

WIRRAL COUNCIL

REGENERATION AND ENVIRONMENT POLICY AND PERFORMANCE COMMITTEE

DATE 27 JANUARY 2014

SUBJECT:	THE CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES
WARD AFFECTED:	ALL
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER	COUNCILLOR BILL DAVIES, CHAIR OF LICENSING COMMITTEE

1.0 EXECUTIVE SUMMARY

- 1.1 At the last meeting of this Committee a report was requested to inform Members of the circumstances when it may be appropriate for the Council to adopt a Cumulative Impact Policy in respect of licensed premises under The Licensing Act 2003.
- 1.2 This report provides this information for Members.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 In accordance with The Licensing Act 2003 (the 2003 Act) the Council, as the Licensing Authority, is required to issue various authorisations for licensable activities in respect of the supply of alcohol, the provision of entertainment and the provision of late night refreshment . These functions must be undertaken with a view to promoting the Licensing Objectives which are: the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety. In discharging its functions under The Licensing Act 2003 the Licensing Authority must have in place a statement of Licensing Policy.
- 2.2 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.
- 2.3 The Guidance makes reference to the fact that cumulative impact is not mentioned specifically in the 2003 Act. It is described in the Guidance as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 2.4 The Guidance sets out that there should be an evidential basis for a decision to include a special policy within the statement of licensing policy and provides the following examples of the type of evidence that may be used:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
 - Statistics on local anti-social behaviour offences
 - Environmental Health complaints

- Complaints recorded by the local authority which may have been raised by residents
- Evidence from local councillors
- Evidence obtained through local consultation

2.3 In consideration of whether to adopt a special policy relating to cumulative impact the Guidance 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).

2.4 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 adoption of a special cumulative impact policy cannot be absolute as the circumstances of each application must be considered. The licensing authority will still need to show that the grant of the application would undermine the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

2.6 Having a special policy in place does not relieve responsible authorities or any other person of the need to make representations, as the licensing authority may only give consideration to such a policy if representations are made. If there are no representations the licensing authority must grant the application.

2.7 Wirral does not currently have any special cumulative impact policies within its statement of Licensing Policy. 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.

2.8 The Guidance also makes reference to using other tools and positive measures in partnership with local businesses and other agencies, outside of special policies, to address problems that may be caused by licensed premises. Such measures have been adopted by Wirral Licensing who work closely with Merseyside Police and other partners to promote the Licensing Objectives and minimises the harm of alcohol. This has resulted in a number of initiatives, including a Charter for Licensed premises across Wirral and a Community Alcohol Partnership. Work is also undertaken with licensed premises through Pub Watch to inform and educate licence holders and staff of their responsibilities under The Licensing Act 2003.

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 not required from this report.

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 There are no specific implications arising from this report.

8.0 LEGAL IMPLICATIONS

8.1 There are no specific implications arising from this report.

9.0 EQUALITIES IMPLICATIONS

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

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 That Members note this report and provide any views to the Licensing Committee for future consideration.

13.0 REASONS FOR RECOMMENDATION

13.1 This report was requested by Members for information purposes and as the Licensing Committee has the responsibility for dealing with licensing issues any comments should be referred to that Committee for future consideration.

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APPENDICES

None

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date