

## Cumulative Impact Assessment

Date: 2<sup>nd</sup> November 2021

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

### What is this report about?

- 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 (appendix 1). This assessment must be reviewed following the process described in the legislation every three years. As such the review is due to take place this year. However, due to the extraordinary circumstances of a global pandemic, the usual evidence required for the assessment is not truly reflective of the current situation. As such it is proposed that a brief review takes place based on the current crime and disorder levels with a full and detailed review at the end of 2022 when a more accurate assessment can take place.
- The licensing regime contributes to Best City Priorities 2020/2025 (see the [latest version of the Best Council Plan](#)):
  - Culture
  - Safe, Strong communities
  - Inclusive Growth

### Recommendations

For Licensing Committee to approve an interim review and consultation to ensure that the cumulative impact areas remain appropriate until a detailed and thorough review of the assessment can take place in 2022.

## Why is the proposal being put forward?

- 1 The Licensing Act 2003 requires that any cumulative impact assessment is reviewed on a three-yearly basis. The review of the Leeds cumulative impact assessment was due this year. The proposal to undertake a brief review and consultation, to be brought back to Licensing Committee in January is to ensure that the cumulative impact areas remain appropriate until a full and thorough examination of the crime and disorder associated with the cumulative impact of licensed premises in Leeds can take place.
- 2 The situation in the areas currently designated as cumulative impact areas is severe. Harehills and Armley suffer with anti-social behaviour and disorder associated with street drinking, and this has continued throughout the last three years, and has been especially concerning during the three coronavirus lockdowns. Partner organisations have continued to work in these areas with people who persist in drinking in groups on the street. Although this work has been affected by the lockdowns, the problems remain.
- 3 Headingley, Hyde Park and the city centre have been affected by the closure of licensed premises. The crime rates reduced during the closures but have increased again as the premises have reopened. This shows the impact of licensed premises on crime and disorder, and these rates are highest in these three areas.
- 4 West Yorkshire Police would normally produce detailed crime reports spanning the period since the last review. However, the most recent lockdown which forced the severe restriction of licensed premises only ended at the end of July 2021. This means that only three months of data is available. In addition, West Yorkshire Police Data Analysis Unit has been severely affected by the pandemic, which will impact on the ability to produce such detailed reports. It is also unclear how the pandemic will impact on the night-time economy, and any changes will not be reflected in such a short period of time. The Government itself recognises that the economy will not recover until at least September 2022, and therefore any long-term impact will not be realised until the end of next year.
- 5 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.
- 6 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:** Armley, Gipton and Harehills, Headingley and Hyde Park, Little London and Woodhouse

Have ward members been consulted?  Yes  No

- 7 The review of the cumulative impact assessment is mandated by the legislation and the licensing authority has no discretion as to whether to complete the assessment. However, it is for the authority to decide how detailed and in-depth that review needs to be. In this case, as this is to be an interim review, with a much more detailed and considered review to take place in 12 months, it is suggested that this review is less extensive.
- 8 The overall impact of this is to ensure that the cumulative impact assessment remains appropriate, and the policy remains robust, while recognising that the longer term impact of the global pandemic is still unknown.

### **What consultation and engagement has taken place?**

- 9 Officers from Entertainment Licensing have met with West Yorkshire Police Licensing Team to discuss this interim review and to request the crime reports. Options were discussed on how to approach this review whilst recognising the data over the last 18 months has been severely affected by the pandemic. A light touch review to ensure the cumulative impact areas are still appropriate until a more thorough review was the preferred option.
- 10 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 commensurate with the review.

### **What are the resource implications?**

- 11 No resource implications for the licensing authority have been identified with the review and 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.

### **What are the legal implications?**

- 12 There are no legal implications in relation to this report.
- 13 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?**

- 14 The key risk is legal challenge to the cumulative impact assessment by parties who are seeking a licence in a cumulative impact area. This interim review will examine the crime statistics throughout the three year period, and any impact the reopening of the night-time economy has had. Partners, including the Police, will also 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

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

- Culture
- Safe, Strong communities
- Inclusive Growth

## **Options, timescales and measuring success**

- 16 The previous cumulative impact assessment was undertaken in 2018. The assessment needed to be reviewed and approved in 2021. However, the global pandemic has had a dramatic impact on the night-time economy, the crime rates and on the licensing authority work. As such any reports produced regarding crime, disorder or public nuisance covering the period of March 2019 to July 2020 would not be truly indicative of the situation going forward and would not be a reliable guide on which to base policy. In addition, it is not known at this point what the long term impacts of the pandemic will have on the night-time economy, the businesses that operate within it and the associated crime statistics.
- 17 The options open to Licensing Committee are as follows:
  - 17.1 Review the cumulative impact assessment based on the previous three years' data without taking into consideration the impact of the pandemic. This could lead to the removal of cumulative impact areas in Leeds, especially those based on crime and disorder statistics for Headingley, Hyde Park and the City Centre.
  - 17.2 Undertake a light-touch interim review to ensure the cumulative impact areas remain appropriate in their current state until a more detailed and accurate review can be undertaken in the future.
  - 17.3 Not review the cumulative impact assessment at all, which may impact on the legality and robustness of the existing assessment.
- 18 Success would be measured by an interim cumulative impact assessment being produced and presented to Licensing Committee in January 2022, having undergone a consultation and all responses considered, with a full review and further consultation taking place so that an updated assessment is in place by January 2023 when we have a full 12 months of crime data.

## **Appendices**

- 19 Appendix 1 – Current Cumulative Impact Assessment

## **Background papers**

- 20 None