

# AGENDA ITEM 3

## LICENSING & REGULATORY COMMITTEE

12 JUNE 2017

### REPORT OF HEAD OF REGULATORY SERVICES

#### VARIATION TO THE STATEMENT OF LICENSING POLICY (JANUARY 2016)

#### 1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to request that the Licensing & Regulatory Committee consider the amendment to the Current Special Policy on Cumulative Impact within the existing Statement of Licensing Policy as requested by the Purple Flag assessors.

#### 2.0 RECOMMENDATIONS

- 2.1 **It is recommended that the Committee agree for the amended version of the Policy to be presented to Full Council on 19 July 2017 in order that the 12 week consultation may commence, with a view to adopting the amended policy on 13 December 2017.**

#### 3.0 KEY ISSUES

- 3.1 On 16 December 2015 Full Council adopted the current Statement of Licensing Policy which came into force in January 2016. This can be found at **Appendix A**:
- 3.2 Within the current Statement of Licensing Policy it states that:

##### ***5 Current Special Policy on Cumulative Impact***

*5.1 Having had regard to the legislation, guidance, representation from Leicestershire Constabulary and Leicestershire Public Health following the necessary consultation, the Licensing Authority considered that the special policy that currently applies in respect of Melton town centre should be amended to incorporate all licensed premises, including on and off sales of alcohol and late night refreshment, in respect of Melton town centre. For the purposes of this policy the town centre is defined as that bound by Norman Way, Thorpe End, Sherrard Street, Leicester Street and Wilton Road, but also including Burton Street Church Street and Park Lane. Premises fronting these roads are deemed to be within this area.*

*5.2 The Licensing Authority is mindful of the problems that can be created when large numbers of premises providing licensable activities are located in close proximity. To that end, as part of the council's Statement of Licensing Policy consultation, Leicestershire Constabulary and Leicestershire County Council Public Health have asked the Council to consider adopting a specific policy on cumulative impact i.e. the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area. Increasing access to alcohol through more outlets and longer trading hours is linked to a range of alcohol-related harms. These include increases in alcohol sales per head of population, alcohol-related death rate, alcohol consumption in young people, assaults, and other harms including homicide, child abuse and neglect, and self-inflicted injury.*

*5.3 This Policy, however, will not be used as grounds for revoking an existing licence or certificate where relevant representations have been received.*

*5.4 This area has been identified because the Licensing Authority believes that the cumulative impact of the concentration of licensed premises in this area is adversely affecting the promotion of the licensing objectives.*

*5.5 Within this area there are a significant number of licensed premises, and although these have staggered closing times it still leaves large numbers of people on the streets late at night. The Licensing Authority takes the view that the principle problem is caused*

*by the number of people attending licensed premises in the area where there is movement from these properties and to and from the hot food takeaways. The Licensing Authority believes that a cumulative impact policy in this area supports and assists initiatives in reducing crime and disorder. Accordingly the Licensing Authority will resolve to adopt a policy which will seek to prevent a further increase in the number of licensed premises within that area.*

*5.6 The effect of the special policy will be to create a rebuttal presumption that those applications for new premises licences or club premises certificates or material variations will normally be refused. It will be for the applicant to demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their Operating Schedule.*

*5.7 Evidence was provided by Leicestershire Constabulary and Leicestershire County Council Public Health”.*

- 3.3 On 19 August 2016 Melton Town Centre was assessed on its suitability to hold the Purple Flag award. The assessment was successful and a subsequent report was provided offering recommendations, one of which was to remove the Cumulative Impact Zone. The full report is available at **Appendix B** and details that:

*“The panel feel it would be an achievement to work towards now removing the cumulative impact zone area now that PF has been awarded. Guildford have achieved this and it would be worth talking to them about how things were managed. Progress report at Interim renewal 2017.”*

- 3.4 The existing Current Special Policy on Cumulative Impact was added based on evidence provided by Leicestershire Police and Public Health, therefore initial enquiries were made by way of a letter which can be found at **Appendix C**.

- 3.5 Up to the date of this report no contact has been received from Public Health.

- 3.6 On 3 May 2017 Leicestershire Police responded to this letter by a telephone conversation with Melton Borough Council’s Licensing Team which can be summarised as:

Leicestershire Police’s initial response was that the Current Special Policy on Cumulative Impact is still very much relevant and needed. There are significant concerns that a decision to remove would be impacted by proposed legislative changes and that a revised policy would be a more balanced way forward. The policy will be supported more thoroughly in future by way of representations to any applications which fall within the defined area.

- 3.7 [www.parliament.uk](http://www.parliament.uk) advises that:

*“Section 141 of the Policing and Crime Act 2017 will amend the 2003 Act to place CIPs on a statutory footing. According to the Government, this will “provide greater clarity and legal certainty about their use”.*

- 3.8 Considering the key issues, combined with the needs of the night-time economy and new businesses, amendments have been made to the existing Policy to reflect this and can be seen in the DRAFT Statement of Licensing Policy at **Appendix D** where section 5.9 has been added as follows:

*5.9 This Current Special Policy on Cumulative Impact will only apply to applications for new premises licences or club premises certificates or material variations where the Licensable Activities, as defined in the Licensing Act 2003, occur between the hours of 23:00 and 07:00.*

#### **4.0 REPRESENTATIONS.**

- 4.1 There has been no formal consultation at this stage. Statutory consultation with responsible bodies and wider public consultation would be required if the proposed changes were accepted by Full Council prior to any amendments. Council would then also need to consider any responses prior to making changes to the policy and adopting it in a revised form.

#### **5.0 POLICY AND CORPORATE IMPLICATIONS**

- 5.1 The Committee's attention is drawn to Melton Borough Council's Statement of Licensing Policy at **Appendix A** which came into force in January 2016:

##### ***22. Period of Validity and Review***

*22.1 This Statement of Licensing Policy will come into force on 7 January 2016 and is valid for up to five years.*

*22.2 The Policy will be kept under review during the period of validity and if necessary amendments made.*

*22.3 Before a new Policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.*

#### **6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 6.1 There are no financial or other resource implications.

#### **7.0 LEGAL IMPLICATIONS/POWERS**

- 7.1 There are no legal/power implications.

#### **8.0 COMMUNITY SAFETY**

- 8.1 The Act contains four Licensing Objectives which underpin the functions that this authority will perform and must be overriding in any decisions that are made in relation any Licensing Application these are:

- Public Safety
- Prevention of Crime & Disorder
- Prevention of Public Nuisance
- Protection of Children from Harm

#### **9.0 EQUALITIES**

- 9.1 There are no equalities issues in relation to this report.

#### **10.0 RISKS**

- 10.1 There are no risks.

#### **11.0 CLIMATE CHANGE**

- 11.1 There are no implications for Climate Change.

#### **12.0 CONSULTATION**

- 12.1 Consultation will commence if approval is granted at Full Council on 19 July 2017.

#### **13.0 WARDS AFFECTED**

- 13.1 All wards affected.

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Date: 1 June 2017

Appendices : Melton Borough Councils Statement of Licensing Policy/Model Conditions/CIZ map - Appendix A  
Purple Flag Assessors Report – Appendix B  
Letters to Responsible Authorities – Appendix C  
DRAFT Statement of Licensing Policy – Appendix D

Reference : 120617