
3. Consideration of a special policy on cumulative impact

1.0 Matter for consideration

- 1.1 The Committee to consider authorising consultation on an amendment to the Statement of Licensing Policy, which would have the effect of creating a special policy on cumulative impact in respect of designated areas in Blackpool

2.0 Recommendation(s)

- 2.1 To authorise officers to consult on the proposed amendments to the Statement of Licensing policy.

3.0 Information

- 3.1 Under the Licensing Act 2003 (the Act), the Council, as Licensing Authority has responsibility for issuing licences to premises proposing to carry on licensable activities. Guidance issued by the Secretary of State under Section 183 of the Act, suggests that the Authority, may in appropriate circumstances adopt a special policy of cumulative impact. In order to do this, the Authority must:
- Identify a concern about crime and disorder or public nuisance
 - Consider whether the concern is arising from and caused by customers of licensed premises
 - If so, identify the boundaries of the area from which the problems are arising
- 3.2 If it is decided to include such a policy, the Authority must review its Statement of Licensing Policy and consult certain statutory bodies on the proposed amendment before the statement can be formally amended.
- 3.3 The effect of adopting a special policy is to create a rebuttable presumption that applications of a certain type within the defined area will be refused. The policy may not, however act as an absolute prohibition on the granting of new licences. In particular it should be noted:
- The absence of a special policy does not prevent responsible authorities or interested parties from raising concerns about the cumulative impact in relation to specific applications,
 - The inclusion of a special policy is subject to judicial review
 - If a policy is adopted this does not negate the need for responsible authorities and interested parties to make representations on an application. If no representations are received, the application will still be granted.
 - Where applications are refused under the special policy, appeals may be made to the Magistrates' Court which could exercise its discretion to grant the application or depart from the policy (though the court would be expected to give its reasons for doing so)
- 3.4 The aim of a special policy is to control the impact on the promotion of the licensing

objectives of a significant number of licensed premises concentrated in one area. In determining whether to adopt such a policy, the Authority should also consider other measures and controls, which are available for addressing such problems.

- 3.5 The movement of large numbers of people between premises or leaving licensed premises late at night drunk gives rise to further problems of shouting, fighting, street urination and vomiting. Further problems of disorder occur at stress points including queues for taxis and hot food takeaways.
- 3.6 The statistical information would suggest that the crime and disorder objective is being undermined and the patrons of licensed premises in the area appear to be responsible for the problems. It is therefore suggested that consultation takes place on this proposal.
- 3.7 The area for consideration is an area historically known as the ASLAN area.
- 3.8 The maps attached show the current levels of crime and disorder in the area. The attached graphs show that the incidents of crime and anti-social behaviour peak between 23.00hours and 04.00 hours, and occur mostly on Friday, Saturday and Sundays.
- 3.9 Within the town centre, the following existing controls are used
- On street drinking ban – it is an offence to consume alcohol from a container within the designated area.
 - CCTV
 - Taxi Marshalling – there is currently one marshalled rank on Talbot Road. Licensed door supervisors marshal this rank on Friday and Saturday evenings during the season from 01.00hours until 04.30 hours.
- 3.10 There would appear to be a consensus that nighttime crime and disorder, anti-social behaviour and the quality and size of certain premises do have a negative impact. The adoption of a special policy could be another tool to address crime and disorder, to restrict further growth of such problems and would support the crime prevention objective

4.0 Financial considerations

4.1 None

5.0 Legal considerations

5.1 The legal considerations are as outlined in the report.

Relevant officer:

Sharon Davies

Tel: (01253) 478518, e-mail Sharon.davies@blackpool.gov.uk

Appendices attached:

Appendix 3a, Information submitted by Lancashire Constabulary requesting such a condition.

Background papers:

None

Websites and e-mail links for further information:

None

Glossary:

None