

# WIRRAL COUNCIL

## LICENSING ACT 2003 COMMITTEE

22 JANUARY 2014

<b>SUBJECT:</b>	<b>SPECIAL CUMULATIVE IMPACT POLICY</b>
<b>WARD AFFECTED:</b>	<b>BIRKENHEAD AND TRANMERE</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 1.0 EXECUTIVE 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.

### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 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.
- 2.2 A list of premises within the defined area of Birkenhead can be found in Appendix 2.
- 2.3 Statutory Guidance states that Special Policies may apply to the concentration of any licensed premises.
- 2.4 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.
- 2.5 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant 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.
- 2.6 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).
- 2.7 Merseyside Police consider that there is 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 3. Merseyside Police will provide a presentation at the Committee Meeting. The view of Merseyside Police is supported by Ward Councillors, Councillor Davies, Councillor Kenny and Councillor Stapleton who will be represented at the Committee Meeting.
- 2.8 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.
- 2.9 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
- 2.10 Notification of the consultation will be published on the Council's Website.
- 2.11 It is proposed that should Members resolve to undertake consultation that the period of the consultation be six weeks closing on 7 March 2014 and that the outcome of the consultation be reported to a meeting of this Committee on 12 March 2014.

### **3.0 RELEVANT RISKS**

- 3.1 There are none arising directly from this report.

### **4.0 OTHER OPTIONS CONSIDERED**

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

## **5.0 CONSULTATION**

5.1 Consultation is a statutory requirement.

## **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

6.1 There are no specific implications arising from this report.

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 Costs arising from the consultation process will be met from existing budgets.

## **8.0 LEGAL IMPLICATIONS**

8.1 A decision of this Committee can be subject to Appeal.

## **9.0 EQUALITIES IMPLICATIONS**

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

Yes An EIA is attached to the report

## **10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are no specific implications arising from this report.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no Planning implications arising from this report.

## **12.0 RECOMMENDATION**

12.1 The purpose of this report is to seek Members views in respect of whether consultation should take place regarding a proposal to adopt a Special Cumulative Impact Policy for an area of Birkenhead outlined in the map attached at Appendix 1.

## **13.0 REASONS FOR RECOMMENDATION**

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

### **REPORT AUTHOR:**

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### **APPENDICES**

- Appendix 1 – Map of the defined Birkenhead area
- Appendix 2 – Licensed Premises within the defined Birkenhead area
- Appendix 3 – Summary of Merseyside Police evidence

## REFERENCE MATERIAL

- None

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date