

# Statement of Licensing Policy and Cumulative Impact Assessment 2022

Date: 29<sup>th</sup> November 2022

Report of: Chief Officer Elections and Regulatory

Report to: Licensing Committee

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

Under the Licensing Act 2003 the licensing authority must review the Statement of Licensing Policy every five years.

Under the same Act the licensing authority can produce an assessment of cumulative impact of licensed premises in its area and this must be reviewed every three years. The Cumulative Impact Assessment was last produced in 2018 but, due to the extraordinary circumstances around the pandemic, the review was delayed until 2022.

This report presents the Statement of Licensing Policy, attached at Appendix A, which has been reviewed with partners and taken to a public consultation. The consultation responses are attached at Appendix B.

This report also presents the Cumulative Impact Assessment, attached at Appendix C, carried out this year and consulted upon at the same time as the policy. The consultation responses are included in the Assessment.

## Recommendations

- a) For Licensing Committee to approve the Statement of Licensing Policy 2023-2027, and Cumulative Impact Assessment 2023-2025.
- b) For Licensing Committee to refer the Statement of Licensing Policy to Council for adoption.

## What is this report about?

- 1 Under the Licensing Act 2003 the licensing authority must review the Statement of Licensing Policy (“Policy”) every five years.
- 2 Under the same Act the licensing authority can produce an assessment of cumulative impact of licensed premises in its area and this must be reviewed every three years. The Cumulative Impact Assessment (“CIA”) was last produced in 2018 but, due to the extraordinary circumstances around the pandemic, the review was delayed until 2022.
- 3 Any change to the CIA also requires review, consultation, and adoption of a new Policy.
- 4 There are several proposed changes to the CIA, including a new area of Holbeck, consequently advantage has been taken to carry out a wholesale review of the Policy, which will negate a repeat of this exercise in 2023.
- 5 The new Policy will be effective from 2023 until 2027.
- 6 This report presents the Statement of Licensing Policy (“Policy”), attached at **Appendix 1**, which has been reviewed with partners and taken to a public consultation.
- 7 This report also presents the Cumulative Impact Assessment (“CIA”), attached at **Appendix 2**, carried out this year and consulted upon at the same time as the policy. The consultation responses are included in the Assessment.
- 8 This report requests that both matters are considered together as they are co-dependent.

## What impact will this proposal have?

- 9 Statute dictates that the Policy must be reviewed every five years, or earlier if necessary. It was last reviewed in 2018, coming into effect 2019 ending 2023.
- 10 The CIA was last undertaken in 2018 and was due to be reviewed and approved again in 2021 but the extraordinary circumstances meant that this review was delayed by a year. The CIA allows the licensing authority to specify areas which it considers to be suffering from the cumulative impact of licensed premises, and this impact is negatively affecting the promotion of the four licensing objectives, which are:
  - Prevention of Crime and Disorder
  - Protection of Public Safety
  - Prevention of Public Nuisance
  - Protection of Children from Harm.

11 Having assessed all five existing cumulative impact areas some changes have been recommended:

**City centre** – scope and area to remain unchanged. Peak hours updated.

**Headingley** – scope to remain but area to be increased to include the Otley Road from Weetwood to North Lane. Peak hours updated.

**Hyde Park** – scope and area to remain unchanged.

**Armley** – scope and area to remain unchanged.

**Harehills** – scope to remain unchanged but area increased to include Roundhay Road in the west and the entirety of Harehills Lane to York Road.

**Holbeck** – a new area to be included with the scope to include new and variation applications for any premises licence which seeks off sales of alcohol at any time.

12 The inclusion of Holbeck has necessitated a review of the Policy. We have taken the opportunity to undertake a wholesale review of the Policy and include the following updates:

- Update of various fact and figures, i.e. population statistics
- Update of local strategies and names of external bodies
- Removal of reference to obsolete guidance
- Amendment to section on cumulative impact
- Addition of information regarding equality and counter terrorism

### How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

### What consultation and engagement has taken place?

Wards affected: All

Have ward members been consulted?

Yes

No

13 In line with the licensing authority's usual practice the Policy has undergone a public consultation with those affected by the proposed changes. In addition the council has consulted with ward members and residents who expressed an interest in this matter.

14 The Policy and the CIA were published for consultation between 3<sup>rd</sup> October and 17<sup>th</sup> November 2022. The Policy did not elicit any comments, however the CIA received 7 comments which are included in the CIA.

### What are the resource implications?

15 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. As such the policy review is a cost to the council, which is not recovered by the licence fee.

## **What are the key risks and how are they being managed?**

16 The report recommends that the Policy and CIA be approved, and the Policy be referred to Council for adoption. There is a risk of a policy not being in place in time for the expiry of the previous policy. However as this Policy has been reviewed before the end of the statutory 5 year period, this risk is low.

## **What are the legal implications?**

17 The Council has a Policy adopted by Council which came into effect in January 2019. Therefore a new Policy must be in place by January 2024. As such should Licensing Committee decide to not proceed with the approval of the draft Policy, the original Policy will remain in place until either a new policy is drafted, or the existing policy expires in January 2024. However, the licensing authority will not be able to consider cumulative impact in the 6 areas identified if it determines not to approve the CIA. This may impact on the validity of decisions made.

## **Options, timescales and measuring success**

### **What other options were considered?**

18 The option to delay the review, consultation and approval of the CIA until the Policy was due to be reviewed and come into effect 2024 was considered, but as the current CIA should have been reviewed in 2021 it was considered that this would not be appropriate, and consequently the timeframe for the five yearly Policy has been brought forward.

### **How will success be measured?**

19 Success will be measured by the Policy and CIA being approved and the Policy being referred to Council for adoption.

### **What is the timetable and who will be responsible for implementation?**

20 The next appropriate Council meeting is in January, and therefore the nearest available Licensing Committee meeting is the November meeting.

21 Entertainment Licensing will ensure the Policy and CIA are published in accordance with the statutory requirements.

## **Appendices**

22 Appendix 1 – Statement of Licensing Policy

23 Appendix 2 – Cumulative Impact Assessment 2022

## **Background papers**

24 None