties and these are detailed in the Consultation Report along with the Council's response and recommendations.
- 3.13 At their meeting of 2nd October Licensing Committee considered the consultation responses, the final policy and the cumulative impact assessment and referred the final Policy to Council for adoption.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 In line with the licensing authority's usual practice the Statement of Licensing Policy and the cumulative impact assessment has undergone a public consultation with those affected by the proposed changes. In addition the council has consulted with ward members and local residents who expressed an interest in this matter.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration Impact Assessment Screening has been undertaken. There are no issues that affected equality.

4.3 Council policies and City Priorities

- 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 policy before making their application and the council will refer to the policy when making its decisions.
- 4.3.2 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.
- 4.3.3 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 The licensing of alcohol and entertainment venues attracts a fee which can only be used to pay for the costs associated with the licence application and cannot be used to cover the cost of enforcement or investigation of unlicensed activity. As such the policy review is a cost to the council, which is not recovered by the licence fee.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The council has a policy adopted by Council in January 2016 but a new policy must be in place by January 15th 2019. Therefore should Council decide not to approve the policy for adoption, the original policy will remain in place, but only until that time.
- 4.5.2 The approval of the revised policy is a matter for Council and is therefore not available for call in.

4.6 Risk Management

- 4.6.1 The report recommends that the final policy is adopted by Council at the November meeting. Should this not happen or be delayed, this could impact on having a new policy in place at the right time.

5 Conclusions

- 5.1 This report presents the final policy and the cumulative impact assessment for Members consideration.

6 Recommendations

- 6.1 That Council considers the report and appendices and approves the amended Licensing Policy as its Licensing Act 2003 Statement of Licensing Policy 2019-23.

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.