

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE

18 JUNE 2014

SUBJECT:	SPECIAL CUMULATIVE IMPACT POLICY
WARD AFFECTED:	BIRKENHEAD AND TRANMERE
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 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 in the map shown in Appendix 1. The report also provides Members with an update from Merseyside Police in respect of this proposal.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Council's Statement of Licensing Policy was first published in January 2005. The policy has since been subject to two reviews and the most recently revised policy is being presented to Council for approval on 9 June 2014.
- 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 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.
- 2.4 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.
- 2.5 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 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.

2.6 On 22 January 2014, 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. Merseyside Police provided a letter at that time containing a summary of their evidence. This letter is attached at Appendix 2.

2.7 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. A list of consultees is attached at Appendix 3. The consultation closed on 7 March 2014.

2.8 In response to the consultation no comments or evidence has been provided from residents or businesses to support the introduction of a Special Policy. One written response has been received from Brian Kenny, who was a Ward Councillor at the time of the consultation. A copy of Mr Kenny's response is available at Appendix 4.

2.9 During the consultation period Merseyside Police undertook a review of their evidence and have since given consideration to new initiatives within the Birkenhead area to address anti social behaviour. Merseyside Police have also had regard to the Council's revised Statement of Licensing Policy. Taking these factors into consideration Merseyside Police have advised that they are no longer seeking the introduction of a Special Cumulative Impact Policy within the Birkenhead area. A letter from Merseyside Police providing further details is attached at Appendix 5.

2.10 Members are advised that on the basis of the response to the consultation received and the evidence provided by Merseyside Police, there is not sufficient evidence to support the introduction of a Special Cumulative Impact Policy for an area of Birkenhead at this time.

2.11 The Ward Councillors for Birkenhead and Tranmere were advised of the outcome of the consultation as well as the current view of Merseyside Police in respect of this matter at a meeting on 18 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 have been met from existing budgets.

8.0 LEGAL IMPLICATIONS

8.1 A decision of this Committee can be subject to legal challenge .

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 Members are requested to note 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.

13.0 REASONS FOR RECOMMENDATION

13.1 Merseyside Police are no longer seeking the introduction of a Special Cumulative Impact Policy.

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APPENDICES

1. Map indicating Special Cumulative Impact Policy area
2. Letter from Merseyside Police
3. List of consultees
4. Response from Mr Kenny
5. Letter from Merseyside Police

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Act 2003 Committee	22 January 2014