

## **Purpose**

This briefing note sets out the changes to the Statement of Licensing Policy 2011-2013 following the review and public consultation.

## **Changes**

New sections were added to reflect changes in the legislation since the last review of the policy took place in 2007.

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

- 6.21 From April 2010 new mandatory conditions came into effect which:
- Ban irresponsible promotions;
  - Ban the dispensing of alcohol directly into the mouth; and
  - Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- 6.22 The legislation makes it clear that an irresponsible promotion is one that is "carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carried a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children".
- 6.23 As a consequence any on-trade premises which participates in irresponsible drinks promotions will be breaching licence conditions and will be dealt with in accordance with the council's "Leeds Responsible Authority Liaison and Joint Enforcement Protocol - Licensing Act 2003" which is available from the Leeds City Council website.
- 6.24 The council expects applicants to consider the issues relating to the irresponsible drinks promotions when completing risk assessments or operating schedules.

### **Community Halls**

- 9.13 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc) Order 2009 amends the Licensing Act 2003 to allow management committees of community premises to make an application for a premises licence or to vary an existing premises licence which includes an application to remove the requirement of a designated premises supervisor and the authorisation of the sale of alcohol by a personal licence holder.
- 9.14 The council has issued guidance to community premises on this process which can be accessed on the council's website.

### **Minor Variations**

- 9.15 It is now possible to make small changes to premises licences or club premises certificates through the minor variation process, which is cheaper, easier and quicker than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives.

- 9.16 The council has issued guidance on this process which can be accessed on the council's website.
- 9.17 The DCMS has also provided guidance which can be accessed on their website at <http://www.culture.gov.uk>

### **Age Verification Policy**

- 12.40 It is mandatory for premises who sell or supply alcohol to have an age verification policy in place. However, the council favours the Challenge 25/Check 25 type schemes and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the council determines the licence application.

### **Section 7 – Cumulative Impact Policies**

We reviewed the introductory section which explains what a cumulative impact policy is. We wanted to provide some clarity about what cumulative impact policies are. This section also gives advice to applicants on how applying for a licence for a premises may need to be different is that premises is in a cumulative impact area.

The section now reads:

- 7.4 A cumulative impact policy creates a rebuttable presumption that applications within the cumulative impact areas for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received.
- 7.5 An applicant wishing to obtain a new or varied licence for premises falling within any of the cumulative impact areas 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.
- 7.6 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.
- 7.7 Despite the presumption against grant, responsible authorities and interested parties will still need to make a relevant representation before the council may lawfully consider giving effect to its cumulative impact policy. For example, if no representation is received, the application must be granted subject to any conditions that are consistent with the operating schedule and any mandatory conditions required by the Licensing Act 2003. Responsible authorities and interested parties can make written representation referring to information which had been before the council when it developed its statement of licensing policy.
- 7.8 The council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

7.9 Any relevant representation of support from partner agencies such as area committees, local ward members, responsible authorities, residents association etc, will be taken into consideration by the council when making its determination.

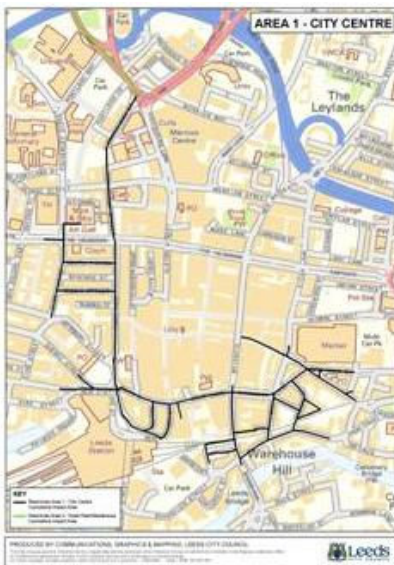
## Changes to the Cumulative Impact Policies

### Area 1 – City Centre

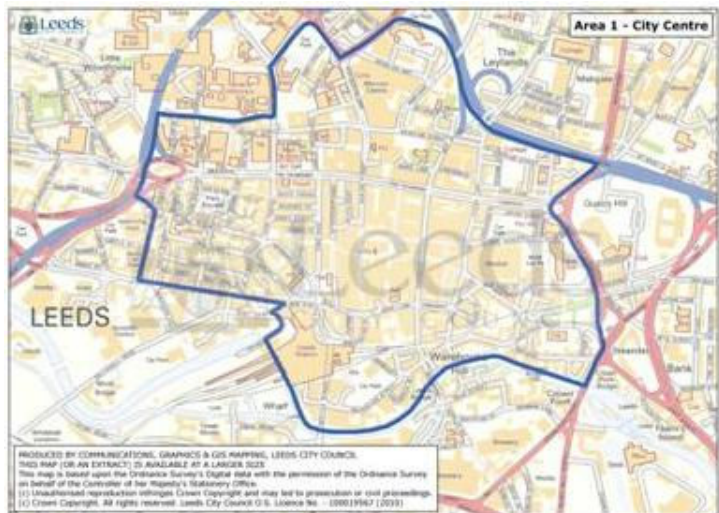
#### Summary of proposed changes

1. Move away from defining the area by named streets, and move towards defining the area by a boundary line.
2. Increase the scope of the policy to include all premises licensed for the sale of alcohol and remove the restriction that the CIP only applies to late night vertical drinking establishments.
3. Clarify that all applications (new and variation) are included within the scope of the CIP.

#### Current map



#### Proposed map



#### Current wording:

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.

#### Proposed wording

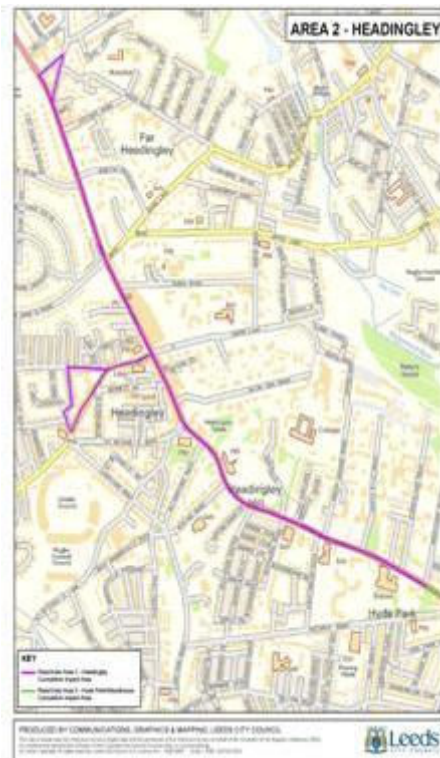
It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 1 for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

## Area 2 – Headingley/Hyde Park

### Summary of proposed changes

1. Move away from defining the area by named streets, and move towards defining the area by a boundary line.
2. Increase the area to include the Hyde Park area.
3. Include variation applications within the scope of the CIP.
4. Change of name to reflect the increased area.

### Existing map



### Proposed map



### Existing wording

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.

### Proposed wording

It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 2 for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

### Area 3 – Woodhouse

There has been no change made to Area 3, other than a reduction in length so that it fits between Area 1 and 2, and a name change to remove the reference to Hyde Park (which now forms part of Area 2).

### Area 4 – Chapel Allerton

#### Summary of proposed changes

1. Add takeaways and variation applications within the scope of the CIP

#### Proposed map

The boundary of the CIP was not changed.



#### Current wording:

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.

#### Proposed wording

It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 4 for licences for pubs, clubs, bars, café bars, restaurants and takeaways, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

## Area 5 - Horsforth

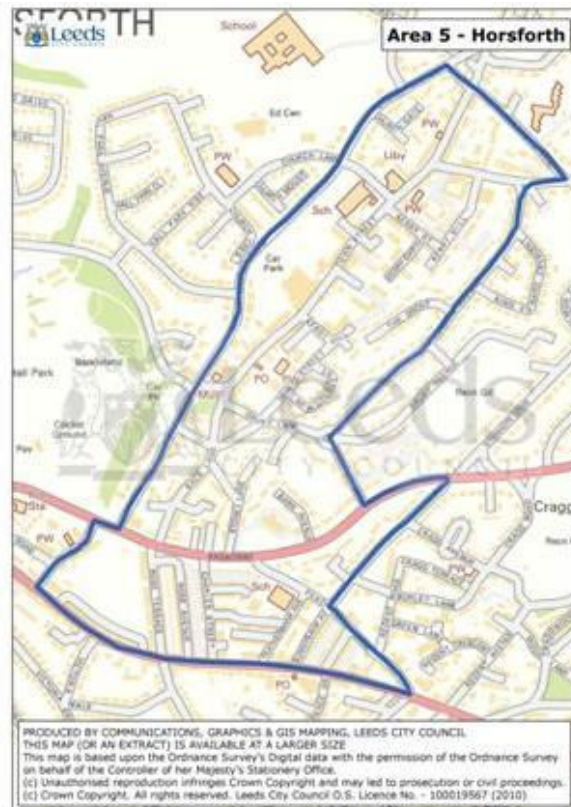
### Summary of proposed changes

1. Increase geographical area to include New Road Side
2. Add takeaways and variation applications within the scope of the CIP

### Current map



### Proposed map



### Current wording

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.

### Proposed wording

It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 5 for licences for pubs, clubs, bars, café bars, restaurants and takeaways, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.