



Licensing Act 2003 Committee

Date: Thursday, 5 January 2017

Time: 6.00 pm

Venue: Committee Room 1 - Wallasey Town Hall

Contact Officer: Anne Beauchamp

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AGENDA

1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee are 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.

2. MINUTES (Pages 1 - 2)

To approve the accuracy of the minutes of the meeting held on 26 October 2016.

3. SPECIAL CUMULATIVE IMPACT POLICY (Pages 3 - 12)

4. EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

5. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR

To consider any other business that the Chair accepts as being urgent.

LICENSING ACT 2003 COMMITTEE

Wednesday, 26 October 2016

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

6 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary or non pecuniary interests in connection with any items on the agenda.

No such declarations were made.

7 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 25 May 2016 be approved.

8 THE FINDINGS OF THE WIRRAL ALCOHOL INQUIRY 2015 / 2016 - A CITIZENS DELIBERATION ON OUR RELATIONSHIP WITH ALCOHOL

The Director of Public Health reported upon the findings of the Wirral Alcohol Inquiry 2015-2016 in which residents from Wirral had taken part in.

The Senior Public Health Manager attended the meeting together with the Public Health Advisor. Three representatives of the alcohol inquiry group were also in attendance.

Members raised concerns in respect of the members of the public not being aware that filming of the meeting could take place and that this may affect members of the public participating in such meetings in the future.

Following legal advice being sought and further consideration of the matter it was -

Resolved – That this matter be adjourned to a date to be confirmed.

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LICENSING ACT 2003 COMMITTEE

5 JANUARY 2017

REPORT TITLE	SPECIAL CUMULATIVE IMPACT POLICY
REPORT OF	MANAGING DIRECTOR FOR DELIVERY

REPORT SUMMARY

The purpose of this report is to advise Members of a request received to amend the Council's Statement of Licensing Policy to include a Special Cumulative Impact Policy for an area of Birkenhead.

RECOMMENDATION/S

Members are asked to consider the request received for the introduction of a Special Cumulative Impact Policy for a specified area of Birkenhead and determine whether there is sufficient evidence about the current cumulative impact of licensable activities upon the promotion of the licensing objectives in that area. If Members are satisfied that this is the case, the Committee may authorise the Licensing Manager to carry out a comprehensive consultation process upon 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 as identified by Merseyside Police and outlined in the map attached at Appendix 1.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement to consult on a Special Cumulative Impact Policy.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 Merseyside Police have written to the Licensing Authority requesting that a Special Cumulative Impact Policy be introduced for the Charing Cross area of Birkenhead. The area is outlined in the map attached in Appendix 1.
- 3.2 There is currently no reference to Cumulative Impact Policies in the Licensing Act 2003, however the Statutory Guidance issued under the Licensing Act 2003 states that Special Policies may apply to the concentration of any licensed premises.
- 3.3 The Government is proposing to amend the Licensing Act 2003, via amendments introduced by the Policing and Crime Bill currently progressing through Parliament, in order to give Cumulative Impact assessments a statutory footing. If these Government proposals are enacted the proposed statutory Cumulative Impact assessments will require reviewing by the Licensing Authority every three years.
- 3.4 The effect of adopting a special policy of this kind is 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 will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will 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 will take to promote the licensing objectives in their application.
- 3.5 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 will have a negative cumulative impact on one or more of the Licensing Objectives.
- 3.6 In determining whether to adopt a special policy relating to cumulative impact Guidance issued under Section 182 of the Licensing Act 2003 sets out the following matters to be considered by the Licensing Authority:
- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).

- 3.7 Merseyside Police consider that there is currently good evidence to support the introduction of a Special Cumulative Impact Policy for the area outlined in the Map attached at Appendix 1 due to the level of crime and disorder and nuisance occurring in this area that is directly related to alcohol. Merseyside Police have provided a letter containing a summary of their evidence. This letter is attached at Appendix 2. Merseyside Police will provide a presentation at the Committee Meeting. The view of Merseyside Police is supported by Ward Councillors who will be represented at the Committee Meeting.
- 3.8 Should Members consider that the evidence provided by Merseyside Police supports the introduction of a Special Cumulative Impact Policy, consultation must then take place on the proposal to include a Special Policy within the Statement of Licensing Policy.
- 3.9 In accordance with Section 5(3) of the Licensing Act 2003 consultation must include:
- The Chief Officer of Police
 - The Fire and Rescue Authority
 - The Director of Public Health
 - Persons/Bodies representative of local holders of premises licences
 - Persons/Bodies representative of local holders of club certificates
 - Persons/Bodies representative of local holders of personal licences
 - Persons/Bodies representative of businesses and residents in its area
- 3.10 Notification of the consultation will be published on the Council's Website.
- 3.11 It is proposed that should Members resolve to undertake consultation that the period of the consultation be six weeks closing on 16 February 2017 and that the outcome of the consultation be reported to a meeting of this Committee to be arranged following the close of the consultation period.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 A decision of this Committee can be subject to Appeal.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 There are none arising directly from this report.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Statutory consultation has been undertaken in respect of this application.

9.0 EQUALITY IMPLICATIONS

- 9.1 There are no specific implications arising from this report. Should Members resolve to consult upon the adoption of a Special Cumulative Impact Policy the equality impact of the adoption of this Policy will be reviewed accordingly.

REPORT AUTHOR: ***Margaret O'Donnell***
Licensing Manager
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APPENDICES

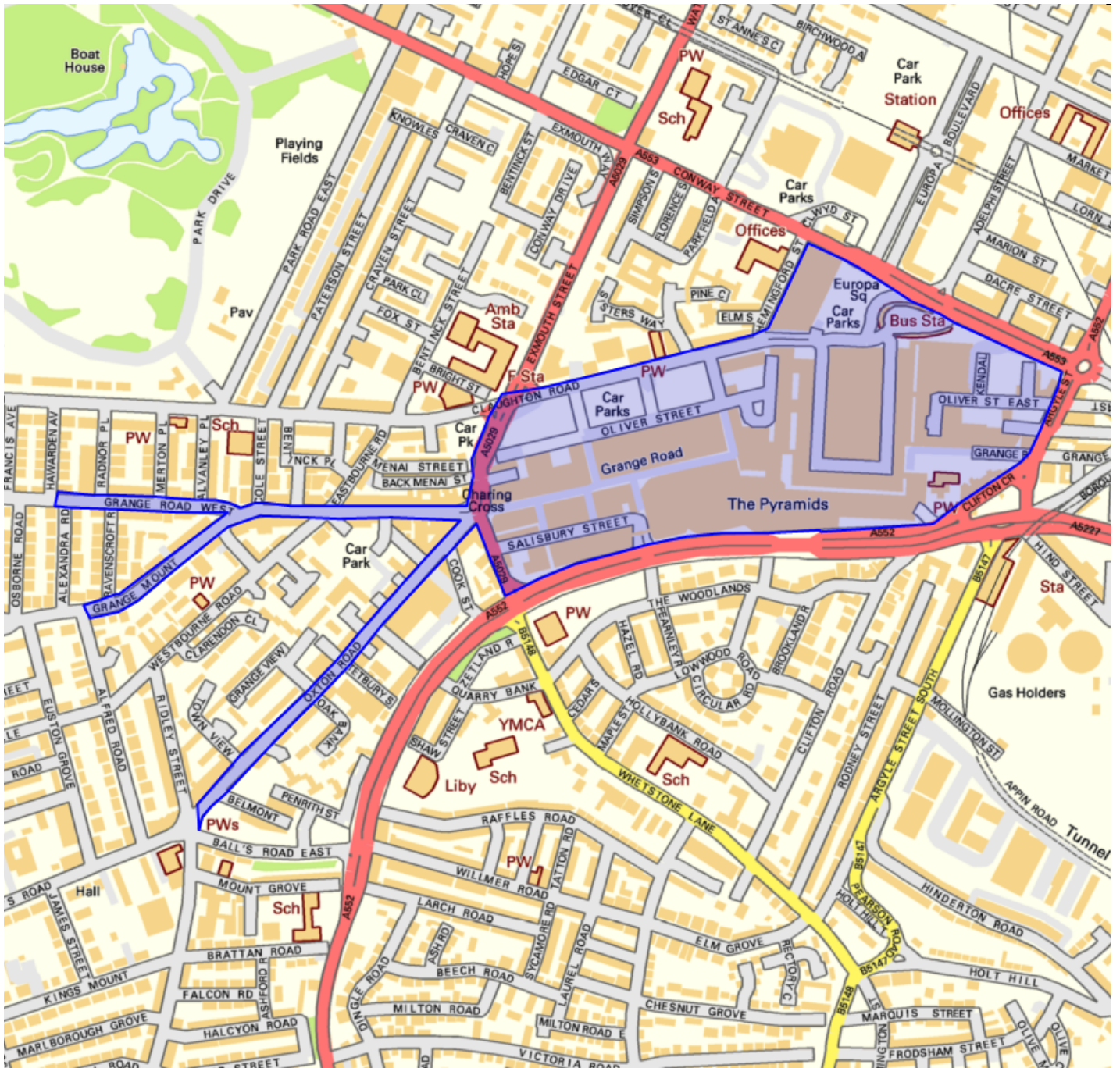
None

REFERENCE MATERIAL

- Appendix 1 – Map of the defined Birkenhead area
- Appendix 2 – Summary of Merseyside Police evidence

SUBJECT HISTORY (last 3 years)

Council Meeting	Date



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Mrs M O'Donnell,
Licencing Authority,
Wirral Borough Council,
Wallasey Town Hall,
Brighton Street,
Wallasey,
Wirral
CH44 8ED

6th December 2016,

Dear Margaret,

We have previously met to discuss my concerns reagrding the impact of the number of Licenced Premises within the Charing Cross area of Birkenhead. As you are aware I am currently covering the Neighbourhood Inspector role within Birkenhead Neighbourhood. As part of my role I am responsible for reducing crime and Anti-Social-Behaviour (ASB). I work in conjunction with partner agencies to solve problems in the neighbourhood. I regularly review the crime and ASB statistics across the neighbourhood and apply a problem solving approach to deal with on-going issues.

I have concerns regarding the availability of alcohol in the Charing Cross area of the Birkenhead Ward and the effect this has on the level of alcohol misuse in the local area and the detrimental effect on the local community. The negative impact on the area is evidenced by the frequency of incidents reported to the Police that are directly related to the misuse of alcohol. The Charing Cross area is situated within close proximity to the town centre. It is an area which is regularly frequented by street drinkers, who engage in various criminal activities and ASB.

Within a mile of the Charing Cross area there are two homeless hostels, which provide support and accommodation for homeless individuals, who have a wide range of problems. Including a high number of residents who are alcoholics. Due to the number of residents and visitors to the area who have alcohol misue issues the Charles Thomspson Mission, Hemingford Street, provides a regular drop-in sevrice for such individuals. The area also contains Wirral Ways to Recovery, who provide services to individuals with drug and alcohol problems.

In order to provide relevent statistical data I have included the crime figures for offences which have occurred in the A344, A342 and A347 beats. These beats surround the Charing Cross area. Throughout the time I have worked within the Birkenhead area (which dates back to 2009) I have reviewed a number of reports of ASB . I am aware the alochol related ASB committed by street drinkers regularly occurs within these beats.

In the six month period between 1st May 2016 and 31st October 2016 the was eighty six (86) reports of alcohol related ASB within Charing Cross and the surrounding area.

In the months between February and August forty-three (43) theft shop offences were committed by street drinkers within the town centre area. I know that the actual figure is likely to be higher, as the above figure only includes matters where we have been able to detect an offence against a known street drinker.

T/Inspector Katie Wilkinson

Birkenhead Neighbourhood

Birkenhead Police Station, Mortimer Street, Birkenhead, Wirral, CH41 5EU

Tel: 0151 777 2540 and 0151 777 6512359



Each of the reported incidents indicates that the misuse of alcohol was a clear factor in the anti-social behaviour of those persons involved in the incidents. The incidents occurred in public places and were visible to the local community. I know from previous contact with businesses and local residents in the area that they only call the Police when the anti-social behaviour gets 'out-of-hand' as they know the Police resources are stretched. It is a sad fact that the threshold for anti-social behaviour is high within Birkenhead area compared to other areas across the Wirral. The local community tolerate a much higher level of ASB before they contact the Police.

I am aware that the street drinkers are often victims of violence offences. They are targeted by some individuals and singled out and assaulted. The Birkenhead area has historically witnessed targeted attacks on drunken street drinkers, with tragic consequences. An unknown proportion of such assaults are not reported to the police. I have received third party reports about street drinkers, who report they have been attacked, but are not willing to have the details of the incident passed to the police.

The Police were able to successfully investigate these matters due to CCTV in the area. The CCTV evidenced the youths approaching drunken males and assaulting them. The youths in question have been arrested for offences under the Public Order Act, because the street drinkers will not assist the Police. This lack of engagement is due to a number of reasons, one of which being the chaotic life style of the street drinkers. I believe the youths are attracted to the Birkenhead Town Centre area because they view the street drinkers as easy targets, the youths know the street drinkers will not provide statements to the Police. I believe a large number of the targeted assaults on street drinkers (by youths) remain un-reported. The same youths who target the street drinkers are also known to be committing crime and ASB in the surrounding area. I regularly receive complaints from the local electorate complaining about the youth related ASB. It is clear that the youths are attracted to the area by the idea of terrorising the street drinkers, but if they do not target the street drinkers they turn to causing annoyance to the local residents.

I have attended a number of multi-agency meetings regarding alcohol related disorder within the Birkenhead area. It is quite apparent that the Health Service also suffers with the impact caused by alcohol misuse within the area. Due to the alcohol related problems within the area there are two alcohol support out-reach workers who work within the Birkenhead area. I am currently chairing a Problem Solving Group within the town centre to manage the vulnerabilities around street drinkers.

It is not just street drinkers who are involved in alcohol related crime and disorder. I am aware that alcohol is a contributing factor in a number of assaults within the Birkenhead area. In the 6 months between the 1st of May 2016 and the 31st of October 2016 thirty-six (36) offences of alcohol related domestic violence have been reported within the Birkenhead Ward. That figure accounts for 17% more domestic violence reports within the Birkenhead ward than the next ward in the 'league table' (where alcohol was deemed to be a contributing factor in the offence). Incidentally the next highest ward is Tranmere which adjoins Birkenhead ward.

The above data evidences the alcohol-related crime and ASB which occurs on a daily basis in the area directly surrounding the Charing Cross. In my opinion the area would benefit from the implementation of a Cumulative Impact Policy under the Licensing Act 2003.

I would be grateful if you could share the contents of this letter with the Licensing Act 2003 Committee and request that they consider a Special Cumulative Impact Policy for the surrounding Grange Road, Grange Road West and Oxton Road. Should the Licensing Committee be willing to review the licensing policy within that area I would be able to provide further in depth statistical analysis.

T/Inspector Katie Wilkinson

Birkenhead Neighbourhood

Birkenhead Police Station, Mortimer Street, Birkenhead, Wirral, CH41 5EU

Tel: 0151 7722546 Mobile 07976512359



Yours sincerely

Katie Wilkinson
T/Inspector
Neighbourhood Policing

