



Report of the Assistant Chief Executive (Corporate Governance)

Inner North West Area Committee

Date: 22nd April 2010

Subject: Licensing Act 2003 Policy and Cumulative Impact Policy

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Council
Function

Delegated Executive
Function available
for Call In

Delegated Executive
Function not available for
Call In Details set out in the
report

Executive Summary

This reports advises Inner North West Area Committee of the impending review of the Licensing Act 2003 Statement of Licensing Policy and public consultation. This report provides the Area Committee with the opportunity to make comment on the current policy which includes a cumulative impact policy for Headingley and Woodhouse/Hyde Park.

1.0 Purpose Of This Report

- 1.1 This report advises the Area Committee of the review of the council's Licensing Act 2003 Statement of Licensing Policy.
- 1.2 This report also provides an opportunity for the Area Committee to make comment on the draft policy and the cumulative impact policy which is in place for Headingley and Woodhouse and to provide steer about any additional direct consultation required for residents in the area.

2.0 Background Information

- 2.1 The Licensing Act 2003 came into force in 2005 and brought the licensing of sale of alcohol, regulated entertainment and late night refreshment into one system which is administered by the council's entertainment licensing section.
- 2.2 As part of the Licensing Act 2003 there is a requirement placed on licensing authorities to develop a statement of licensing policy which describes the principles the council will use when determining licences under the Act.
- 2.3 We developed and consulted upon the Leeds City Council Statement of Licensing Policy in 2005 and have since reviewed it in 2007 for the period 2008 to 2010. We are required to review the policy on a three yearly basis and it is due for review again this year.
- 2.4 In 2005 Members asked that the Headingley area be investigated with regard to the problems associated with the concentration of licensed premises in the area. This research was undertaken and Headingley became a cumulative impact area in 2006.
- 2.5 Headingley CIP includes 22 premises that are in scope and since its implementation the council has received premises licence applications as follows:

Year	Received	Withdrawn	Refused	Granted (no reps)	Granted with conditions
2006	5		2	1	2
2007	6		2	4	
2008	4		2	1	1
2009	3	1	2		

- 2.6 Woodhouse/Hyde Park CIP includes 29 premises that are in scope and since its implementation the council has received premises licence applications as follows:

Year	Received	Withdrawn	Refused	Granted (no reps)	Granted with conditions
2006	1				1
2007	6			3	2
2008	2				2
2009	6			4	2

2.7 These figures do not record how many operators were dissuaded from applying to these areas because the CIP is in place, and it is hard to determine this figure.

3.0 Main Issues

3.1 Officers have undertaken an initial review of the Licensing Policy and intend to make minor amendments to the main body of the policy which include the addition of the minor variation process and the provision for community halls to remove their DPS.

3.2 Officers are aware that there may be a desire, on behalf of the Headingley residents, to adjust the Headingley Cumulative Impact Policy. There may also be a desire to review the Woodhouse/Hyde Park CIP to ensure it is still fit for purpose.

3.5 Public Consultation

3.6 As part of the review of the policy, the council consults with a number of stakeholders including the trade, existing licence holders, ward members, religious and community groups, the responsible authorities, MPs, the PCT, licensing solicitors and any other interested party that has requested to added to the consultation list during past consultations.

3.7 The public consultation normally runs for twelve weeks and it is expected that it will run during August, September and October this year.

3.8 Should the Area Committee wish to further consult with local residents groups, this could be achieved in June and early July in order for the policy to be revised in time for the public consultation to start at the beginning of August.

3.8 Approval Process

3.9 The Policy is a matter for full Council. It is expected that the final draft of the policy will be taken to the full Council meeting in November. If the responses to the consultation require a major amendment to the policy, it is possible that there will be a smaller more directed consultation on these major changes, with the Policy going to full Council for adoption at a special meeting in December.

4.0 Implications for Council Policy and Governance

4.1 In drafting and approving the revised policy, the council will need to have regard to the Section 182 guidance in the same way members of the Licensing Committee need to have regard to the guidance when making individual licensing decisions.

5.0 Legal and Resource Implications

5.1 No significant resource implications identified.

5.2 The policy lays down the council's main principals for exercising its functions under the Licensing Act 2003 and can be challenged by both the trade and the public. It is necessary to ensure that the policy is legally watertight and any departures from the Section 182 guidance can be justified.

6.0 Conclusions

- 6.1 The three yearly review of the licensing policy is due to take place this year. The public consultation is likely to take place between August and October. There is scope for the current cumulative impact policies to be reviewed and adjusted to ensure they remain fit for purpose for the next three years. Any amendments should be agreed before the public consultation in August.

7.0 Recommendations

- 7.1 That members note the contents of the report.
- 7.2 That members provide a steer as to how they may wish to take this matter forward.

Appendix 1 Current Statement of Licensing Policy 2008 – 2010 (which includes the current cumulative impact policies).