

**Report of Chief Officer Elections and Regulatory**

**Report to Licensing Committee**

**Date: 28<sup>th</sup> January 2020**

**Subject: 2019 Review of the City Centre Cumulative Impact Policy Areas**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): City and Hunslet		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**Summary of main issues**

1. The Council adopted the first Licensing Act 2003 Statement of Licensing Policy in 2005 and this policy has been reviewed in line with the requirements of the legislation every three years until 2012 when it was moved onto a five year schedule.
2. In December 2013 Licensing Committee approved a change to the city centre areas covered by the cumulative impact policy (CIP), which forms part of the Statement of Licensing Policy, to enable these areas to be reviewed annually.
3. This report provides details of this year's review of the city centre area covered by the cumulative impact policy.

**Recommendations**

4. That Licensing Committee review the information provided in this report, the police statistical report for 2019 and endorse a new cumulative impact assessment for the city centre for 2020.

## **1 Purpose of this report**

- 1.1 To present to Licensing Committee the annual review of the city centre areas covered by the CIP.

## **2 Background information**

- 2.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of licensing policy every three years. The council's first Statement of Licensing Policy was adopted by Council on 12<sup>th</sup> January 2005 and has been reviewed every three years since then.
- 2.2 In April 2012 the Police Reform and Social Responsibility Act changed the length of the lifetime of a policy from three to five years. This necessitated a different approach to the city centre cumulative impact area which, due to the dynamic nature of the night time economy, would need to be reviewed more frequently than every 5 years.
- 2.3 In April 2018 the Government introduced cumulative impact assessments into the Licensing Act 2003 providing a legal framework under which cumulative impact policies are developed and reviewed. A cumulative impact assessment was completed and published in 2018, with the view that the city centre would be reviewed each year to ensure that the statistics remained up to date.

## **3 Main issues**

- 3.1 The current Licensing Act 2003 Statement of Licensing Policy 2019 to 2024 was adopted by full Council in November 2018 and came into effect on 15<sup>th</sup> January 2019. At the same time as reviewing the Statement of Licensing Policy, the council undertook a cumulative impact assessment under Section 4D of the Licensing Act 2003 which was published in November 2018 and is reviewed every three years according to the legislation.
- 3.2 The Statement of Licensing Policy includes a section on cumulative impact which provides detail on the five areas that have been identified in the council's cumulative impact assessment. The policy specifies that a separate cumulative impact assessment on the city centre would be undertaken each year to reflect the dynamic nature of the night time economy in the city centre. The city centre evidence and map would be revised each year based on the most recent crime and disorder statistics supplied by West Yorkshire Police, although the scope and wording of the cumulative impact section in the policy would remain the same to avoid the need to review the entire policy each year. The assessment is scheduled for the latter part of the year so that it can take effect in January.
- 3.3 Officers from Entertainment Licensing issued a call for evidence from the Responsible Authorities and other partners through the Licensing Enforcement Group.
- 3.4 Officers met with West Yorkshire Police who provided crime statistics for the preceding 12 months which is attached at **appendix 1** and referred to as the Police Report in this report.

- 3.5 From this information no amendment to the overall city centre CIP boundaries is recommended, and no amendment to the Call Lane/Duncan Street/Briggate boundary. However there has been a year on year reduction in crime on Albion Street which would indicate that this area should no longer be part of the upper red zone. The recommendation is to reduce this red area accordingly.

Current red zone



Proposed red zone



- 3.6 This may encourage reinvestment in this area. The area will form part of the annual review and the red zone could be reinstated should crime levels rise once again. The new guidance document is attached at **appendix 2**.
- 3.7 Briefly, the evidence shows that crime on Briggate has stabilised, however crime on Call Lane has increased by 9%. This is predominantly in the night time economy.
- 3.8 Albion Street crime has dropped by 17%. Only two premises now operate on the part of Albion Street in the red zone, McDonalds and Turtle Bay. The drop in crime could be related to the closure of three large night time economy premises.
- 3.9 It appears crime has increased on The Headrow by 26%, but this is a long street with an active daytime economy, with large retail stores and transport links. There are relatively few crimes recorded in the evening and night time.
- 3.10 The Council continues to receive applications within the Call Lane/Lower Briggate/Duncan Street area. There has been a trend for existing operators to apply for minor and full variations to bring into use areas which were unlicensed previously. In all cases, the premises licence holder has undertaken to keep their capacity the same. However this trend for increasing the licensed area is concerning as the licensing authority is unable to stipulate and enforce a capacity under the terms of a premises licence.
- 3.11 The Call Lane/Briggate/Duncan Street red zone remains the predominant crime hot spot area. The peak time for offending is 23:00 to 04:00.
- 3.12 The conclusion to this year's city centre cumulative impact assessment states that the red area in the lower part of the city be maintained without change. However the closure of three large premises in Albion Street has led to an area that is no longer predominantly in the night time economy. As such it is not appropriate to include it in the red area in the upper part of the city.

- 3.13 The increase in violent crime is concerning. The council is already working with partners and businesses to establish if further work can be done to reduce these crime figures over the next 12 months. Part of this work is providing training on safeguarding, drugs, alcohol and vulnerability.
- 3.14 A review of a premises on Call Lane that had become associated with serious crime and serious disorder has led to the closure of that premises. Operators in this area are reporting that the area feels safer and it is hoped that this will be reflected in the crime statistics when they are reviewed at the end of 2020. In the meantime, West Yorkshire Police and the licensing authority will continue to work with and support businesses in that area to reduce alcohol related violent crime. Part of this work will be to concentrate on applications for activities during the peak hours in all the red areas. Applications received for activities outside of peak hours will be encouraged especially those that include a daytime element or types of business that do not have alcohol consumption as their focus.
- 3.15 Additionally, the Licensing Authority is aware that there is a view that specifying areas as cumulative impact areas, and rigidly refusing all applications leads to stagnation in the area. However by concentrating on peak times, and by encouraging other types of business, it is hoped that the red areas can evolve and change with market forces and move beyond the high volume drinking establishments associated with alcohol related disorder and crime perpetrated on customers who are vulnerable due to excessive alcohol consumption.
- 3.16 The council and Leeds Business Improvement District have put in place a street marshalling scheme with Purple Ambassadors patrolling the red areas into the early hours of the weekend mornings. It was hoping that the impact of this scheme would be reflected in this year's figures. Further work is being undertaken to realign the scope of the Ambassadors.
- 3.17 The Licensing Committee will bear in mind that in the next 12 months there may be significant changes to the way late night levies can be introduced and if these figures do not significantly reduce over the next 12 months, may consider this as an option.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Under the new requirements under the legislation a public consultation exercise was undertaken between 25<sup>th</sup> November and 15<sup>th</sup> December. This comprised of an email and letter to all businesses in the city centre, licensing solicitors, business representatives, responsible authorities and other interested parties such as Leeds BID and BASIL, all ward members and Members of Parliament. The consultation was publicised at Pub Watch and the Licensing Enforcement Group. No relevant comments were received.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 Equality and diversity, cohesion and integration have been considered each time the policy is reviewed. At this time there are no implications for equality and diversity/cohesion and integration.

### **4.3 Climate Change**

4.3.1 There are no implications for climate change.

### **4.4 Council Priorities and Best Council Plan**

4.4.1 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.

4.4.2 The licensing regime is linked to the Best Council Plan objectives:

- Supporting communities and tackling poverty, and
- Becoming a more efficient and enterprising council

### **4.5 Resources and value for money**

4.5.1 Reviewing any policy has a cost associated with it. However, it is considered good value for money as a robust policy supports the decisions of the Licensing subcommittees and therefore reduces the risk of legal challenge.

### **4.6 Legal Implications, Access to Information and Call In**

4.6.1 It is good practice to ensure that the documents the council relies upon to inform licensing decisions are accurate and up to date as this reduces the risk of a successful legal challenge.

### **4.7 Risk Management**

4.7.1 As previously stated the annual review of the city centre cumulative impact area ensures that the boundaries between the red and amber zones remain the most appropriate and that the impact on good operators is kept to a minimum whilst trying to address the crime and disorder hot spots.

## **5 Conclusions**

5.1 The conclusion to this year's city centre cumulative impact assessment states that the red area in the lower part of the city be maintained without change. However the closure of three large premises in Albion Street has led to an area that is no longer predominantly in the night time economy. As such it is not appropriate to include it in the red area in the upper part of the city.

## **6 Recommendations**

6.1 That Licensing Committee review the information provided in this report, the police statistical report for 2019 and endorse a new cumulative impact assessment for the city centre for 2020.

## **7 Background documents<sup>1</sup>**

7.1 There are no unpublished background documents that relate to this matter.

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<sup>1</sup> 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.