

CUMULATIVE IMPACT SPECIAL POLICY

1.0 EXECUTIVE SUMMARY

1.1 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 Policy in respect of Cumulative Impact for an area of Hoylake.

2.0 BACKGROUND

2.1 The Council's Statement of Licensing Policy was first published in January 2005. Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a statement of its Licensing Policy every three years. A review was undertaken during 2007 and a revised statement was published in December 2007. The requirement to review the policy at least every three years does not prevent the Council from amending the policy at another time within these three years. Guidance issued under Section 182 of the Licensing Act 2003 states that 'During the three year period, the policy must be kept under review and the Licensing Authority may make any revision to it as it considers appropriate'.

2.2 Residents of Hoylake have written to the Licensing Authority requesting that a Special Cumulative Impact Policy be introduced in Hoylake. Individual letters have been received from 14 residents and a petition signed by 186 residents has also been submitted with a further letter on behalf of the Residents Forum in Hoylake. These documents are attached in Appendix 1.

2.3 Residents state that their lives have been adversely affected particularly by noise nuisance and anti-social behaviour associated with licensed premises in Hoylake. Residents consider that the cumulative impact of licensed premises in Hoylake is affecting the promotion of the Licensing Objectives namely, the prevention of public nuisance, prevention of crime and disorder, public safety and the protection of children from harm.

2.4 A list of the licensed premises within the defined area of Hoylake can be found in Appendix 2 and the area is outlined in a map in Appendix 3.

2.5 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, 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.

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

- 2.7 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:
- Concern about crime and disorder or public nuisance.
 - Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
 - Identify the boundaries of the area where the problems are occurring.
 - Consult with those specified in section 5(3) of the Licensing Act 2003, and subject to the outcome of the consultation include and publish details of the special policy in the Statement of Licensing Policy.
- 2.8 Following the concerns raised by local residents in respect of public nuisance, views have been sought from each of the following 'Responsible Authorities' requesting any evidence they may have in respect of crime and disorder or nuisance happening and caused by customers of licensed premises in Hoylake or evidence that a risk of cumulative impact is imminent:
- Merseyside Police
Merseyside Fire and Rescue Service
Environmental Health
Trading Standards
Local Safe Guarding Children Board
Planning Authority
- 2.9 We have received responses from Merseyside Fire and Rescue, Trading Standards, Environmental Health and Merseyside Police.
- 2.10 Merseyside Fire and Rescue Service and Trading Standards state they have no evidence to support the introduction of a Cumulative Impact Policy for the area in Hoylake.
- 2.11 Environmental Health have stated that there have been no significant increase in complaints in Hoylake over the last 4 years. The complaints that have been received this year relate to two premises which are currently under investigation.
- 2.12 The reply from Merseyside Police to the consultation is attached in Appendix 4:
- Police statistics do not support the view that problems in Hoylake are increasing
 - Statistics for violent crime for the period April 2004 – April 2008 show that violence is decreasing
 - Statistics for anti-social behaviour for the period April 2004 – April 2008 show that anti-social behaviour is reasonably constant
 - The level of violent crime in Hoylake is the lowest in Wirral
 - The level of anti-social behaviour is the second to lowest in Wirral

- The Police recognise that their statistics only represent those incidents that are reported to the Police and that there can be a level of anti-social behaviour that is not reported.

2.13 The Police Area Commander states that Police resources currently directed towards Hoylake are appropriate to meet demands but that an increase in the number of licensed premises or a substantial variation of hours operated by them could affect this position in that, it could result in a redeployment of resources which in turn could impact on the Policing in other areas. In view of this statement, clarification was sought as to whether Merseyside Police considered it was necessary to adopt a Special Cumulative Impact Policy within Hoylake. The Area Commander then clarified his position was, that based on the current available information, he did not consider there was a clear case made to justify a Special Cumulative Impact Policy in Hoylake at this time. He did however, reserve the right to re-consider his position should the situation change.

2.14 Members are advised that on the basis of the responses received from the Responsible Authorities there is not sufficient evidence to support the introduction of a Special Cumulative Impact Policy for Hoylake at this time.

2.15 Members are further advised that not adopting a Special Cumulative Impact Policy does not mean that cumulative impact cannot be taken into consideration by Members of the Licensing Act 2003 Sub-Committee when making decisions on individual Licensing applications.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising out of this report.

4.0 STAFFING IMPLICATIONS

4.1 There are no staffing implications arising out of this report.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications arising out of this report.

6.0 COMMUNITY SAFETY IMPLICATIONS

6.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

7.0 LOCAL AGENDA 21 IMPLICATIONS

7.1 There are none arising directly from this report.

8.0 PLANNING IMPLICATIONS

8.1 There are no planning implications arising out of this report.

9.0 ANTI-POVERTY IMPLICATIONS

9.1 There are no anti poverty implications arising from this report.

10.0 SOCIAL INCLUSION IMPLICATIONS

10.1 There are no social inclusion implications arising out of this report.

11.0 LOCAL MEMBER SUPPORT IMPLICATIONS

11.1 There is particular relevance to the Hoylake and Meols Ward.

12.0 BACKGROUND PAPERS

12.1 There are no background papers.

13.0 RECOMMENDATION

13.1 The Committee are asked to consider the evidence and views provided by the Responsible Authorities and Residents but not, at this time, agree to an amendment to the statement of Licensing Policy in respect of Cumulative Impact in Hoylake.

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This report has been written by Margaret O'Donnell who can be contacted on 691 8606