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LICENSING ACT COMMITTEE

Wednesday, 16 November 2022

<u>Present:</u>	Councillor	A Hodson (Chair)	
	Councillors	C O'Hagan C Davies J Hoey C Jones M Booth D Burgess-Joyce	M Collins S Williams C Cooke D Mitchell K Greaney
<u>Apologies:</u>	Councillors	S Bennett D Kenny L Fraser	

7 WELCOME AND INTRODUCTION

The Chair welcomed everyone to the meeting and those watching the webcast.

8 APOLOGIES

The Chair confirmed apologies had been received from Councillors S Bennett, L Fraser and D Kenny.

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 7 June 2022 be approved.

11 MINUTES OF THE LICENSING PANEL

Resolved – That the accuracy of the minutes of the meetings of the Licensing Panel held on 27 May, 8, 22 and 23 June, 11 August and 16 and 23 September 2022 be approved.

12 PUBLIC AND MEMBER QUESTIONS

The Chair reported that there had been no public questions, statements or petitions submitted.

13 CUMULATIVE IMPACT ASSESSMENT REVIEW

The Head of Legal Services (Interim Monitoring Officer) submitted a report providing Members of the Committee with consultation feedback on the cumulative impact assessment which is contained within the Council's Statement of Licensing Policy, requesting that the Committee make a recommendation to Council as to whether there is evidence that it would be necessary to continue to include a cumulative impact assessment within the Council's Statement of Licensing Policy.

The Licensing Manager reported that the Council's Statement of Licensing Policy had first been published in January 2005 and had since been subject to four reviews, the last full review of the Policy had taken place in December 2019.

Merseyside Police had requested the Licensing Authority consider adopting a Special Cumulative Impact Policy for an area within Birkenhead due to the level of crime and disorder, public nuisance, littering, street drinking, under-age drinking and anti-social behaviour believed to be resulting in part from the number of off-licence premises located in the area. The request had been supported by Ward Councillors.

Further to a comprehensive consultation process about the possibility of introducing a Special Cumulative Impact Policy for Charing Cross, Grange Road West, Grange Mount, Oxtan Road and the boundary of the Town Centre and upon examining the responses received through the consultation, the Licensing Authority had been satisfied that there was evidence that the number of premises in Charing Cross, Grange Road West, Grange Mount, Oxtan Road and the boundary of the Town Centre licensed under the Licensing Act 2003 for the sale by retail of alcohol for consumption off the premises were cumulatively giving rise to significant problems of public nuisance and crime and disorder.

The Licensing Authority subsequently resolved to introduce a Special Cumulative Impact Policy limited to Charing Cross, Grange Road West, Grange Mount, Oxtan Road and the boundary of the Town Centre with effect from 10 July 2017 to apply to Premises licensed for the sale by retail of alcohol for consumption off the premises only.

Members were informed that it was now necessary to review the current circumstances and determine whether there was evidence for the Statement of Licensing Policy to continue to include a cumulative impact assessment.

Statutory consultation had been undertaken regarding whether it remained necessary for the cumulative impact assessment to continue to be included in the Council's Statement of Licensing Policy. In response to the consultation, Merseyside Police had submitted a report which provided details of alcohol related crimes and anti social behaviour in and around the area of Birkenhead to which the cumulative impact assessment applied. The findings of Merseyside Police were attached at Appendix 2 to the report and it was the view of Merseyside Police that street drinking continued to be a major policing issue within the assessment area. Included in the report from Merseyside Police were the results of a survey that had been undertaken with businesses in the area. Thirty-Seven local businesses responded to the survey, some of which had provided details of the impact of street drinkers in the area. A table showing the responses to the survey was attached at Appendix 3 to the report.

A Police Officer currently responsible for policing Birkenhead Town Centre had submitted a statement within the report. This officer expressed concern that the adverse impact of street drinkers in the area would worsen if the area was no longer subject to a cumulative impact assessment.

In response to the consultation a submission had also been made by a Licensing Consultant. This response was attached at Appendix 4 to the report and expressed concern that the existence of a cumulative impact assessment preserved a 'low status quo' as well as 'poor operating regimes' and served to deter applications from responsible operators. The Licensing Consultant also expressed concerns in respect of how applications were considered when they were made in an area that is subject to a cumulative impact assessment. It was the view of the Licensing Consultant that the cumulative impact assessment should not remain in place.

Members of the Committee were advised that should they recommend to Council that they were of the opinion that there continued to be evidence for the cumulative impact assessment to remain in place, the Licensing Authority would be required to revise the cumulative impact assessment to include a statement to that effect and set out the evidence as to why it remained of that opinion. If the Licensing Authority was no longer of the view that the cumulative impact assessment should remain in place it must publish a statement to that effect.

Sergeant Watson attended the meeting and addressed Members of the Committee. He provided some background in respect of his involvement policing night-time economy and other issues around licensed premises and street drinkers. He advised that he had liaised extensively with local neighbourhood inspectors and the dedicated ward manager when compiling the report.

Members referred to the evidence that had been provided in 2017 when the Policy had been implemented. The Licensing Manager advised Members that they must consider the report by Sergeant Watson and determine whether there remained evidence that the number of premises selling alcohol for consumption off the premises only, was having a cumulative impact and leading to problems that were undermining the licensing objectives.

Members head from Sergeant Watson who advised that having a cumulative impact assessment in place was an effective tool in seeking to address the issue of street drinkers that remained a problem in the area. In response to the proposal made by the Licensing Consultant, who responded to the consultation, that a Public Spaces Protection Order would be a more appropriate way of tackling street drinking in the area, Sergeant Watson advised Members that a cumulative impact policy in this area provided a more effective targeted approach to addressing the issues around street drinking.

In response to a query in respect of Planning providing permission for premises selling alcohol to operate in the area, the Licensing Manager informed Members that whilst Planning is a separate regime, there was an expectation that an applicant would obtain Planning Permission before seeking a licence. It was explained to Members of the Committee that having a cumulative impact assessment within the Licensing Policy would not prevent applications being made and that if there are representations in respect of an application it must then be considered on its merit. It would be for the applicant to demonstrate that they will not have a negative cumulative impact in the area and undermine the licensing objectives.

On a motion by Councillor D Mitchell and seconded by Councillor M Collins, it was -

Resolved (by assent) – That the Committee:

- (1) Determined that there remained evidence that the number or density of premises selling alcohol, for consumption off the premises, in the area of Birkenhead identified within the current Statement of Licensing Policy attached at Appendix 1 to the report, is having a cumulative impact and leading to problems in the area which are undermining the licensing objectives.**
- (2) Recommend to Council that the Licensing Authority remained of the opinion that it is necessary to continue to include a cumulative impact assessment within the Council's Statement of Licensing Policy.**