

LICENSING ACT 2003 COMMITTEE

Thursday, 5 January 2017

<u>Present:</u>	Councillor	WJ Davies (Chair)	
	Councillors	RL Abbey G Davies C Meaden D Realey D Roberts P Stuart	M Sullivan A Hodson E Boulton D Burgess-Joyce D Mitchell
<u>Apologies</u>	Councillors	T Norbury L Reece-Jones S Williams	

9 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

10 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 26 October 2016 be approved.

11 SPECIAL CUMULATIVE IMPACT POLICY

The Licensing Manager reported upon a request received to amend the Council's Statement of Licensing Policy to include a Special Cumulative Impact Policy for an area of Birkenhead.

T/Inspector K Wilkinson attended the meeting together with Ward Councillors P Davies and J Stapleton.

Members were advised that Merseyside Police had written to the Licensing Authority requesting that a Special Cumulative Impact Policy be introduced for a specified area of Birkenhead. The effect of adopting a special policy of this kind would be to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there would be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they would take to promote the licensing objectives in their application.

The Licensing Manager further advised that the absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a licence on the grounds that the premises would have a negative cumulative impact on one or more of the Licensing Objectives.

It was reported that the Guidance issued under Section 182 of the Licensing Act 2003 sets out a number of matters to be considered by the Licensing Authority when determining whether to adopt a special policy relating to cumulative impact.

T/Inspector Wilkinson addressed the Committee and reported upon the levels of crime and disorder and nuisance in the area concerned which were directly related to alcohol. She informed Members that 86 reports of alcohol related anti-social behaviour had been received within this area between May and October 2016 which was high compared to other areas. Reference was also made to a number of targeted attacks on street drinkers which had taken place. T/Inspector Wilkinson believed that a cumulative impact policy in this area would be beneficial.

Ward Councillors addressed the Committee and advised that they supported the request by Merseyside Police. They referred to the number of licensed premises within the area and the problems of alcohol related anti-social behaviour. They believed that a cumulative impact policy would be a huge assistance to addressing the issues in the area.

In response to questions from Members, T/Inspector Wilkinson confirmed that the request for a cumulative impact policy in this area was in respect of premises which sold alcohol for consumption off the premises only and would not be in respect of restaurants.

The Licensing Manager also confirmed that there was no statutory consultation period and that this would be a matter for Members to determine.

Resolved –

- (1) That the Licensing Manager be authorised to carry out a comprehensive consultation process regarding the possibility of amending the Licensing Authority's Statement of Licensing Policy so as to include a Special Cumulative Impact Policy for the specified area in Birkenhead identified by Merseyside Police and outlined in the map attached to the report.**

At the meeting of the Licensing Act 2003 Committee held on 15 March 2017 the above resolution was amended to read:

That the Licensing Manager be authorised to carry out a comprehensive consultation process regarding the possibility of amending the Licensing Authority's Statement of Licensing Policy so as to include a Special Cumulative Impact Policy for the specified area in Birkenhead identified by Merseyside Police and

outlined in the map attached to the report in respect of premises which sold alcohol for consumption off the premises only.

- (2) That further to the consultation period of six weeks, the outcome of the consultation be reported to a future meeting of this Committee.**