

Harehills and Burmantofts Cumulative Impact Assessment 2024

Date: 12th March 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 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 2023.

Due to increased enforcement activity and additional antisocial behaviour information, the Harehills section of the Cumulative Impact assessment 2023 has been revised.

This report presents the Harehills and Burmantofts Cumulative Impact Assessment 2024 at Appendix A which was subject to a brief public consultation in February. The consultation responses are included in the review.

Recommendations

- a) For Licensing Committee to approve the Harehills and Burmantofts Cumulative Impact Assessment 2024.

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. The existing Statement of Licensing Policy is for the period 2023-2027.
- 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 2023. Any change to the scope of the CIA also requires review, consultation, and adoption of a new Policy.
- 3 In 2023 partners have undertaken a series of inspections under West Yorkshire Police’s Clear, Hold, Build strategy. These have resulted in 12 licence reviews so far and have highlighted a number of issues relating to premises licensed to sell alcohol for consumption off the premises.
- 4 In addition the recent appeal against a licence refusal has highlighted that the cumulative impact assessment only describes one type of alcohol related antisocial behaviour. In fact alcohol contributes to far more issues relating to antisocial behaviour than just street drinking but these are not being considered when licence applications are being made because they are not described in the cumulative impact assessment. This review seeks to address this.
- 5 The Harehills and Burmantofts Cumulative Impact Assessment 2024 is attached at Appendix 1.

What impact will this proposal have?

- 8 Statute dictates that any cumulative impact assessment is reviewed at least every three years. The licensing authority is able to review any part of the cumulative impact assessment at any time within those three years.
- 9 This review provides up to date information and statistics that can be considered when making decisions on licensing applications in the Harehills and Burmantofts area as described in the Assessment. This updated information aids applicants to tailor their applications to suit the area in which they are planning to locate their business. It also provides standard information to Licensing committee should the matter need to be determined by a licensing sub-committee due to outstanding representations.

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

10 In line with the licensing authority's usual practice the Policy has undergone a public consultation with those affected by the proposed changes. However due to the nature of the proposed change, a light touch approach has been applied.

What are the resource implications?

11 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 cumulative impact assessment 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?

12 The report recommends that reviewed and updated cumulative impact assessment be approved. Should Licensing Committee decide not to approve the cumulative impact assessment, the existing assessment would remain in place for a further two years or until reviewed again.

13 The key risk is a legal challenge to the voracity of the cumulative impact assessment or its validity. All measures have been taken to ensure that the review is undertaken in accordance with both the Licensing Act 2003 and the Governments s182 guidance. The Council also follows the Cabinet Office guidance in relation to consultations and follows the EDCI Assessment undertaken for the three yearly review of the CIA and the five yearly review of the Licensing Policy.

What are the legal implications?

14 The legal implications are described in paragraph 12.

Options, timescales and measuring success

What other options were considered?

15 The assessment could have been undertaken using the usual timescale of every three years. However this would have meant applicants and Licensing Committee were not apprised of the latest information available to the Council.

How will success be measured?

16 Success will be measured by cumulative impact assessment being approved.

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

17 The cumulative assessment will come into effect as soon as it is approved by Licensing Committee.

18 Entertainment Licensing will ensure the cumulative impact assessment is published in accordance with the statutory requirements.

Appendices

19 Appendix 1 – Harehills and Burmantofts Cumulative Impact Assessment 2024.

Background papers

20 None