

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.

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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