



# **Licensing Act 2003 Statement of Licensing Policy 2008 - 2010**

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# 1. The purpose of the licensing policy

1.1 This Policy is prepared under Section 5 of the Licensing Act 2003 and was approved by Leeds City Council as Licensing Authority in December 2007. It will be reviewed no later than December 2010. Unless otherwise stated any references to the council are to the Leeds Licensing Authority.

1.2 In preparing this Policy the council has consulted with and considered the views of a wide range of people and organisations including:

- Representatives of local business
- Local residents and their representatives
- Parish and town councils
- Local members of parliament
- Representatives of existing licence holders including
  - The British Beer and Pub Association
  - Licensing solicitors
- The responsible authorities namely;
  - West Yorkshire Police
  - West Yorkshire Fire and Rescue Service
  - Leeds City Council – Environmental Health Services
  - Leeds Safeguarding Children Board
  - Leeds City Council – Planning Services
  - West Yorkshire Trading Standards
- Leeds Primary Care Trusts
- Charitable organisations that deal with the social impact of drugs
- Other charitable organisations including Mencap and Victim Support Leeds

1.3 This Policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

1.4 The council will carry out its functions under the Licensing Act 2003 with a view to promoting the 4 licensing objectives namely:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.5 The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. Following relevant representations the council will impose conditions where necessary to promote the licensing objectives and/or use effective enforcement to address premises where there are problems, in partnership with key agencies such as:

- West Yorkshire Police,
- West Yorkshire Fire and Rescue Service,
- Health and Safety Executive,
- Crime and Disorder Reduction Partnerships,
- Primary Care Trusts in the district

- West Yorkshire Trading Standards

- 1.6 This Policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the council attaches to the various licences will focus on matters that are within the control of individual applicants and others in possession of relevant authorisations. These matters will centre upon the premises that are being used for licensable activities and the vicinity of those premises. Whether or not matters are within the vicinity of premises is a question of fact, which will depend upon the particular circumstances of the case.
- 1.7 The council is aware however that government guidance suggests that the prevention of public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises. See further guidance on 'vicinity' at paragraph 8.8 to 8.9.
- 1.8 The council will monitor the effect of this policy throughout the period it covers through licensing liaison meetings with representatives of licence holders such as pub watch meetings and also by way of regular meetings with the responsible authorities.

## **2. The scope of the licensing policy**

- 2.1 This Policy covers licensable activities within the Leeds District as defined by the Licensing Act 2003. These are:
- The retail sale of alcohol
  - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
  - The provision of regulated entertainment
  - The provision of late night refreshment
- 2.2 Advice on whether a licence is required for premises or an event can be obtained from the Entertainment Licensing Section of Leeds City Council, contact details are set out in Appendix 2.
- 2.3 Throughout this Policy the wording will refer to 'applicants' for licences. However it should be noted that the principles set out within this policy apply equally to new applications, applicants for variations and consideration of any request to review a licence.
- 2.4 The scheme of the Licensing Act is that applicants should make applications and assess what matters, if any, need to be included within the operating schedule to address the licensing objectives. If an application is lawfully made and no relevant representations are received then the council must grant the application. Only if relevant representations are made, will the council's discretion be engaged.

- 2.5 This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues where representations have been made.

### **3. The Leeds district**

- 3.1 Leeds City Council has sought to establish Leeds as a major European City and cultural and social centre. It is the second largest metropolitan district in England and has a population of 2.2 million people living within 30 minutes drive of the City Centre.
- 3.2 The Leeds metropolitan district extends over 562 square kilometres (217 square miles) and has a population of 715,000 (taken from the 2001 census). It includes the City Centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with their very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.
- 3.3 Over recent years Leeds has experienced significant levels of growth in entertainment use within the city coupled with a significant increase in residential development. The close proximity of a range of land uses and the creation of mixed-use schemes have many benefits including the creation of a vibrant 24-hour city.
- 3.4 Leeds has strong artistic and sporting traditions and has the best attended outdoor events in the country. The success of arts and heritage organisations including the Grand Theatre, West Yorkshire Playhouse, Opera North, Northern Ballet Theatre, Phoenix Dance Theatre, Harewood House and the Henry Moore Institute, has helped to attract other major arts and heritage investments such as the award winning Royal Armouries and the Thackeray Medical Museum. The city also boasts a wealth of community based sports heritage and recreational facilities. There is a vibrant voluntary sector including thousands of groups and societies.
- 3.5 Leeds is a city with many cultures, languages, races and faiths. A wide range of minority groups including Black Caribbean, Indian, Pakistani, Irish and Chinese as well as many other smaller communities make up almost 11% of the city population.
- 3.6 The Vision for Leeds 2004 - 2020 published by the Leeds Initiative, as the city's strategic partnership group, indicates that Leeds is now one of Britain's most successful cities. It boasts:
- A thriving economy
  - A vibrant City Centre
  - A leading centre of learning, knowledge and research
  - A recognised regional capital
  - A positive image
  - A reputation for environmental excellence
  - A wide range of cultural facilities
  - A rich mix of cultures and communities

3.7 The Vision for Leeds 2004-2020 has three main aims:

- Going up a league as a City - making Leeds an internationally competitive City - The best place in the country to live, work and learn, with a high quality of life for everyone.
- Narrowing the gap between the most disadvantaged people and communities and the rest of the city.
- Developing Leeds' role as the regional capital contributing to the national economy as a competitive European city, supporting and supported by a region that is becoming increasingly prosperous.

3.8 This licensing policy seeks to promote the licensing objectives within the overall context of the three aims set out in Vision for Leeds 2004-2020.

## **4. Integrating other guidance, policies, objectives and strategies**

4.1 In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with, the following strategies:

- Vision for Leeds 2004 to 2020
- Leeds Community Safety Strategy 2005 to 2008
- Leeds Unitary Development Plan
- The Local Development Framework including the Leeds City Centre Area Action Plan
- Leeds City Centre Strategic Plan 2006 to 2010
- Leeds Alcohol Strategy 2007 – 2010
- The Home Office Tackling Violent Crime Programme
- Leeds City Council – Anti-Social Behaviour Statement
- Leeds City Council – Environmental enforcement policies.

4.2 The council (through it's Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the General Principles set out in Section 6 below and the overriding need to promote the four licensing objectives it may have regard to them when making licensing decisions.

4.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

## **5. Cultural activities in Leeds**

5.1 Leeds City Council (in common with other local authorities) is a major provider of facilities for public recreation. The Council has a tradition of promoting a wide range of cultural activity for the benefit of the city and district.

5.2 Leeds Town Hall is the dedicated public concert hall/performance area in Leeds and the Carriageworks Theatre is dedicated to amateur performance and public use for Leeds. Millennium Square in the city centre is used for public events and entertainment such as the Christmas market and 'Icecube' (a temporary ice rink) . The parks at Roundhay, Woodhouse Moor, Potternewton and Middleton are in use for community organised gatherings fairs and carnivals and Temple Newsam Park is the venue for council promoted public events attracting upwards of fifty thousand people.

5.3 Commercially promoted events take place in a variety of locations throughout the district.

5.4 Within local communities, groups and associations use church and village halls and community centres for social and fund raising activities. Within the district there are

120 church/village halls and schools licensed for regulated entertainment and or the sale or supply of alcohol.

- 5.5 Leeds has a long established reputation for the encouragement of community and diverse cultural events and public entertainment as an essential aid to community involvement and an increasing sense of common identity.
- 5.6 It is expressly recognised that live music, dancing and theatre have an important role to play in cultural and community life. The council encourages a variety of forms of live music and entertainment including singing and dancing, music and carnival events such as children's entertainment, juggling and mime.
- 5.7 Nothing in this Policy is intended to prevent or deter organisers from seeking licences for such events and the council will monitor the impact of the Licensing Policy to ensure that the Policy does not unnecessarily deter or prevent cultural and community events. Applicants are however encouraged to make early contact with the council to advise of any such events in line with the provisions of paragraphs 6.37 to 6.42.

## **6. General principles**

- 6.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the 4 licensing objectives and taking into account this Licensing Policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this Policy the council will give clear and cogent reasons for doing so.
- 6.2 Nothing in this Policy will undermine any person's right to apply for a variety of permissions under the Act.
- 6.3 Applicants are reminded of the Government's National Alcohol Harm Reduction Strategy. Matters set out in the strategy may be relevant to general licensing principles and to one or more of the licensing objectives.

### ***Human Rights***

- 6.4 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- *Article 6* that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
  - *Article 8* that everyone has the right to respect for his home and private life.
  - *Article 1 of the first protocol* that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

## ***Impact of Licensed Activity***

- 6.5 Where no representations are made the council will grant a licence subject to conditions consistent with the operating schedule.
- 6.6 When determining any application where relevant representations are made, the council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in Section 4 above. The requirement to promote the Licensing Objectives will be the paramount consideration. The council will focus upon the impact of the activities taking place on members of the public, living, working or engaged in normal activity in the vicinity of the premises. See further guidance on 'vicinity' at paragraph 8.8 to 8.9.
- 6.7 Where relevant representations are made the following factors will normally be taken into account when the council is looking at the impact of the activities concerned:
- the style of operation, the numbers of customers and customer profile likely to attend the premises;
  - the location of the premises and the proximity of noise sensitive properties
  - the proposed hours of operation;
  - the transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses;
  - the adequacy and impact of car parking on local residents or businesses;
  - any proposed methods for the dispersal of customers
  - the scope for mitigating any impact;
  - how often the activity occurs;

and, in considering any application for a variation, where a relevant representation has been received, the council may take into account, in addition to the above matters, any evidence

- of past demonstrable adverse impact from the activity especially on local residents or businesses;
- that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

Other relevant matters may be considered as the individual case dictates.

## ***Licensing Hours***

- 6.8 The government recommends that in some circumstances, flexible licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously are reduced. The intention behind this is to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which currently lead to disorder and disturbance. Providing the customers with greater choice and flexibility is an important consideration in the development of a thriving and safe evening and night-time economy in Leeds.
- 6.9 However any licensable activity does have the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these

activities can be particularly intrusive at night when ambient noise levels are much lower.

- 6.10 The council supports the development of a wide ranging and culturally diverse night-time economy where this can be achieved whilst promoting the four licensing objectives and without compromising the ability to resource local services associated with the night-time economy such as street cleansing.
- 6.11 Under the Act there are no permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their existing licences if they wish to open beyond their current permitted hours.
- 6.12 However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be paramount considerations at all times.
- 6.13 If relevant representations are made the council will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that:
- the potential effect on crime and disorder is not significant
  - the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses
  - appropriate transport facilities are available, or the applicant has made suitable arrangements to transport customers away from the venue.
- 6.14 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it necessary for the promotion of the licensing objectives to do so.
- 6.15 As a general rule shops stores and supermarkets will be permitted the off sale of alcohol during such hours as they are normally open for trade provided that there is no adverse impact upon the promotion of the licensing objectives as a result.

### ***Drinking up time***

- 6.16 The traditional 'drinking up time' was not carried over into the Licensing Act 2003. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants of premises licensed for the on- sale of alcohol are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.
- 6.17 Where relevant representations are made the council will consider imposing a condition on drinking up time where such a condition is necessary in order to promote the licensing objectives in any individual case.

## ***Excessive Consumption of Alcohol/Binge Drinking***

- 6.18 The council is acutely aware of the link between the supply of alcohol, that is subject to certain promotions and the possibility of resultant incidents of alcohol related crime and disorder and implications for public safety, public nuisance and the risk of harm to children.
- 6.19 The council also recognises the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an indirect impact on public health.
- 6.20 The British Beer and Pub Association states that a promotion is irresponsible where it encourages or incites individuals to drink to excess, behave in an anti-social manner or fuels drunkenness. The council as Licensing Authority will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.
- 6.21 The following examples taken from the <sup>1</sup>BBPA's guidance document 'Point of sale promotions' are promotions which have been identified (and agreed with the BBPA's members) as promotions which should not be operated:
- Reward schemes that are only redeemable over short periods thereby encouraging the purchase and consumption of large quantities of alcohol over a short period of time
  - Drinking games - these tend to encourage either speed drinking or the drinking of large quantities of alcohol
  - Promotions that involve large quantities of free drinks - e.g. Women drink free
  - Entry fees that are linked with unlimited amounts of drinks - e.g. '£x.99 on the door and all your drinks are free' or 'All you can drink for £x.99'
  - Promotions that are an incentive to speed drinking or encourage people to 'down their drinks in one' - e.g. 'If you finish your first bottle of wine by nine, the next one is on us'

**NB: The above list is not exhaustive and is simply a selection of the promotions which are contained, in full, in the guidance document.**

- 6.22 Any premises found to be participating in irresponsible drinks promotions such as those above and other similar promotions will be reported to the Leeds Enforcement Group (a multi-agency forum consisting of various enforcement agencies including West Yorkshire Police, West Yorkshire Trading Standards and the council's Environmental Health Services) and will be considered as high risk premises for multi-agency compliance and enforcement visits. The responsible authorities have stated that where evidence shows that a premises' alcohol drinks promotions are undermining one or more of the licensing objectives, then they will instigate a review of the licence.
- 6.23 When completing operating schedules and in the management of premises, applicants should consider guidance documents on the responsible promotion of alcohol and on binge drinking, such as the document referred to at 6.21 above.

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<sup>1</sup> 'Point of Sale Promotions – Standards for the Management of responsible drinks promotions including happy hours', Available from the British Beer and pub association, Market Towers, 1 Nine Elms Lane, London, SW8 5NQ, [www.beerandpub.com](http://www.beerandpub.com)

The council expects applicants to comply with these industry agreed codes of practice and to consider the issues raised in these documents when completing risk assessments or operating schedules.

- 6.24 On receipt of relevant representations from a responsible authority or interested party, which demonstrate a clear causal link between sales promotions and levels of crime and disorder or public nuisance on or in the vicinity of the premises, the council will consider the imposition of a licence condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises.

### ***Conditions***

- 6.25 The council may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.
- 6.26 The council recognises that the only conditions that should be imposed on a licence are those which are necessary and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.
- 6.27 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned. Standardised conditions will not be imposed, but where appropriate the council will draw upon the model pool of conditions issued by the Department for Culture Media and Sport in annex D of the guidance issued by the Secretary of State under s182 of the Act. The council may also impose conditions other than those referred to in the annexes in circumstances where this is necessary to properly promote the four licensing objectives.
- 6.28 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the council. Further details can be found in Section 12 and Appendix 1.

### ***Planning***

- 6.29 The use of premises for the sale or provision of alcohol, provision of entertainment or late night refreshment or indoor sports is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 6.30 In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in representations and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.

- 6.31 In addition, all new developments and premises which have been subject to structural alterations since 1994 will have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by building control. Failure to do so may result in representations and the licence being refused or granted subject to conditions.
- 6.32 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

### ***Staff Training***

- 6.33 The council recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibility and particularly of the offences contained within the Act. Similarly persons employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all staff involved in managing or supervising the premises.
- 6.34 It is also recommended that persons employed on premises providing entertainment for children and youths attend training programmes in basic child protection and safety, and if appropriate have the necessary CRB checks.
- 6.35 All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

### ***Local, national and international occasions***

- 6.36 It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, for example bank holidays, and to incorporate appropriate opening hours for these occasions in their operating schedules.
- 6.37 Additional occasions for which extensions may be required may be covered by a Temporary Event Notice (certain restrictions apply - see section 11).

### ***Special Events in the Open Air or in Temporary Structures***

- 6.38 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement and civic pride and can attract visitors to the district.
- 6.39 However, the success of such events by way of contribution to the council's cultural and tourist strategies, depends upon the quality, levels of safety, consideration for the rights of people who live or work in the vicinity, and the standard of provision of facilities for those coming to enjoy the event.

- 6.40 The Licensing Policy applies to all such events. However in recognition of the special factors that are relevant, particularly with respect to major open air events such as a pop festival or events like the Leeds Mela, the council has established a Multi-Agency Forum to assist organisers in co-ordinating such events. The Multi-Agency Forum is made up of various council departments who have an interest in or legislative role relevant to such events, together with representatives of the various emergency services.
- 6.41 Members of the Multi-Agency Forum are notified about all proposals to hold such events and where necessary a special meeting will be organised in order to consider any issues that will require to be addressed and to open up lines of communication with organisers.
- 6.42 A useful document which organisers are recommended to obtain is 'The Event Safety Guide' (known as the purple guide), published by the Health & Safety Executive. Details as to where this publication may be obtained are set out at Appendix 2.
- 6.43 General guidance on the planning of such events is available to organisers but it is important to appreciate that substantial notice should be given so that proper preparations and precautions can be put in place for the event. This is so even if the event is proposed under a Temporary Event Notice as detailed in Section 11.

### ***Commercial and Non-commercial or Community Applicants***

- 6.44 Whilst this policy is aimed at all licensable activities under the Licensing Act 2003 it should be noted that the council sees a distinction between large or permanent activities, such as those proposed by commercial operators and small or temporary activities such as those which might be proposed by cultural or community groups.
- 6.45 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same skill or expertise or access to professional advice. Such groups may seek assistance and guidance from the council by contacting the council's Entertainment Licensing Section.
- 6.46 Whatever the nature of the applicant and activity proposed, the overriding matter is that the council will consider the individual merits of the application and act so as to promote the licensing objectives.

### ***Other Regulatory Regimes***

- 6.47 The licensing policy is not intended to be the primary mechanism for the general control of nuisance, anti social behaviour and environmental crime but nonetheless is a key aspect of such control and the licensing policy and licensing decisions are intended to be part of an holistic approach to the delivery of the council plan and the management of the evening and night time economy of the Leeds district.
- 6.48 In preparing this policy the council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However on occasions it has been necessary to set out some of the detail in this policy for ease of understanding. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with legal requirements. Commercial and non commercial or

community applicants alike are recommended to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

## **7. Cumulative Impact Policy**

- 7.1 Cumulative impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area.
- 7.2 The licensing policy is not the only means of addressing such problems. Other controls include:
- planning controls
  - CCTV
  - provision of transport facilities including Taxi Ranks
  - Alcohol Disorder Zones
  - Designated Public Places Orders
  - police powers
  - closure powers
  - positive measures to create safer, cleaner and greener spaces.
  - Street Wardens, Taxi Marshals
- 7.3 The council encourages the development of a variety of premises providing a range of licensed activities catering for a wide range of users. Any policy adopted from time to time on the cumulative impact of licensed premises will impose restrictions only to the extent that they are justified by the available evidence having regard to the Guidance issued by the Secretary of State.
- 7.4 The council is applying a special cumulative impact policy to five areas of the Leeds district. Namely the city centre (Area 1), Headingley (Area 2), and also to the A660 corridor (Area 3) which runs through the Hyde Park/Woodhouse area joining the city centre policy with the Headingley policy. In addition the council is also applying a special cumulative impact policy to a defined area of Chapel Allerton (Area 4) and to Horsforth (Area 5).
- 7.5 These areas have been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in these areas are, and in respect of areas 1 to 4, which were identified in the council's previous statement of Licensing Policy, continue to adversely affect the promotion of the following licensing objectives:
- prevention of crime and disorder
  - the prevention of public nuisance.
- 7.6 A summary of the evidence of the problems being experienced in these areas is given in the cumulative impact policy below. A fuller more comprehensive report may be accessed via the council's website or a hard copy may be obtained upon request from the Entertainment Licensing Section.

7.7 The council consulted on draft policies for the areas identified as part of the wider consultation on the council's revised draft licensing policy for the period 2007 to 2010. Consultation was carried out with:

- The responsible authorities
- licensees and those representing licensees
- local residents and businesses
- those representing local residents and businesses.

7.8 As a result of that consultation, the council has adopted the following cumulative impact policy:

**AREA 1 – City Centre – the area around the Corn Exchange, along Boar Lane, up Park Row and to the top of Cookridge Street.**

Area 1 as defined on the map at Appendix 3a relates to the city centre.

When the council approved its first statement of licensing policy it contained a cumulative impact policy for the area shown in the above appendix. At that time there was strong evidence of an impact on crime and disorder caused by the number of licensed venues within the area and the number of people attending those venues. There was also evidence of public nuisance problems, most particularly noise nuisance as well as environmental impacts, including litter and unlawful advertising. In principal the council took the view that the major problems were being caused by the number of people attending the high capacity licensed premises in the area and by their movement to and from the various venues, hot food take-aways and sources of transport into and away from the city centre. The proposals in respect of the city centre were intended to target these large capacity vertical drinking premises that would increase the numbers of customers in the area and those premises serving hot food and drink after 11pm that act as a flashpoint.

The most recent evidence shows that although violent crime is down, there are still problems in this area. The city is a Home Office priority city in the Tackling Violent Crime Programme. Analysis of the closing times of all premises in the cumulative impact area shows that the peak closing time periods of 12:00 and 02:00 correlate almost perfectly with the police's core times for alcohol related crime in the city centre. The area around the Corn Exchange and Call Lane is still a significant police hot spot for violent crime and this area is covered by the cumulative impact policy.

Accordingly the council has decided to retain the existing cumulative impact policy as follows to ensure that the positive trends being seen in relation to violent crime in the city centre are not undone by an increase in large capacity vertical drinking establishments:

***It is the council's policy on receipt of relevant representations to refuse applications in Area 1 for night clubs and for pubs and clubs which are characterised as large capacity vertical drinking premises (sometimes called high volume vertical drinking establishments) which are premises with large capacity used primarily or exclusively for the sale or consumption of alcohol, and which have little or no seating for patrons.***

***It is also the council's policy on receipt of relevant representations to refuse applications for new premises seeking a licence to provide hot food between 11.00 pm and 5.00 am where the food is purchased to take away from the premises as opposed to premises where the food is to be consumed on the premises and whilst patrons are seated at tables provided for that purpose.***

## **AREA 2 - Headingley**

Area 2 as defined on the map at Appendix 3b relates to the Headingley district of Leeds.

When the council approved its first statement of licensing policy it contained a cumulative impact policy for the area shown in the above appendix. At that time there was strong evidence of public nuisance problems. In particular, evidence showed that local residents were concerned about noise nuisance and anti social behaviour including noise nuisance on the streets caused by those who had been drinking at licensed premises, congregations of people at takeaways (with associated nuisance) and noise nuisance caused by the demand for transport (in particular taxi and private hire vehicles). Residents particularly raised concerns about the late hours at which such nuisance was occurring.

The most recent evidence and public consultation responses gathered in respect of Area 2 shows that the above problems are still being experienced. It also appears that an increase in the number of establishments serving late night refreshment in the area since the first policy was approved is compounding the problems of crime and disorder and public nuisance. Crime pattern analysis also shows significant concentrations of anti-social behaviour incidents and violent crimes in and around the commercial centre of Headingley, particularly at weekends and in the early hours of the morning where a range of licensed premises are based. The council takes the view that given that the ongoing problems being experienced can not be attributed to any one particular kind of premises that the previous policy should be retained and strengthened as follows:

***It is the council's policy, on receipt of relevant representations, to refuse applications in Area 2 for premises which are predominantly 'alcohol-led'. It is also the council's policy to refuse applications to materially extend the opening hours of any licensed premise within the area.***

***In addition It is also the council's policy on receipt of relevant representations to refuse applications for new premises seeking a licence to provide hot food between 11.00 pm and 5.00 am where the food is purchased to take away from the premises as opposed to premises where the food is to be consumed on the premises and whilst patrons are seated at tables provided for that purpose.***

## **AREA 3 – Hyde Park and Woodhouse Corridor**

Area 3 as defined on the map at Appendix 3c relates to the arterial road (the A660) linking Area 1 (City Centre) and Area 2 (Headingley District).

When the council approved its first statement of licensing policy it contained a cumulative impact policy for the area shown in the above appendix. At that time the

council had concerns that by adopting policies in respect of areas 1 and 2 that there could be a tendency to displace either the crime and disorder or public nuisance impact into Area 3. The council was also mindful of police representations from West Yorkshire Police that also backed up this concern.

The most recent evidence and public consultation responses gathered in respect of Area 3 shows that the A660 corridor still experiences a greater proportion of alcohol related crime and antisocial behaviour than the rest of the Hyde Park/Woodhouse area. The police attribute this trend to the high concentration of licensed venues in the area. There are also worrying signs that displacement of problems may be taking place as evidenced by the strong responses received during the consultation process about public nuisance problems and alcohol fuelled anti social behaviour and criminal damage. It appears that the proximity of the Headingley area and its significant concentration of venues coupled with the growing number of premises licensed into the early hours of the morning to the north of the city centre and along the A660 corridor is causing problems related to the licensing objectives. The evidence suggests that there is likely to be movements of inebriated people who may have a tendency to loud and disorderly behaviour late at night, either travelling into the city centre from Headingley, or travelling out of the city centre towards Headingley. The council takes the view that the existing policy should be retained as follows to ensure that these problems are not allowed to worsen.

***It is the council's policy in respect of Area 3 that, on receipt of relevant representations, necessary conditions will be applied to all premises licences in the area to ensure that the problems experienced in Areas 1 and 2 are not displaced into Area 3.***

***Such conditions might include (but are not limited to):***

- ***Restriction of hours***
- ***Restriction of capacity***

***Or the Authority may refuse to grant the licence or variation sought due to the impact on the licensing objectives.***

#### **AREA 4 – Chapel Allerton**

Area 4 as defined on the map at appendix 3d relates to the Chapel Allerton district of Leeds.

The council approved an addendum to its first statement of licensing policy in January 2006 to add Chapel Allerton to the existing cumulative impact policy. The evidence collected at that time showed relevant concentrations of alcohol related crime in and around the licensed premises in the commercial centre of Chapel Allerton. In addition public response to consultation on proposals for a cumulative impact policy showed not only strong public support for the policy (almost 200 statements of support were received) but produced many accounts from residents indicating the perception of rising amounts of crime and public drunkenness, an increase in litter, noise at night linked to licensed premises, generally unruly behaviour at night time and associated issues.

The most recent evidence and public consultation responses gathered in respect of Area 4 show that the above problems are still being experienced. Residents are

particularly concerned about late night noise, litter and low level anti-social behaviour in and around the commercial centre of Chapel Allerton. In addition West Yorkshire Police still support the retention of the policy and cite strong concerns about the proportion of theft from person, general thefts and assaults that occur in and around the licensed premises at the commercial centre of Chapel Allerton. Accordingly the council takes the view that it would be premature to remove the policy at this stage since the problems highlighted during the initial consultation and evidence gathering process less than two years ago do not appear to have subsided.

***It is the council's policy, on receipt of relevant representations, to refuse applications in Area 4 for licences for new pubs, clubs, bars, café bars and restaurants.***

#### **AREA 5 – Horsforth**

Area 5 as defined on the map at appendix 3e relates to the Horsforth district of Leeds centred on Town Street.

The council considers that the principal impact demonstrated by the evidence gathered in respect of Area 5 is upon the licensing objective of preventing public nuisance. In particular, consultation analysis shows that local residents are concerned with noise nuisance and other forms of anti social behaviour such as fighting on the street at closing times, litter and theft of and damage to garden items, urination, and vomit in the streets and close to residential properties. West Yorkshire Police also support the policy referring to relevant concentrations of criminal damage and anti-social behaviour cases close to the commercial centre of Horsforth within the proposed CIP area. A temporal analysis showed the peak times for damage offences in the area have occurred between 18:00 and 00:00. Loutish behaviour and drunkenness also makes up a significant proportion of the total recorded cases of anti social behaviour in the area. In addition to the consultation activities undertaken as part of the overall review of this policy, the Area Management Team also undertook a four week consultation in the spring of 2007 which showed strong support for a policy when almost 100 questionnaires/statements of support were received .

***It is the council's policy, on receipt of relevant representations, to refuse applications in Area 5 for licences for new pubs, clubs, bars, night clubs, café bars and restaurants.***

- 7.9 An applicant wishing to obtain a new or varied licence for premises falling within any of the cumulative impact areas detailed above must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced. To assist this process applicants are encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued under section 182 of the Act.

- 7.10 The council is also aware that the police have concerns related to the concentration of premises in the localities of Pudsey, Armley and Guiseley. The council in conjunction with the responsible authorities will be keeping these areas under review during the life of the policy in case it becomes necessary to instigate formal cumulative impact investigation. Applicants wishing to apply for new licences or variations in these areas should note this paragraph and tailor their operating schedules accordingly.
- 7.11 The council is also conscious that evidence and consultation carried out in respect of Areas 1 and 3 shows that these areas should be monitored closely to ensure that the nature and location of the problems being experienced in these localities does not shift beyond the boundaries and scope of the existing policies.

## **8. The licensing process**

### ***Applications***

- 8.1 Applications must be made to the council in the form prescribed by Regulations. Guidance is available to applicants setting out the detail of the process.

### ***The Licensing Committee***

- 8.2 The council has appointed a Licensing Committee of 15 Councillors. Licensing functions will often be delegated to a Licensing Sub Committee of 3 Councillors or, in appropriate cases to officers of the council.
- 8.3 Councillors will have regard to the Leeds City Council Code of Conduct for Members and guidance issued by the Standards Board for England. Where a Councillor who is a member of the Licensing Committee or Sub Committee has a prejudicial interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application. Members will not hear applications from within their own Ward to avoid any appearance of bias.
- 8.4 A Licensing Sub Committee may refer an application to another Sub Committee or to the Licensing Committee where it is unable to deal with the application because of the number of members unable to vote on the matter in question.
- 8.5 The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question.

### ***Representations and 'vicinity'***

- 8.6 Representations may be made by a responsible authority or interested party (as defined by the Licensing Act 2003). The council has agreed protocols with responsible authorities and issued guidance to interested parties making representations, setting out the detail of the process. Copies of guidance notes are available on the council website or by contacting the Entertainment Licensing Section.

- 8.7 Members of the public who wish to submit a representation in regards to a licence application need to be aware that their personal details will be made available to the applicant. If they are not happy for this to occur then they should contact a local representative such as a ward/parish or town councillor or any other locally recognised body or association about submitting the representation on their behalf. The council has prepared detailed guidance on the procedure for this, which can be accessed on the council website or by contacting the Entertainment Licensing Section.
- 8.8 Where a representation is received which is not from a responsible authority the council will in the first instance make a judgement on whether it is relevant. This will involve determining whether the representation has been made by an interested party and whether or not for example, the individual resides or is involved in business “in the vicinity” of the premises concerned.
- 8.9 In making its decision on the question of vicinity the council will consider whether the individuals residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises.
- 8.10 `Relevant representations' are representations:
- about the likely effect of the Premises Licence on the promotion of the licensing objectives;
  - are made by an interested party or a responsible authority, have not been withdrawn and, in the case of representations made by an interested party they are not in the opinion of the council, frivolous or vexatious.
- 8.11 Where relevant representations are made about an application the council will hold a hearing to consider them unless the council, the applicant and everyone who has made representations agree that the hearing is not necessary. Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented.
- 8.12 Where hearings are required as a result of relevant representations, the council may extend the time limits involved in calling hearings in order to allow the parties to negotiate suitable conditions to be added to the operating schedule and avoid the need for a hearing. Such an extension of time is considered to be in the public interest.

### ***Reasons for Decisions***

- 8.13 Every decision made by the Licensing Committee, Sub Committee or officers shall be accompanied by clear reasons for the decision.

## **9. Premises licences and club premises certificates (including variations)**

- 9.1 An application for, or variation of a premises licence or club premises certificate must be in the form specified by regulations. The requisite fee and the required floor

plan to the scale and format as prescribed by the regulations must accompany the application. The applicant for a new licence or variation of an existing licence is also required to give notice and to advertise the application in accordance with the relevant regulations.

### ***Operating Schedules***

- 9.2 Operating schedules are the key to ensuring that the four licensing objectives are promoted. An operating schedule should include enough information to enable any responsible authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 9.3 The council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on there rather than in general or standard terms. Information should be given to demonstrate how the individual application proposes to address and promote the licensing objectives. Applicants are referred to paragraphs 9.5 to 9.9 below which contains information on carrying out a risk assessment.
- 9.4 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the forms correctly before the application is accepted by council.

### ***Risk assessments***

- 9.5 The council recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the council and Responsible Authorities and Interested Parties to assess how they will seek to promote the licensing objectives.
- 9.6 The council is aware that any risk assessment will vary according to the nature of the business. It is for applicants to decide what is appropriate in each case. To assist applicants in completing their operating schedules the council has devised a risk assessment proforma and suggested wording for conditions. A copy may be obtained from the Entertainment Licensing Section. A special risk assessment proforma designed for outdoor events and broadly based on the 'Purple Guide' (see useful reading in Appendix 2) is also available.
- 9.7 The risk assessment contains many of the key factors which the responsible authorities will be expecting applicants to meet in order to fulfil the licensing objectives. The contents are not exhaustive but the risk assessment approach will reduce the possibilities of adverse representations.
- 9.8 It is recognised that some areas of the risk assessment may duplicate issues which applicants have previously addressed in order to satisfy other legislation. Where this does occur the Operating Schedule may cross reference to such alternative documents.
- 9.9 The council recognises that it cannot insist on a risk assessment. However an applicant who decides not to complete or provide a risk assessment may face additional representations and the expense of hearings as a result. If a risk

assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.

### ***Registered Clubs - Club Premises Certificate***

- 9.10 The Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason qualifying clubs may apply for a Club Premises Certificate as an alternative to a premises licence.
- 9.11 A Designated Premises Supervisor and Personal Licence Holders are not required where a Club Premises Certificate is in force. However, an applicant for a Club Premises Certificate is still required to act in a manner which promotes the licensing objectives. An application for a Club Premises Certificate must be in the form prescribed by regulations.
- 9.12 Any qualifying club may choose to obtain a Premises Licence if it decides that it wishes to offer its facilities commercially for use by the public, including the sale of alcohol. Any individual on behalf of the club may also provide Temporary Events Notices (certain restrictions apply - refer to section 11). The council has issued guidance to clubs on applying for a Club Premises Certificate.

## **10. Personal licences and designated premises supervisors**

### ***Personal Licence***

- 10.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence holder at all material times but if any sales are made when a Personal Licence Holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales. The council recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders. This paragraph should be read in conjunction with paragraphs 10.7 to 10.9 on the role of the 'Designated Premises Supervisor'.
- 10.2 The council recognises it has no discretion regarding the granting of personal licences where
- the applicant is 18 or over,
  - possesses a licensing qualification,
  - has not had a licence forfeited in the last five years and
  - has not been convicted of a relevant offence.
- 10.3 An application for a personal licence to sell alcohol must be made in the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant should also be able to produce evidence of the relevant qualifications.

- 10.4 Applicants should produce a Criminal Record Bureau certificate along with the application form. The certificate must be current and comply with the regulations on personal licence applications. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.
- 10.5 Where the application discloses relevant unspent convictions the council will notify the police of that application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged a hearing must be held.
- 10.6 The council will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

### ***Designated Premises Supervisor***

- 10.7 An applicant for a Premises Licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given day to day responsibility for running the premises. The DPS will also be in possession of a Personal Licence. The Act does not require the presence of the DPS at all material times.
- 10.8 The DPS will be readily identifiable on the premises as a person in a position of authority. No sale or supply of alcohol may be made at a time when no DPS has been specified on the licence or at a time when the DPS does not hold a Personal Licence.
- 10.9 This section should be read in conjunction with paragraphs 10.1 to 10.6 about the 'Personal Licence'.

## **11. Temporary event notices**

- 11.1 Temporary event notices are subject to various limitations. These are concerned with:
- duration - they are limited to events lasting for up to 96 hours and to a total of 15 days in one year, at the same premises or any part of the same premises;
  - scale – they cannot involve the presence of more than 499 people at any one time;
  - use of the same premises – the same premises cannot be used more than 12 times in a single period of 12 months;
  - the number of notices given by one individual within a given period of time (a personal licence holder is limited to 50 notices in one year, and an ordinary person to five notices in a similar period)

Unless the event proposed falls within these criteria, a premises licence will be required.

- 11.2 The most important aspect of the system of temporary event notices is that no permission is required for these events from the council. In general, only the police may intervene to prevent such an event or modify the arrangements for such an event. The council will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.
- 11.3 Many premises users giving temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, all of which may stage public events to raise funds, at which licensable activities will take place. The council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.
- 11.4 Ten working days is the minimum possible notice that must be given (excluding the day of the event itself). The council would encourage notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. In these cases applicants are referred to paragraphs 6.37 to 6.42 for details of how assistance with the planning of events can be provided through multi agency forum meetings.
- 11.5 The council will provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

### ***Police intervention***

- 11.6 The Act provides that in exceptional circumstances, the police may issue an objection notice because they believe the event would undermine the crime prevention objective set out in the Act. The police must issue any objection notice within 48 hours of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the council at a hearing.
- 11.7 The council may only consider the objective of the prevention of crime and disorder at such a hearing.
- 11.8 The ability of police to serve such a notice is a further reason why event organisers are strongly encouraged by the council not to rely on giving the minimum amount of notice and to contact their local police at the earliest possible opportunity about their proposals.

### ***Additional limitations***

- 11.9 The council, on receiving temporary event notices, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.

The Act defines an associate as being:

- the spouse of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or
- an agent or employee of that person or their spouse.

A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

## **12. Promotion of the licensing objectives**

12.1 The council will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives. These are:

- The prevention of crime and disorder
- Public Safety.
- The prevention of public nuisance
- The protection of children from harm

Each objective is of equal importance, and the four objectives will be paramount considerations for the council at all times.

12.2 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the Operating Schedules will be converted into conditions on their licence.

12.3 The council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.

12.4 Applicants are reminded that responsible authorities or interested parties may make representations if they feel that the applicants proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.

12.5 The council recommends early consultation with responsible authorities. Many responsible authorities have produced guidance which applicants can take into account when assessing whether they need to include any measures in their application to promote the licensing objectives. In addition, many responsible authorities would be prepared to discuss matters on site with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities can be found at Appendix 1 of this Policy. Guidance issued by the responsible authorities can be found on the council's website, [www.leeds.gov.uk/licensing](http://www.leeds.gov.uk/licensing) or by contacting the Entertainment Licensing Section. Applicants should also read paragraphs 9.5 – 9.9 regarding risk assessments.

## ***Crime and Disorder***

- 12.6 Under the Crime and Disorder Act 1998, the council must exercise its functions, having regard to the likely effect on Crime and Disorder in its area, and must do all it can to prevent Crime and Disorder.
- 12.7 Where its discretion is engaged, the council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports the Leeds Community Safety Strategy, and any local crime reduction strategy.
- 12.8 There are many steps an applicant may take to prevent crime and disorder. The council will look to the Police for the main source of advice on these matters. In accordance with paragraph 2.16 of the Secretary of State's Guidance, Police views on matters relating to crime and disorder will be given considerable weight.
- 12.9 If relevant representations are made, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.
- 12.10 Conditions will be targeted on deterrence and the prevention of crime and disorder.

The council may consider:

- The need for and location of CCTV cameras.
  - The need for door supervision.
  - The need for a text or radio pager system allowing communication between premises and with the Police.
  - Conditions setting capacity limits where this is necessary to prevent overcrowding likely to lead to disorder and violence.
  - Membership of a recognised pub watch or similar scheme.
- 12.11 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity. However, conditions for such adult entertainment may be imposed for reasons of public safety, or the protection of children from harm.

## ***Public Safety***

- 12.12 The public safety objective is concerned with the physical state of people using the premises, and not with public health. Public safety includes safety of performers appearing at any premises.
- 12.13 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The council will not seek to impose fire safety conditions as conditions on licences where the Order applies.

- 12.14 Capacity limits will only be imposed where necessary for the promotion of public safety, or, for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.
- 12.15 Applicants are advised to consult with the Environmental Health, Health and Safety Team, who can offer advice as to appropriate measures to be included in risk assessments, and potentially in operating schedules.
- 12.16 On receipt of relevant representations the council will have regard to the views of the Health and Safety Team.
- 12.17 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation.
- 12.18 However, if it is considered necessary in light of the evidence on each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals, and evidence of the checks to be retained.
- 12.19 Conditions may also seek to require equipment of particular standards to be maintained on premises.
- 12.20 Special considerations will apply to night clubs and similar venues. Applicants are encouraged to consider the Safer Clubbing Guide published by the Home Office and DCMS, which gives advice on these issues.
- 12.21 Special events in the open air or temporary structures raise particular issues. Applicants are referred to paragraphs 6.37 to 6.42 of this document where guidance on holding these types of event is given.

### ***Public Nuisance***

- 12.22 In considering the promotion of this licensing objective, applicants need to focus on the impact of licensable activities on persons living and working in the vicinity to the extent that those impacts are disproportionate and unreasonable.
- 12.23 Issues will mainly concern noise nuisance, light pollution, noxious smells and litter. These include issues arising from the implementation of the smoking ban where customers may now be more inclined to use external areas of premises.
- 12.24 Public nuisance in this context is not narrowly defined and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community.
- 12.25 Where applicants are completing operating schedules the council encourages them to have regard to the location of the proposed or actual premises, and in particular whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, old people's accommodation, hospitals, hospices or places of worship.
- 12.26 Applicants are recommended to consult Environmental Health Services for advice on measures that may need to be incorporated into an operating schedule.

- 12.27 If relevant representations are made, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave. The council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.
- 12.28 The council will consider whether issues relating to public nuisance can be dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.
- 12.29 When considering such matters, the council will have regard to representations made by Environmental Health Services, and by local residents.
- 12.30 The council may consider the following matters:
- Whether doors and windows are kept closed after a particular time.
  - Whether other noise control measures such as acoustic curtains or other speaker mounts are required.
  - The fact that lighting outside the premises may help to prevent crime and disorder, but may give rise to light pollution for neighbours.
  - Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the rights of residents.
  - The size and location of smoking areas and any facilities provided may encourage patrons to use the external areas more extensively than for just smoking and returning to the inside of the premises
  - Provision of litter bins in the vicinity of premises serving hot food after 11 pm.
  - Display of contact details or a direct telephone link to a private hire/taxi firm.
- 12.31 The council recognises that it is necessary to balance the rights of local residents businesses and others with those wishing to provide licensable activities, and those who wish to use such facilities.
- 12.32 Ultimately if it is necessary for the prevention of public nuisance where conditions do not adequately address the issues an application can be refused.

### ***Protection of children from harm***

- 12.33 The protection of children from harm includes protection from physical and psychological harm.
- 12.34 The council notes that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed unless there is good reason to restrict entry or exclude children completely.
- 12.35 Issues about access of children to premises may give rise to concern:

- where adult entertainment is provided;
- where there have been convictions of the current management for serving alcohol to minors;
- where the premises have a reputation for allowing under-age drinking;
- where requirements of proof of age is not the norm;
- where premises have a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where the supply of alcohol consumption on the premises is the exclusive or primary purpose of the services provided.

12.36 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule.

12.37 In addition, licensees may identify that the access of children to particular parts of the premises poses more risk than others, and seek only to exclude children from areas of highest risk.

12.38 On receipt of relevant representations, the council will consider whether conditions are necessary. If conditions are necessary these may include.

- requirement for a proof of age scheme;
- limitations on the hours when children will be present;
- limitation upon the presence of children of certain ages when specified activities are taking place;
- limits on the parts of the premises to which children may have access;
- age limitations;
- limitations or exclusions only when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under the age of 18 when any licensable activities are taking place.

12.39 In such cases, representations by the Safeguarding Children Board and the Police will be given considerable weight where they address issues regarding the admission of children.

12.40 No condition will be imposed by the council requiring the admission of children to any licensed premise.

## **13. Enforcement and reviews**

- 13.1 The Licensing Act contains stringent safeguards to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives. The council and responsible authorities are committed to encouraging a thriving day time and evening licensed economy but will not tolerate those premises whose activities infringe upon the quality of life for local residents and businesses.
- 13.2 The council has established a multi agency enforcement protocol which sets out the framework for the risk based enforcement of the Licensing Act 2003 following the principles of better regulation advocated by the Better Regulation Commission. The protocol allows for the for carrying out of inspections with the police, the fire authority and between appropriate council departments.
- 13.3 The enforcement protocol's mission statement is to protect the public, interested parties and the environment from harm caused as a result of activities made licensable by virtue of the Licensing Act 2003.

### ***Prosecution of breaches***

- 13.4 In accordance with the enforcement protocol, the council adopts a multi-agency approach to the prosecution of offences under the Licensing Act.
- 13.5 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental protection and trading standards also have their own powers.
- 13.6 The council has adopted the principles of the enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 13.7 The council has a zero tolerance to anti social behaviour and environmental crime.

### ***Reviews of Licences***

- 13.8 The council recognises that the ability of an interested party, the police and other responsible authorities to apply for a review of a premises licence, is an incentive to effective self regulation.
- 13.9 On receipt of a relevant request to carry out a review the council has a range of options available to it under the Act. These include:
- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
  - To exclude a licensable activity from the scope of the licence (permanently or temporarily)
  - To remove the Designated Premises Supervisor
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence

- 13.10 The council will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.
- 13.11 The council has agreed protocols with responsible authorities and published guidance on the review process for interested parties.
- 13.12 Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the council must carry out a review of the licence.
- 13.13 Where a Magistrates Court makes a Closure Order under part 1 of the Anti Social Behaviour Act 2003 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the police will usually ask the council to carry out a review of the licence
- 13.14 Where a closure order has been made under part 6 of the Anti Social Behaviour Act 2003 (on grounds of noise) the council's Environmental Health section will normally request a review of the licence.

### ***Matters to be considered***

- 13.15 When considering a review request or the possibility of enforcement action the council will take into account all relevant circumstances but will view the following matters particularly seriously:
- use of the premises for criminal activities such as the supply of drugs or money laundering
  - failure to promptly respond to a warning properly given by a responsible authority
  - previous convictions for licensing offences
  - previous failure to comply with licence conditions.

### ***The Violent Crime Reduction Act 2006***

- 13.16 The Violent Crime Reduction Act 2006 has amended parts of the Licensing Act 2003 and now expands police and council powers to deal with problem premises in a more expedient manner.
- 13.17 A new power to carry out summary reviews in serious cases of crime and disorder is brought in at section 53A of the Licensing Act 2003. Where a review application is accompanied by a certificate issued by a senior police officer, the Licensing Authority is required within 48 hours to consider whether it is necessary to take any interim steps pending the completion of the review process. This may include the immediate suspension of the premises licence.

## **Appendix 1 – Contact Information**

### **Leeds City Council Licensing Section**

Entertainment Licensing  
Civic Hall  
Leeds  
LS1 1UR

Telephone: 0113 247 4095

Fax: 0113 224 3885

E mail: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

Website: [www.leeds.gov.uk/licensing](http://www.leeds.gov.uk/licensing)

## Responsible Authorities

<p>West Yorkshire Police Operations and Licensing Department Millgarth Police Station Millgarth Street Leeds LS2 7HX Tel: 0113 241 4023</p>
<p>West Yorkshire Fire and Rescue Service Leeds Fire Station Kirkstall Road Leeds LS3 1NF Tel: 0113 244 0302</p>
<p>Leeds Safeguarding Children Board Merrion House 110 Merrion Centre LEEDS LS2 8QB Tel: 0113 247 8543</p>
<p>Leeds City Council - Environmental Health Services Millshaw Office Millshaw Park Way Churwell Leeds LS11 0LS Tel: 0113 247 6026</p>
<p>West Yorkshire Trading Standards Licensing Team PO Box 5 Nepshaw Lane South Morley Leeds LS27 0QP Tel: 0113 289 8237</p>
<p>Leeds City Council - Planning Services The Leonardo Building 2 Rossington Street Leeds LS2 8HD Tel: 0113 247 8000</p>

**\*Leeds City Council - Health and Safety Team**

Health and Safety Team,  
Environmental Health Services  
Millshaw Park Way  
Leeds  
LS11 0LS  
Tel: 0113 3951605

**\*Health and Safety Executive**

Marshalls Mill  
Marshall Street  
Leeds  
LS11 9YJ  
Tel: 0113 283 4200

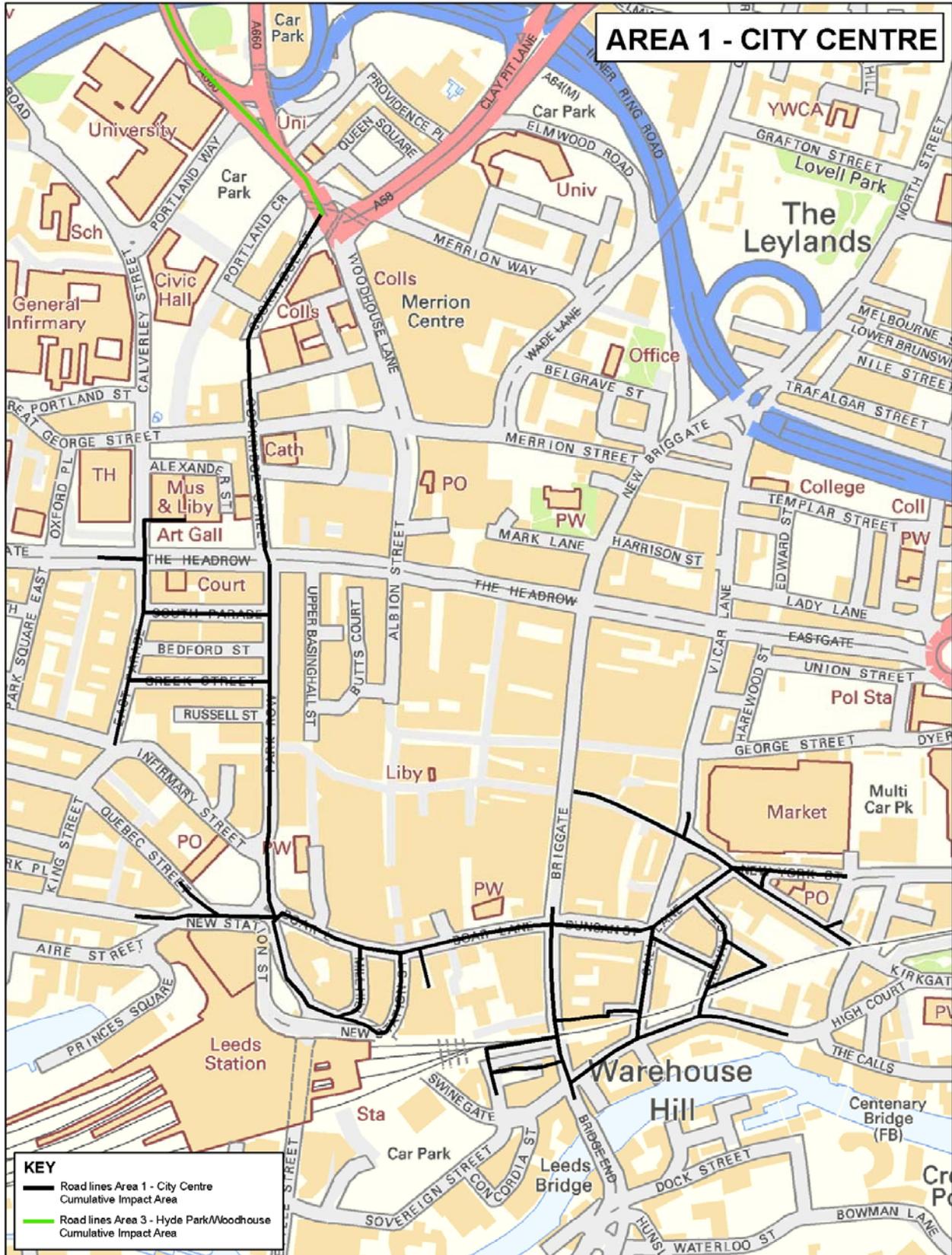
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\* Generally applications only need be sent to the Leeds City Council - Health and Safety Team and not the Health and Safety Executive. Some venues which are council owned or situated on council land and some events which may take place on public roads may need to serve their applications on the Health and Safety Executive. If you are in any doubt where to send your application form from a Health and Safety perspective first of all phone the Leeds City Council Health and Safety Team to check.

## Appendix 2 – Further Reading and Useful Information

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003 (DCMS June 2007) available on the DCMS Website at [www.culture.gov.uk](http://www.culture.gov.uk)
- The Event Safety Guide – A guide to health safety and welfare at music and similar events (HSE 1999) (“The Purple Guide”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through [www.streetartsnetwork.org](http://www.streetartsnetwork.org)
- The Portman group Website at [www.portman-group.org.uk](http://www.portman-group.org.uk)
- The British Beer and Pub Association at [www.beerandpub.com](http://www.beerandpub.com)
- The Alcohol Harm Reduction Strategy for England, March 2004, To check availability of hard copies of the report, please contact the Strategy Unit: [strategy@cabinet-office.x.gsi.gov.uk](mailto:strategy@cabinet-office.x.gsi.gov.uk), t: 020 7276 1881. [www.strategy.gov.uk](http://www.strategy.gov.uk)
- Leeds Alcohol Strategy 2007 – 2010
- Government website aimed at tackling anti-social behaviour [www.together.gov.uk](http://www.together.gov.uk)
- Safer clubbing guide available at [www.drugs.gov.uk](http://www.drugs.gov.uk)

# Appendix 3a – City Centre



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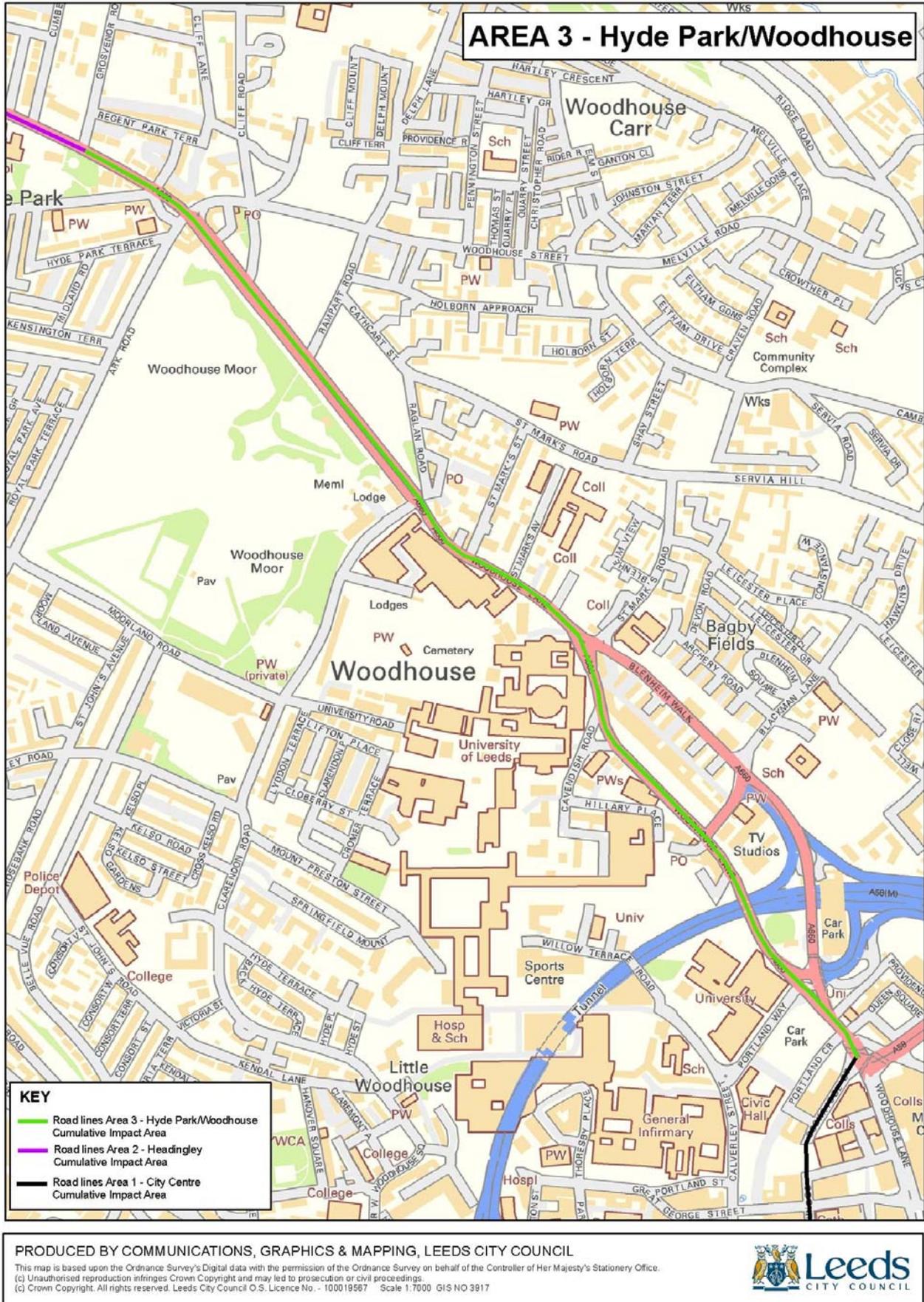
# Appendix 3b - Headingley



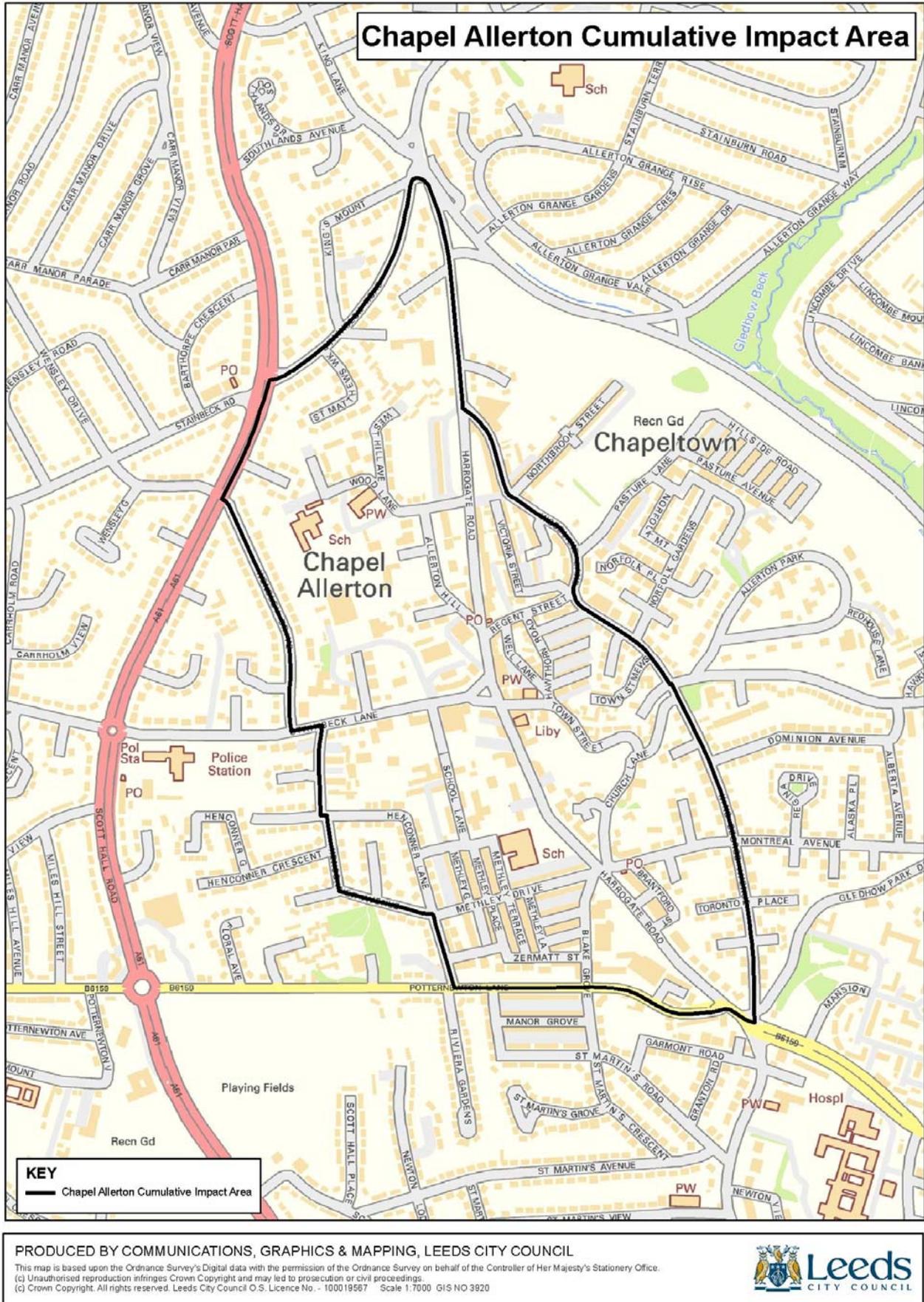
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# Appendix 3c – Hyde Park / Woodhouse



# Appendix 3d – Chapel Allerton



# Appendix 3e - Horsforth



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**Web: [www.leeds.gov.uk/licensing](http://www.leeds.gov.uk/licensing)**