
Consideration of a special policy on cumulative impact

1.0 Matter for consideration

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

2.0 Recommendation(s)

- 2.1 To approve the proposals and recommend the Executive to recommend that the Council make the appropriate 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 those 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 statistical information would suggest that the crime and disorder objective is being undermined and the patrons of premises licensed to sell alcohol for consumption off the premises in the area appear to be responsible for the problems. It is therefore suggested that consultation takes places on this proposal.
- 3.6 The area for consideration is the wards of Bloomfield, Victoria, Talbot and Claremont.
- 3.7 The maps attached show the current levels of crime and disorder in these areas. The attached graphs show the number of off-licences per ward, the link between alcohol and crime together with a comparison of crimes by reference to wards.
- 3.8 The Police believe that there is a link between the number of off-licensed premises in the wards identified and crime and disorder. This is supported by the Quality Standards Division responsible for running the test-purchasing regime. 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
- 3.9 At its meeting in September 2008, the Licensing Committee authorised consultation on the proposed new saturation area. Consultation took place until 9th January 2008. The Committee will be provided with a summary of the responses at the meeting.

4.0 Financial considerations

- 4.1 None

5.0 Legal considerations

- 5.1 The policy could be challenged by way of Judicial Review.

Relevant officer:

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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