

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

Agenda Item No. 6

meeting date: TUESDAY, 10 APRIL 2018
title: CONSIDERATION OF IMPLEMENTATION OF A CUMULATIVE IMPACT POLICY
submitted by: MARSHAL SCOTT - CHIEF EXECUTIVE
principal author: MAIR HILL - SOLICITOR

1 PURPOSE

1.1 To seek Committee's views on whether consideration should be given to inclusion of a cumulative impact policy (CIP) within the Council's Statement of Licensing Policy.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - }
 - Corporate Priorities - }
 - Other Considerations - }
- The Council aims to be a well-managed Council providing efficient services based on identified customer needs, consideration of this issue will enhance this.

2 BACKGROUND

2.1 Section 5 of the Licensing Act 2003 ("**Act**") provides that a Licensing Authority must determine a statement of policy for each 5 year period with respect to the exercise of its licensing functions and publish that statement before the beginning of that period. The Council's policy has been set for the period 2016-2021. A licensing statement of policy can be altered during the 5 year period provided the necessary procedure is followed.

2.2 The Statutory Guidance issued under Section 182 of the Act provides that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.

2.3 A CIP may be appropriate where the number, type or density of premises selling alcohol or providing late night refreshment is high or exceptional, serious problems of nuisance and disorder exist or have begun to arise outside or some distance from those premises.

2.4 The Council's current Statement of Licensing Policy does not contain any such policy. Concern has however been expressed by members of the public and a Ward Councillor about the recent proliferation of premises licensed to sell alcohol in Whalley and the effect which this is having upon the area. Committee is therefore asked to consider whether investigatory work should be carried out to establish whether there is sufficient evidence to warrant consideration of a CIP for this area. It should be noted that the implementation of a CIP would not act retrospectively and would not lead to removal of existing licences or a reduction in the hours authorised by existing premises licences, the CIP could affect the terms of a licence if an application was made to vary the licence.

2.5 Attached as Appendix 1 is a list of the premises in the Whalley Ward, categorised by type. As can be seen from the information provided the ward boundary extends to Barrow and Edisford, it would not therefore serve as the appropriate 'footprint' for the

CIP. One of the matters the Licensing Authority will need to consider before carrying out a formal consultation is where the boundaries of the CIP should lie.

3 ISSUES

3.1 In order to introduce a CIP the Licensing Authority would need to have evidence of an impact upon the licensing objectives such as:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol – related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or resident associations;
- residents' questionnaires;
- evidence from local Councillors; and
- evidence obtained through local consultation.

3.2 Where existing information is insufficient or not readily available, but the licensing authority believes there are problems in its areas resulting from the cumulative impact of licensed premises, it can consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidents of criminal activity and anti-social behaviour, examples of public nuisance, specific issues such as underage drinking and the key times and locations at which these problems are occurring.

3.3 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised in the Guidance as:

- 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).
- Consult those specified in Section 5(3) of the Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

3.4 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.

3.5 However, the policy would need to stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – No implications identified, save that if a study was commissioned funding would need to be identified.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality and Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Authorise the Head of Legal and Democratic Services to make enquiries of the responsible authorities to assess whether there is sufficient evidence to support a cumulative impact policy for the Whalley Ward and the area to which the policy would relate.

5.2 Consult informally with licensees in the Whalley Ward, the Parish Council and community groups.

5.3 Report back to Committee with recommendations based on the responses received.

MAIR HILL
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Mair Hill, extension 3216.

REF: MJH/Licensing/10 April 2018

**Licensed Premises situated within the Whalley Ward
of Ribble Valley Borough Council**

Premises Name	Address	Type
Abbey Club	12 Accrington Road, Whalley, Clitheroe BB7 9TD	Club
Amico Mio	49 King Street, Whalley, Clitheroe BB7 9SP	Restaurant
Autisan Café	The National Autistic Society, Whalley Abbey, The Sands, Whalley, Clitheroe BB7 9SS	Café & Gift Shop
Benedicts of Whalley	1 George Street, Whalley, Clitheroe BB7 9TH	Café Bar
Brady's	Queen Street, Whalley, Clitheroe BB7 9TA	Wine Bar
Co-op	King Street, Whalley, Clitheroe BB7 9SN – Under Construction	Off Licence
Cucina Seventy Three	73 King Street, Whalley, Clitheroe BB7 9SW	Restaurant
De Lacy Arms	61 King Street, Whalley, Clitheroe BB7 9SP	Public House
Dog Inn	55 King Street, Whalley, Clitheroe BB7 9SP	Public House
Eagle at Barrow	Clitheroe Road, Barrow, Clitheroe BB7 9AQ	Bar & Restaurant
Edisford Bridge Hotel	Edisford Road, Clitheroe BB7 3LJ	Bar & Restaurant
Food by Breda Murphy	Station Road, Whalley, Clitheroe BB7 9RH	Restaurant
Forum	41 & 41a King Street, Whalley, Clitheroe BB7 9SP	Bar & Restaurant
H20 Bar	3 Accrington Road, Whalley, Clitheroe BB7 9TD	Bar
Jack's of Whalley	59 King Street, Whalley, Clitheroe BB7 9SP	Bar & Restaurant
Mitton Hall	Mitton Road, Mitton, Whalley, Clitheroe BB7 9PQ	Hotel/Wedding Venue
Oakhill Academy	Wiswell Lane, Whalley, Clitheroe, BB7 9AF	School and Leisure Centre
Rendezvous	16 Accrington Road, Whalley, Clitheroe BB7 9TD	Nightclub

**Licensed Premises situated within the Whalley Ward
of Ribble Valley Borough Council**

Premises Name	Address	Type
Romeros	37 King Street, Whalley, Clitheroe BB7 9SP	Takeaway
Spar Store	9 George Street, Whalley, Clitheroe BB7 9TH	Shop/off licence
Swan Hotel	62 King Street, Whalley, Clitheroe BB7 9SN	Hotel/Bar
The Aspinall Arms	Mitton Road, Mitton, Whalley, Clitheroe BB7 9PQ	Bar & Restaurant
Three Fishes	Mitton Road, Great Mitton, Whalley, Clitheroe BB7 9PQ	Restaurant
Trishna	25 King Street, Whalley, Clitheroe BB7 9SP	Restaurant
Whalley Abbey	The Sands, Whalley, Clitheroe BB7 9TN	Hotel & Conference Centre
Whalley Golf Club	Long Leese Barn, Clerk Hill Road, Whalley BB7 9DR	Club
Whalley Sports Club	Station Road, Whalley, Clitheroe BB7 9RT	Club
Whalley Village Hall	Accrington Road, Whalley, Clitheroe BB7 9TD	Village Hall
Whalley Wine Shop	63 King Street, Whalley, Clitheroe BB7 9SW	Bar & Off Licence