

Cumulative Impact Assessment for Beeston

Date: 17th September 2024

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 can produce an assessment of cumulative impact of licensed premises in its area. As part of the Statement of Licensing Policy review the Council produced such an assessment in 2018 and reviewed it in 2022 for implementation in 2023. Since that initial Assessment, the city centre and Harehills assessments have been reviewed.

The licensing authority can assess any area for cumulative impact and a request for the Dewsbury Road area of Hunslet and Riverside ward to be assessed has been made by the Safer Stronger Communities Team and Public Health.

Recommendations

- a) For Licensing Committee to consider the attached cumulative impact assessment, decide if there is sufficient evidence to warrant proceeding and, if so, to approve the assessment be taken out to the public and affected businesses for a public consultation, along with the amended Section 7 of the Licensing Act 2003 Statement of Licensing Policy..

What is this report about?

- 1 The Licensing Act 2003 provides that as licensing authority may, on request, assess if an area is suffering from the cumulative impact of licensed premises on the four licensing objectives.
- 2 The Dewsbury Road area of Beeston has long been the subject of additional resources and has a multiagency problem solving group who are looking for solutions to antisocial behaviour and crime in the area.
- 3 Public Health and the Safer Stronger Communities Team have asked the licensing authority to look at this area as a possible cumulative impact area, due to the increasing number of shops and takeaways licensed for the sale of alcohol for consumption off the premises. This ready availability of alcohol is having an impact on the levels of antisocial behaviour.
- 4 The licensing authority first looked at this in 2012, and at that time there wasn't a sufficient accumulation of licensed premises to prove cumulative impact. However, Safer Communities and Public Health co-authored a local licensing guidance document, to encourage new licensees to consider the area in which they were proposing to operate. This was effective for several years.
- 5 The Safer Stronger Communities Team and Public Health asked for another review to be undertaken. West Yorkshire Police have provided crime statistics, Entertainment Licensing have gathered information on the number and type of licences, the areas have been evaluated through the Alcohol Harm Risk Matrix and the Safer Stronger Communities Team have gather qualitative evidence from partners and residents. This information is provided in the attached Cumulative Impact Assessment at Appendix 1.
- 6 A public consultation is required by the Act and it is the usual practice of the council to seek approval from Licensing Committee of the draft document before consultation. It is proposed that the cumulative impact assessment appended to this report be used for the public consultation. However at the same time, to save council resources, it is necessary to consult upon the insertion of this CIA into the Statement of Licensing Policy at Section 7 which is attached at Appendix 2.
- 7 The final approval of the assessment is a matter for Licensing Committee. However, any amendment to the policy would need to be approved by full Council.

What impact will this proposal have?

Wards Affected: Hunslet and Riverside

Have ward members been consulted? Yes No

- 8 Designating an area as suffering from cumulative impact has two immediate outcomes. Firstly it places a rebuttable presumption that any application within scope would be refused unless the applicant can show that their proposal would not have a negative impact on the licensing objectives, bearing in mind the information and evidence provided in the cumulative impact assessment.

- 9 Secondly although the licensing authority must consider each application on a case by case basis, this has the effect of adding an additional burden on the applicant, which can deter applications, especially if there is a history of licences being refused in the area. We have seen this effect in Armley, Headingley and in the City Centre.

What consultation and engagement has taken place?

- 10 Officers from Entertainment Licensing have met with partners, including The Safer Stronger Communities Team, Public Health, Environmental Health, West Yorkshire Police to discuss the proposed area, the scope and to request the crime reports and qualitative evidence. The Safer Stronger Communities Team have consulted with Ward Councillors.
- 11 The public consultation is a statutory requirement of the Licensing Act 2003 but can be scaled according to the size of the review. Consequently, it is intended to undertake a consultation by email and letter concentrating on resident groups, ward councillors and businesses operating in the area.

What are the resource implications?

- 12 No resource implications for the licensing authority have been identified with the implementation of the policy as these matters are costed into the licensing authority's overheads. However, there would be a resource implication should there be a legal challenge to the cumulative impact assessment. This may impact on legal and financial resources should any such challenge succeed.
- 13 Designating an area as suffering from cumulative impact does require timely and time consuming involvement from partners on receipt of an application that falls within the scope of the assessment. For example in Beeston, in the specified area, an application for a premises licence authorising the sale of alcohol would require representations to be made by partners, including ward members and the licensing authority should the applicant not demonstrate in their application how their proposal does not have a negative impact on the licensing objectives. To achieve the desired outcome, be that refusal or the imposing of additional conditions, attendance at the licensing subcommittee hearing may be required. As has already been experienced with applications in Harehills, this can be time consuming. This will have a resource implication for the partners supporting this policy.

What are the legal implications?

- 14 There are no legal implications in relation to this report.
- 15 The review of the assessment is a matter for Licensing Committee. Any consequential amendment to the Policy would be a matter for Full Council and available for call-in.

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

- 16 The key risk is legal challenge to the cumulative impact assessment by parties who are seeking a licence in a cumulative impact area. Partners, including the Police, will be able to provide updated statistics and other evidence relevant to each application, as required, which will minimise the risk and robustness of a legal challenge.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 17 The licensing regime contributes to Best City Priorities 2020/2025:

- Culture
- Safe, Strong communities
- Inclusive Growth

Options, timescales and measuring success

- 18 The options open to Licensing Committee are to consider the recommendations and either:
- Agree to the recommendation
 - Offer an alternative course of action
- 19 Although there is no set timescale the relevance of the evidence reduces over time, therefore it is preferable to consult on the assessment as soon as possible. If approved the consultation could run over 6 weeks from 24th September to 5th November. The results of the consultation could be provided to Licensing Committee on 19th November and the amended Statement of Licensing taken to full Council on 15th January for adoption.
- 20 Success would be measured by a cumulative impact assessment for Dewsbury Road in place by January 2024.

Appendices

- 21 Appendix 1 – Cumulative Impact Assessment Beeston
- 22 Appendix 2 – Amended Section 7, Statement of Licensing Policy

Background papers

- 23 None