



## Licensing Act 2003 Committee

<b>Date:</b>	Wednesday, 15 March 2017
<b>Time:</b>	6.00 pm
<b>Venue:</b>	Committee Room 2 - Wallasey Town Hall

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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 5 January 2017.

**3. SPECIAL CUMULATIVE IMPACT POLICY (Pages 3 - 8)**

**4. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 1**

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

**5. 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.

**6. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 2**

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

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



## LICENSING ACT 2003 COMMITTEE

15 MARCH 2017

<b>REPORT TITLE</b>	<b>SPECIAL CUMULATIVE IMPACT POLICY</b>
<b>REPORT OF</b>	<b>MANAGING DIRECTOR FOR DELIVERY</b>

### REPORT SUMMARY

The purpose of this report is to advise Members of the outcome of the public consultation undertaken in response to a request received to amend the Council's Statement of Licensing Policy to include a Special Cumulative Impact Policy for an area of Birkenhead outlined on the map shown in Appendix 1.

### RECOMMENDATION/S

Members are requested to consider the outcome of the public consultation undertaken in response to a request received to amend the Council's Statement of Licensing Policy to include a Special Cumulative Impact Policy for an area of Birkenhead and refer the matter to Full Council for consideration should Members consider that it is appropriate to adopt a Special Cumulative Impact Policy and have the Statement of Licensing Policy amended accordingly.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 It is a statutory requirement for this Committee to consider the representations received in response to the consultation and determine whether or not to refer the matter to Full Council for consideration.

### **2.0 OTHER OPTIONS CONSIDERED**

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

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Council's Statement of Licensing Policy was first published in January 2005. The Policy has since been subject to two reviews with the most recent Policy being published in July 2014.
- 3.2 Guidance issued under Section 182 of The Licensing Act 2003 sets out the general principles that should underpin a Licensing Policy and includes guidance relating to the inclusion of Special Cumulative Impact Policies within a Statement of Licensing Policy.
- 3.3 The effect of adopting a Special Cumulative Impact Policy is to create a presumption that applications for new Premises Licences or Club Premises Certificates or variations that are likely to add to the cumulative impact of existing premises, will normally be refused following relevant representations. This is unless the applicant can demonstrate in their operating schedule that granting the application will not give rise to a negative cumulative impact on one or more of the licensing objectives.
- 3.4 The absence of a special policy does not prevent any Responsible Authority or other persons making representations on a new application for the grant of a Premises Licence or a variation of a licence on the grounds that the premises will have a negative cumulative impact on one or more of the Licensing Objectives.
- 3.5 In consideration of 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).
  - Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

- 3.6 On 5 January 2017, Members of this Committee agreed that Officers should consult on a request from Merseyside Police to introduce a Special Cumulative Impact Policy within the area of Birkenhead as shown in Appendix 1.
- 3.7 This consultation has been circulated to the appropriate bodies in accordance with Section 5(3) of the Licensing Act 2003 and has been publicised on the Council's website. The Wirral Anti-Social Behaviour Team has also delivered letters to residents of Birkenhead with details of the consultation. Ward Councillors have also been notified of the consultation. The consultation closes on 3 March 2017.
- 3.8 In response to the consultation, at the time of compiling this report, representations have been received from the following:

Frank Field, MP  
Councillor Phil Davies, Birkenhead and Tranmere Ward  
Councillor Jean Stapleton, Birkenhead and Tranmere Ward  
Councillor Pat Cleary, Birkenhead and Tranmere Ward  
Councillor Moira McLaughlin, Rock Ferry Ward  
Councillor George Davies, Claughton Ward  
Councillor Steve Foulkes, Claughton Ward  
Councillor Brian Kenny, Bidston and St James Ward  
Councillor Angela Davies, Prenton Ward  
Environmental Health and Trading Standards  
Public Health  
Birkenhead Town Host  
Wirral Ways to Recovery  
Birkenhead YMCA  
Citizens Advice Wirral  
Stronger Communities Initiative  
Various Businesses and Residents

The representations will be circulated to Members of the Committee ahead of the meeting.

#### **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 request.

#### **9.0 EQUALITY IMPLICATIONS**

- 9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

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**APPENDICES**

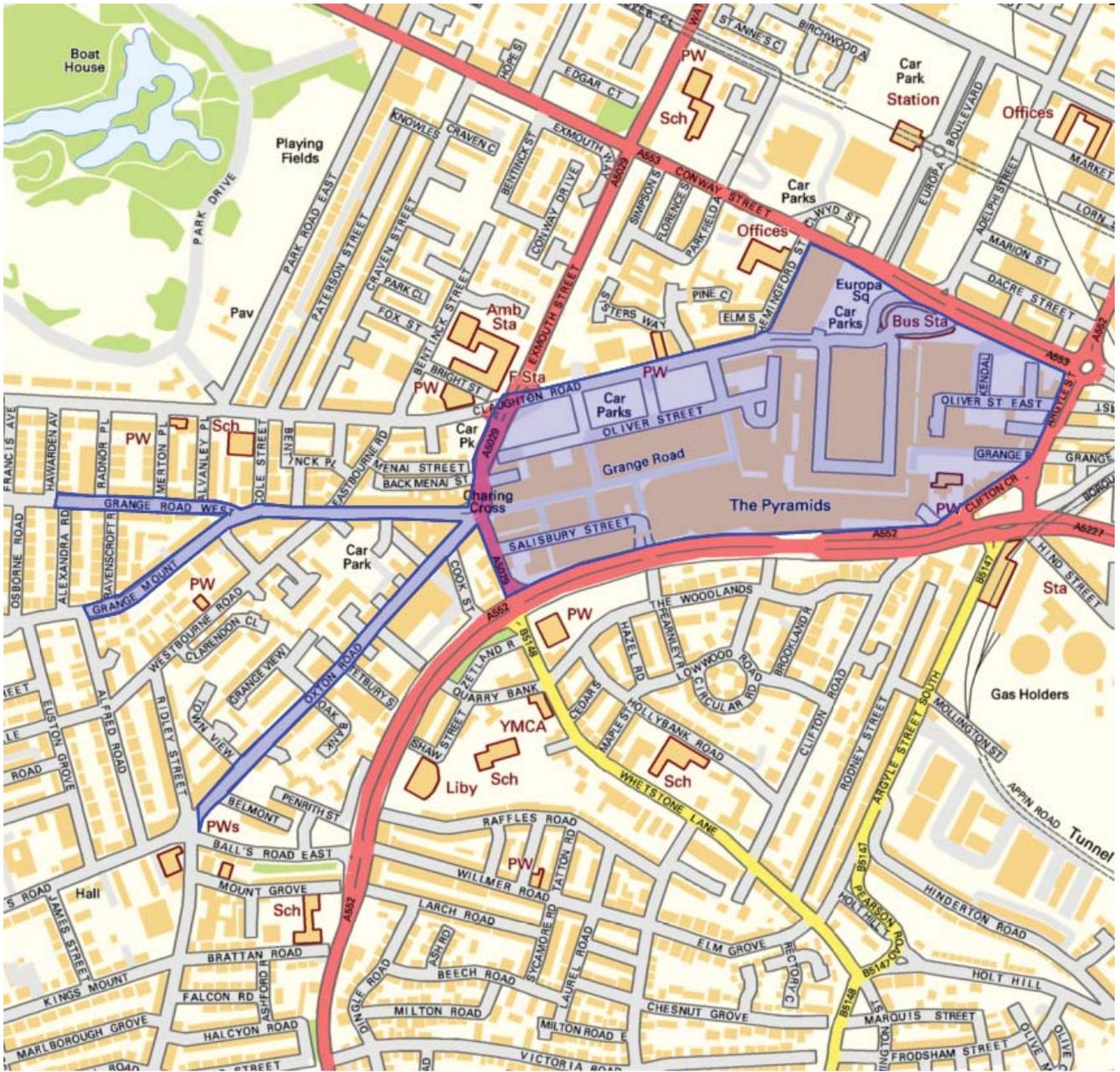
None

**REFERENCE MATERIAL**

None

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing Act 2003 Committee</b>	<b>5 January 2017</b>



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