

Report of the Area Committee (West North West)

Report to Licensing Committee

Date: 11th February 2014

Subject: Cumulative Impact Policy for Otley

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<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. Otley has a busy and vibrant nightlife, with the largest number of licensed premises outside of the city centre. It is also has a low incidence of crime compared to other areas of the city.
2. However in the last year the Area Committee have noted an increase in licence applications, including one to increase the hours for the sale of alcohol to a time for much later than is the norm for Otley.

Recommendations

3. Members of Licensing Committee are recommended to:
 - a) consider if a cumulative impact policy is appropriate for Otley town centre and if so,
 - b) to request that officers undertake further work in researching the evidence and designing a cumulative impact policy that is effective in achieving the aims of the Area Committee
 before bringing the matter back before Licensing Committee to approve a public consultation.

1 Purpose of this report

- 1.1 This report from the Area Committee (West North West) requests that Licensing Committee consider if a cumulative impact policy would be appropriate for Otley, in view of the increase in applications and the concern that the current status quo could be affected by just one successful application to vary a licence.

2 Background information

- 2.1 Otley is a market town with a resident population of around 14,000. It lies north west of Leeds. The town centre has a mix of residential accommodation and commercial premises.
- 2.2 Otley once vied with a handful of towns for the distinction of having the most pubs per head of population in England. This was mentioned in a BBC Radio 4 More or Less programme broadcast in April 2008. The story also featured on the BBC website.
- 2.3 There are 17 pubs in the town although the Spite (properly known as the Roebuck), the Chevin and the Royalty are on the outskirts, with the Spite located in North Yorkshire. The Black Horse Hotel situated in the town centre is historically the largest pub and hotel. The Black Bull in the Market Place, was allegedly drunk dry by Cromwell's troops on the night before the battle of Marston Moor during the English Civil War and has a 15th-century well in the beer garden. The Junction Inn has won numerous awards including a CAMRA award for best pub. There is a working men's club located on Weston Lane north west of the town centre.

3.0 Main issues

- 3.1 Potentially there are 42 premises (appendix 1) in the centre of Otley that could be affected by a cumulative impact policy:
- 6 Registered clubs
 - 6 Off licences (including the two supermarkets)
 - 30 On licensed premises
- 3.2 The latest alcohol is sold in Otley, for consumption on the premises, is 2:30am (Rose and Crown, 20 Bondgate). The majority of premises cease selling alcohol at midnight, especially in the very centre of the town (10 premises).
- 3.3 In 2013 the licensing authority received an application to vary the licence for the Red Lion. The variation sought was to extend the hours that alcohol was sold to 4am. This raised concerns amongst the residents of Otley who were concerned that this could lead to an increase in opening hours and a rise in crime and antisocial behaviour.

- 3.4 West Yorkshire Police's view is that, although predominantly a residential market town, which can properly accommodate licensed premises with appropriate licensed hours, the residential makeup of the town is such that any late night opening could cause a disproportionate effect on crime and disorder, and lead to public nuisance.
- 3.5 In addition West Yorkshire Police has provided some statistical data that shows a correlation between reported incidences in the outer lying residential areas and the closing time of premises in the town centre. There is concern that if premises stay open longer, then this 'nuisance crime' will be pushed later into the night.
- 3.6 The Area Committee has discussed a number of solutions to this potential threat including an Early Morning Restriction Order and local licensing guidance.
- 3.7 The Area Committee recognises that the amended policy (Licensing Act 2003 Statement of Licensing Policy 2014-2018) introduces the concept of usual opening hours and is satisfied that the licensing sub-committee that is hearing any application for alcohol in Otley will take the usual opening hours for Otley into consideration.
- 3.8 However this does not remove the concern that a premises could be successful in obtaining longer times and a consequence result in further applications to extend licensing hours which will be difficult to refuse.
- 3.9 A cumulative impact policy would ensure that every application, where relevant representations are received would be determined by the licensing sub-committee. In addition a cumulative impact policy makes the statement that the council has decided that, for reasons related to the licensing objectives, that when it receives relevant representations, there is a rebuttable presumption that applications or variation applications which seek to extend the sale or supply of alcohol are refused or subject to certain limitations.
- 3.10 The benefit of introducing a cumulative impact policy over an EMRO is that it would not affect the business of the current premises, as it would only affect new or variation applications.
- 3.11 Further work will be needed to ensure that the cumulative impact is designed in such a way to be of benefit to the town, including the types of activity and premises that should be included. It is also important that the CIP is robust and not open to legal challenge.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Within the council the matter of a CIP for Otley has been considered by the Otley and Yeadon ward members, as well as the Community Safety Sub Group of 17th September 2013 and the Area Committee at the meeting on 4th November 2013.

- 4.1.2 The introduction of a CIP would necessitate an amendment of the Statement of Licensing Policy. This would require a public consultation but this could be proportionate to the change, and therefore take place in the Otley area.
- 4.1.3 As the imposition of a CIP requires a change to the Statement of Licensing Policy, the revised policy would be recommended to Council by Licensing Committee, and therefore further opportunity for discussion before the decision to implement is reached.

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, however the consultation will be so designed as to take into consideration religious and cultural events.

4.3 Council Policies and City Priorities

- 4.3.1 The licensing regime, in general, contributes to our best council objectives of:
- Building a child friendly city – improving outcomes for children and families
 - Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses
 - 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 consultation and implementation of the CIP has a cost implication. However the increase in enforcement activity that would be required should operators apply for later licences would far exceed the cost of implementing a CIP.

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 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 backed by evidence which shows the necessity for such a policy. In addition existing businesses will be consulted during the public consultation and will be able to make their views known on the proposal. However at this time, as this work is yet to be completed, there is a low level of risk to the council.

5 Conclusions

- 5.1 Otley has a vibrant and busy night time economy that, at the moment has a low level of crime associated with the late night premises. Recent applications have brought into focus the fragility of this situation and the Area Committee is seeking a way of ensuring that Otley remains a safe and peaceful place to enjoy the night time economy.

6 Recommendations

- 6.1 Members of Licensing Committee are recommended to:
- a) consider if a cumulative impact policy is appropriate for Otley town centre and if so,
 - b) to request that officers undertake further work in researching the evidence and designing a cumulative impact policy that is effective in achieving the aims of the Area Committee
- before bringing the matter back before Licensing Committee to approve a public consultation.

Background documents¹

None

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.