

Report of the Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 15th December 2015

Subject: Cumulative Impact Policy for Armley

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. Armley is a sub-district found to the west of Leeds. In recent years it has been highlighted as an area of concern due to levels of deprivation, poor health outcomes and, more recently, an increase of disorder in the main shopping areas.
2. In the last few years residents have reported to the Armley Ward Members and the local MP increasing concerns about large groups of mostly male street drinkers gathering on Town Street. Residents find this intimidating and have reported feeling that this area is becoming a no-go zone.
3. A multi-agency partnership group has met a number of times to discuss this matter and a solution suggested would be to implement a cumulative impact policy to halt the increase in off licensed premises licence applications.

Recommendations

3. Members of Licensing Committee are recommended to:
 - a) consider if a cumulative impact policy is appropriate for Armley Town Street and the neighbouring area and if so,
 - b) to request that officers undertake further work in researching the evidence and designing a cumulative impact policy; and
 - c) to approve a public consultation to gather qualitative data to support the policy.

1 Purpose of this report

- 1.1 This report requests that Licensing Committee consider if a cumulative impact policy would be appropriate for Armley, in view of the increase in disorder being experienced in the area.

2 Background information

- 2.1 Armley is a sub-district of Leeds found to the west of the city centre. It has been subject to attention from partners for a number of years due to its place on the deprivation index, and JSNA which shows poor health outcomes.
- 2.2 Last year the Licensing Committee recognised this as an area that would benefit from Local Licensing Guidance due to poor health outcomes of people living in LS12.

3.0 Main issues

- 3.1 This is an area which, like other areas in Leeds, has shown a decrease in premises licensed for the sale of alcohol on the premises, such as pubs and registered clubs. However it has also seen an increase in off licences.
- 3.2 A quick survey of the licensing statistics shows an increase as follows:
- In 2011 there was the usual mix of applications across Armley including two on licences, an off licence and a take away.
 - In 2012 and 2013 there were no applications.
 - In 2014 there were two off licence applications and an on licence (Neli's Bar which was subsequently revoked on review).
 - So far in 2015 there have been 4 off licence applications granted.
- 3.3 It demonstrates there is an increase in off licence applications in an area that currently has 10 off licences on Town Street and Branch Road and so this would highlight that this area is becoming attractive to businesses wanting to establish an off licence type operation.
- 3.4 This alone does not warrant a cumulative impact policy. However there has been some negative press recently regarding antisocial behaviour around Armley Town Street. Part of the issue is that there is a culture of street drinking which involves two distinct groups. Firstly, adult Eastern European males drinking in small groups, generally orderly and compliant and who hand over alcohol when requested as per the DPPO. The second group are a more anti-social group of white British males who congregate on Town Street and whilst in drink commit crimes, and generally make a nuisance of themselves to passers-by and shop premises.

- 3.5 A multiagency partnership was formed earlier this year and consists of officers from West Yorkshire Police, Leeds Antisocial Behaviour Team, Front Door (social workers), Housing, Public Health, Community Safety, and Entertainment Licensing. The group has been meeting regularly and has discussed case work as well as more general long term solutions for antisocial behaviour on Town Street.
- 3.6 One of the issues highlighted is the prevalence of strong and cheap alcohol at various off-licence premises on and around Town Street. West Yorkshire Police can identify the shops concerned as they are finding littered bottles and cans that are only available in certain shops and so are confident that the issue seems to be with the smaller independently owned off licences. However each premises is working within the Licensing Act and so would not be subject to enforcement action.
- 3.7 Added to this is the increase in off licences opening on Town Street, and more recently Branch Road. The multiagency group decided the number of off licensed premises and their cumulative impact warranted further investigation to see if a cumulative impact policy would be appropriate.
- 3.8 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.
- 3.9 In order to establish if the problems reported in Armley are tangible or perceived problems, Leeds Antisocial Behaviour Team (LASBT) have produced a report which provides examples of the complaints and issues they are dealing with in Armley. This report is attached at Appendix A.
- 3.10 A preliminary report from the Police shows that although the types of crimes associated with on licensed premises remain low or are decreasing, there has been a significant increase in violent crime and antisocial behaviour of the type that could be linked with alcohol. A further report has been commissioned by West Yorkshire Police.
- 3.11 The LASBT report shows that it could be worth investigating a CIP further including consulting with Community Committees, local residents and requesting further reports from Partner Agencies who are dealing with disorder in this area.
- 3.12 Further work will be needed to ensure that the cumulative impact is designed in such a way to include the relevant areas and the types of premises, and times of the activities to 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 Armley has been considered by a multiagency group and is supported by the ward Members and local MP. However further consultation is required to garner qualitative data to support a CIP.
- 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 Armley 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 Priorities and Best Council Plan

- 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 2015-20 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 is linked to the Best Council Plan objectives:
- Supporting communities and tackling poverty, and
 - Becoming a more efficient and enterprising council

4.4 Resources and Value for Money

- 4.4.1 The consultation and implementation of the CIP has a cost implication.

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 supported 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 Armley is a town in a deprived area of Leeds and Armley Town Street is reportedly suffering from antisocial behavior. The work already undertaken by the multiagency partnership group could be supported by the introduction of a cumulative impact policy. In order to implement it further research needs to be undertaken and consultation carried out in Armley. Officers are seeking permission to undertake this further work and carry out a consultation.

6 Recommendations

6.1 Members of Licensing Committee are recommended to:

- a) consider if a cumulative impact policy is appropriate for Armley Town Street and the neighbouring area and if so,
- b) to request that officers undertake further work in researching the evidence and designing a cumulative impact policy
- c) to approve a public consultation to gather qualitative data to support the policy.

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.