

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

meeting date: 15 JUNE 2021
title: EXPIRY OF WHALLEY CUMULATIVE IMPACT ASSESSMENT
submitted by: CHIEF EXECUTIVE
principal author: STEPHEN BARKER, SOLICITOR

1 PURPOSE

1.1 To inform Committee of the expiry of the Cumulative Impact Assessment ('CIA') in respect of the Whalley and Painter Wood Ward on 30 April 2022, and to seek Committee's approval for review of the CIA.

1.2 Relevance to the Council's ambitions and priorities

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

2 BACKGROUND

2.1 The Council's Statement of Licensing Policy for 2021-2026 was approved by Full Council on 15 December 2020. The Licensing Act 2003 requires that this process in undertaken every 5 years. As part of that review, consideration was given as to whether review of the Whalley CIA, introduced on 30 April 2019, was required. Due to the lack of current evidence of issues, either of improved compliance or any deterioration in the position, the CIA was not altered or revoked on introduction of the current policy.

2.2 A CIA is a means of addressing particular issues in an area, where there is considered to be a detrimental impact on the promotion of the licensing objectives. Most CIAs have been introduced in larger towns or cities, where the impact of the night-time economy has had some detrimental impact on residents or public order. The CIA means that, unlike in normal circumstances, an applicant for a new premises licence or variation of a premises licence must demonstrate how grant of the application will not undermine the licensing objectives.

2.3 Concerns were raised by residents of Whalley about the impact of the night-time economy on residential amenity, particularly in relation to the licensing objectives of prevention of public nuisance and prevention of crime and disorder. A preliminary survey of residents, businesses and other affected parties was conducted over the Spring of 2018, with 194 responses being received. The Council therefore embarked on the formal consultation process to create an evidence base and carry out formal consultation. While an evidence base was collated, only one response was received to the formal consultation. The Police made no representations. Following consideration of the evidence base and the outcome of the consultation, and recommendation by this Committee, Council approved the CIA on 30 April 2019.

2.4 Although a CIA forms part of the Council's Statement of Licensing Policy, due to the somewhat exceptional nature of a CIA, it is only effective for 3 years. At that time, a

Licensing Authority must review whether a CIA is still required. This review can take place earlier if there is evidence of a change in circumstances.

- 2.5 In the unusual circumstances over the last 15 months, the night-time economy has been very quiet, and very few, if any, issues have been reported. A number of Licensing authorities at the time of review of their Statement of Licensing Policy, have in fact dispensed with CIAs.
- 2.6 Since the CIA has been in place in Whalley, one premises has applied for a new licence and subsequently varied it by extension of hours. No representations were received and therefore the CIA was not engaged. Two other premises have applied for new licences and, following receipt of representations, the Licensing Sub-Committee was content that the applications would not have a detrimental impact on the licensing objectives, and the licences were therefore granted.

3 ISSUES

- 3.1 In order to continue the CIA, 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 renew a CIA 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 reviewing the CIA of this kind is to continue 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.

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