

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 1 FEBRUARY 2022.
title: RENEWAL OF WHALLEY CUMULATIVE IMPACT ASSESSMENT -
APPROVAL OF DRAFT FOR CONSULTATION
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
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1 PURPOSE

1.1 To seek Committee's approval of the attached draft Cumulative Impact Assessment (CIA) for Whalley prior to formal consultation. If approved the assessment would form part of the Council's Licensing Policy.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives } The Council has formulated a Cumulative
- Corporate Priorities } Impact Assessment in response to
- Other Considerations } concerns expressed by local residents.

2 BACKGROUND

2.1 The Council adopted a CIA for Whalley and Painter Wood ward in 2019, and this has formed part of the Council's Licensing Policy since 1st May 2019. Unlike the balance of the Licensing Policy, which has to be reviewed every 5 years, a CIA expires after 3 years. The imminent expiry of the CIA has been considered at meetings of Committee on 15th June 2021 and 2nd November 2021.

2.2 Detailed background can be found in the respective reports to Committee which are attached at Appendix 1.

3 ISSUES

Evidence to support the CIA

3.1 Following on from the decision of Committee to progress renewal of the CIA for Whalley, information was sought to form the evidence base necessary to justify the assessment.

3.2 Attached at Appendix 2 is a draft CIA for 2022-2025.

3.3 Members will note that the evidence relating to crime and disorder shows a relatively low number of recorded Incidents and in certain areas show a trend of decreasing numbers of recorded incidents. This evidence relates to the crime and disorder element of the licensing objectives. The information and statistics in the CIA have been impacted by the periods of lockdown and restrictions in 2020 and 2021.

Members should also take into account the clear response from local residents, both in terms of the number of responses and expressions of support, together with the

evidence provided from the records of the Environmental Health and Enforcement Officers, all of which relates to the licensing objectives, particularly the prevention of public nuisance.

Effect of the CIA

- 3.4 As with the previous CIA, it is important that the effect of a CIA is understood at the outset. The introduction of a CIA would not be retrospective, would not automatically have effect in that responsible authorities would still have to make representations in relation to each application, and would create a rebuttable presumption of refusal of applications for new premises licences and club certificates and variation of such licences and certificates but would still require each application to be considered on its merits.

Scope of the CIA

- 3.5 Following a decision at Committee in April 2018, it was decided to limit the area of the CIA to the Whalley and Painter Wood boundary.
- 3.6 The streets included within the CIA are set out in the draft.
- 3.7 It was also apparent from the responses received from local residents, that whilst there are considered to be sufficient premises which operate until 1800 hours, the majority of problems in relation to crime and disorder and public nuisance related to premises which opened after 1800 hours and were primarily aimed at serving the night-time economy.
- 3.8 The CIA would therefore not have effect in relation to licensed premises which only open up until 1800 hours. Apart from this exception the CIA would apply to all other licensed premises whether on or off licence, club or premises licences.

Other considerations

- 3.9 Members should note that the introduction of a CIA in a village environment is unusual, they are more typically used in town centres and city districts. It is therefore not possible to advise Members about the effectiveness of the CIA which may be challenged by applicants for a licence. During the period since introduction of the CIA, two applications have been considered on their merits by the Licensing Sub-Committee and no representations were made on two further applications which were therefore granted in accordance with the requirements of the Licensing Act 2003.

Process

- 3.10 Members are asked to approve the attached CIA which will then be the subject of formal consultation. It is proposed that the consultation period should be for a period of 6 weeks in order to enable a report to be prepared compiling the responses and enabling any modification of the draft to be presented to the next meeting of Committee.
- 3.11 If the CIA is accepted, this will be referred to Full Council for inclusion within the Council's Licensing Policy.

4 RISK ASSESSMENT

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

- Resources – Officer time in conducting the formal consultation
- Technical, Environmental and Legal – N/A save as above
- Political – N/A
- Reputation – Consideration of renewal of the CIA enhances the reputation of the Council
- Equality & Diversity – N/A

5 **RECOMMENDED THAT COMMITTEE**

5.1 Consider and approve the draft CIA attached at Appendix 2 to form the basis of consultation as set out at 1.4 in the CIA.

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