



## Written Submission 58 Dickson Road, Blackpool

The application has been made with focused attention on the Licensing Objectives in particular ensuring that any proposal made will not have an adverse effect.

The parts of the Licence the applicant seeks to vary are.

1. The terminal hour- modified from 23.00hrs to 00.00 hrs this represents a 6.67% increase in trading time

### Assessment of the Area

A comprehensive assessment of all the premises located on Dickson Road was made at the pre-application stage and the document was submitted 21 days before the application was submitted and was served alongside the application. This document has been updated to reflect recent changes and analysed further to assist with the Risk Assessment. A copy of the updated document is found as **Document 1**

The Police and the Licensing Authority were consulted pre-application in accordance with para 4.10.2 of Blackpool's Statement of Licensing Policy;

*4.10.2 Early contact, before submission of the application, with the responsible authorities is encouraged to discuss plans and control measures.*

No response was received from the Licensing Authority and the police responded stating they would be unable to support the application. A copy of the e-mail is attached as **Document 2**

The relevant times to be considered for this application are 23.00hrs-00.00hrs, there are 2 other Off Licences on Dickson Road, 78 Dickson Road PL1989 which operates from 08.00hrs-00.00hrs. The conditions on this Licence are as follows;

*No entertainment of an adult nature will take place on the premises.*

*2.A digital 24 hour CCTV system will be in operation at the premises. The system will be maintained in good order, and will cover all points of access and egress. The system will display the correct date and time and incorporate a 24 hour recording / 60 day storage facility. Footage will be available to Police and Council Officers by request.*

*3.A4 notices will be prominently displayed internally and externally advising that a CCTV system is in operation at the premises.*

*4.A refusals register will be kept at the premises.*

*5.Notices will be displayed requesting that customers enter and leave the premises quietly.*

*6.A Challenge 25 scheme will be in operation at the premises - anyone under the age of 25 will be required to produce identification to prove that they are over the age of 18. The only forms of identification to be accepted are driving licence, passport and Citizencard.*

*7.All staff will be trained in the Challenge 25 scheme.*



The 2<sup>nd</sup> premises with a midnight terminal hour is 234 Dickson Road which is approximately 1.1km away so is considered too far away to be relevant for Cumulative impact.

All other Off Licences on the road have a terminal hour of 23.00hrs.

### **What is cumulative impact?**

#### Extracts from the Sec 182 Guidance

*14.20 The concept of “Cumulative impact” has been described within this guidance and used by licensing authorities within their statements of licensing policy since the commencement of the 2003 Act. ‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.*

*14.21 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.*

*14.22 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.*

*14.23 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.*

#### Evidence of cumulative impact

*14.29 As noted above, there must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:*

- *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 residents' associations;*
- *residents' questionnaires;*
- *evidence from local and parish councillors; and*
- *evidence obtained through local consultation.*

### **Linking the proposed hours to the Councils Policy**

Blackpool's Statement of Licensing Policy at para 4.1.7 states.

*4.1.7 If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessments adequately demonstrate that:*

- *The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for*
- *The potential effect on the licensing objectives is not significant*
- *The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses*

Taking the points in turn,

The applicant has properly considered the hours that are appropriate for the area, the research demonstrates that 75.61% of the premises on Dickson Road have a terminal hour of 00.00hrs or beyond.

The potential impact on the licensing objectives is not significant, if granted the average terminal hour percentage would move from 75.61% to 78.05%. This small percentage increase needs to be set against the backdrop that 12 of the premises on the Road are hotels.

The Operating Schedule is robust, more so than any similar premises in the locality. The applicant has invested time and money in developing the quality of his staff training including sending all of his staff on a Personal Licence Course.

### ***4.9 Off Licence Cumulative Impact Assessment***

*4.9.1 The Council has assessed the available evidence and has determined that the area highlighted in Document C is suffering from the cumulative impact of the number of premises licensed for the sale of alcohol for consumption off the premises only. This is undermining the licensing objectives. The location of the main concentration of off-licensed premises suffers from high levels of alcohol related crime and alcohol related hospital admissions. Applications for new licences, or variation of hours within this area will be refused unless the applicant can demonstrate that their application will not lead to an increase in the impact of off- licensed premises in this area.*

Blackpool's Cumulative Impact Assessment ( Off Licence Policy ) draws on Health-related statistics in 3 wards but does not refer to other matters listed in para 14.29 of the Section 182 Guidance. Enquiries have been made with the Local Authority as to whether statistics by the hour for issues

of ASB are available and a concession has been made that it would be too difficult to provide any reliable data.

The CIA centres around levels of alcohol-related crime which are tied back to an offender or victim's home address and makes the correlation that an excess supply of off licences can only be a negative impact. There does not appear to be additional layers of data to demonstrate that issues of cumulative impact are being experienced in the immediate vicinity of this premises at the times that are relevant for this application.

The Policy has been properly implemented but it is important to understand the data that the Off Licence Cumulative Impact Policy is predicated on. This needs to be set against the backdrop that Off Licences sell alcohol for consumption away from the premises which could include the street and would, in turn, be then relevant to the cumulative impact and it is this issue that this application will seek to address.

#### **4.10 Applications within the Cumulative Impact Area**

*4.10.1 Applications for new licences or variations to existing licences within a cumulative impact area, which are likely to add to the existing cumulative impact will normally, be refused if a relevant representation is received. To persuade the Council to depart from its policy an applicant must demonstrate that their application will not add to the existing cumulative impact in the area. This should be done through the operating schedule and the risk assessment process (if used)*

*4.10.3 Examples of factors, which the Council may consider, that demonstrate that there will be no impact may include:*

- **Premises ceasing operation before midnight**
- *Premises that are not alcohol led and only operate during the daytime*
- *Situations where the applicant is relocating their business within the cumulative impact area but is retaining the same style of business, operating hours, and conditions*

With regards to the list of factors that the Council may consider appropriate for departing from its Off Licence Cumulative Impact Policy, bullet point 1 is applicable in this case.

*4.10.4 Examples of factors the licensing authority will not consider to rebut the presumption of refusal:*

- *The premises will be well managed and run as all licensed premises should meet this standard*
- *The premises will be constructed to a high standard*
- *The applicant operates similar premises elsewhere without complaint*

*4.10.5 As with all applications made under the Licensing Act 2003, if no representations are received, the Council must grant the application. Anyone who does make a representation may rely on the evidence published in the cumulative impact assessment or the fact that a CIA has been published for the area.*

#### **Research into Previous Decisions**

A data table listing all matters that have been before the Committee has been created to include the years 2019,2020,2021 and 2022.

2 applications, both of which are for an extension of hours have been granted in the last 4 years. Only one of these received objections from the Responsible Authorities, that being 99-101 Whitegate Drive heard in June 2022.

This application has been used as the benchmark. Each case must be determined on its own merits and the approach to this application has factored this in and tailored the hours, operating schedule and information researched to produce the risk assessment and as a result, looks at a wider selection of data, seeks fewer hours, offers a more robust Operating Schedule and has undertaken more Temporary Event Notices to produce a comprehensive picture of the potential harm on the Licensing Objectives

The table of decisions is produced as **Document 3**.

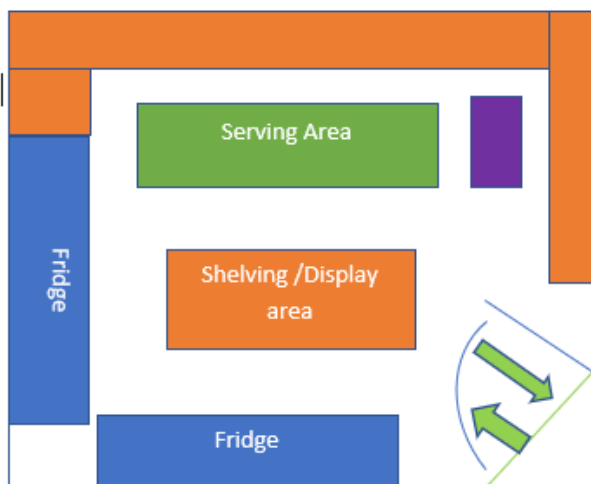
These decisions should be compared with the national picture illustrated in a Home Office document HO 0253 produced in 2016 which detail the national refusal rate for applications in CIP areas and outside CIP areas. The national picture is 8% refusal in CIP and 3% refusal outside. See paras 10 and 42 of this document attached as **Document 4**

The Blackpool picture is a 46.67% refusal rate outside the CIP and 76.9% inside the CIP.

**The Premises and Applicant**

The premise is a small operation occupying a very small footprint of approximately 5mx 5m. It has been managed by the applicant for the last 6 years with the assistance of his brother-in-law. The applicant recently created a limited company and the Licence was transferred into the Company name earlier this year. The layout of the premises is shown below.

Key =  Fridge  Shelving/display areas  Serving area  Trap Door/ hatch to the basement





The custom base is a mixture of residents and in the summer months an element of passing trade from visitors. The residential demographic is low-income households, the analysis of the local demographic has been analysed by researching Blackpool's Alcohol Strategy 2019-2022.

The premises has not received any warning letters for any breach of conditions nor have there been any reports of underage sales, the last test purchase was conducted in 2015 and was passed. An e-mail confirming these facts is attached as **Document 5**

### Risk Assessment

The policy indicates in para 4.1.7

*4.1.7 If relevant representations are made the Council will only grant the hours of use proposed where the **operating schedule and any risk assessments adequately demonstrate that:***

- *The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for*
- *The potential effect on the licensing objectives is not significant*
- *The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses*

Risk Assessment is mentioned again in paragraph 4.10.1

*4.10.1 Applications for new licences or variations to existing licences within a cumulative impact area, which are likely to add to the existing cumulative impact will normally, be refused if a relevant representation is received. To persuade the Council to depart from its policy an applicant must demonstrate that their application will not add to the existing cumulative impact in the area. **This should be done through the operating schedule and the risk assessment process (if used)***

### Steps involved with risk assessing

- 1: Identify the Hazards. - Area Research, Alcohol Harm Reduction Strategy & 3 x TENS
- 2: Decide Who Might Be Harmed and How. - Staff, Residents & Visitors
- 3: Evaluate the Risks and Take Action to Prevent Them. - Operating Schedule
- 4: Record Your Findings. - Risk Assessment document
- 5: Review the Risk Assessment.

**The hazards:** in this case are the impact on the Licensing Objectives from additional hours granted to premises selling alcohol

### Crime and Disorder

1. sale of alcohol to a drunks
2. violence or public order in the premises or in the vicinity

### Protection of Children from Harm

1. Increased risk of underage sales (more hours =more opportunity )
2. Increased risk of proxy sales



### Prevention of Public Nuisance

1. Increased risk of people causing a disturbance on the street as they attend and leave the premises.
2. Increase in litter in the area

### Public Safety

The only objective that could be truly set aside is Public Safety, if the premises are safe from 08.00hrs -23.00hrs there should be no reason why it would not continue to be safe from 23.00hrs-00.00hrs.

### **Evaluating the Risk**

A detailed analysis of the premises on Dickson Road gives a picture of the area. It is a mixed offer consisting of later Pubs, takeaways, and night clubs at the South end of the road operating until 5 am then tapers to hotels and shops with more modest trading hours no later than 02.00hrs and terminates at the North end with some off licences and hot food takeaways.

The Alcohol harm Reduction Strategy paints a picture of some of the impacts of alcohol in the area

*•19.5% of Blackpool residents aged 18 and over abstain from drinking alcohol and 66.5% drink within the Chief Medical Officer's guidelines of less than 14 units per week. 14.3% of Blackpool adult residents still drink regularly above 14 units per week, equating to approximately 15,900 people. 3.6% of Blackpool residents are dependent drinkers which equate to approximately 4,349 people, the highest in England.*

(Public health issue, not a licensing objective no reasonable measures can be offered on this application )

*• Patterns of alcohol consumption vary across Blackpool. The central wards which experience high levels of deprivation, also see the highest prevalence of binge drinking.*

(Public health issue, not a licensing objective no reasonable measures can be offered on this application)

*• An estimated 5% of Blackpool's 15-year-olds are regular drinkers (drinking at least once a week) and 15.8% had been drunk in the last 4 weeks. This compares with 6.2% and 14.6% respectively in England.*

Protection of children from Harm, relevant to this application, see conditions on the operating schedule and risk assessment.

*• Rates of alcohol-specific hospital admissions in under 18's in Blackpool have almost halved over the last 8 years and while rates are still significantly higher than the national average, the gap between Blackpool and the England average is narrowing;*

3 Temporary Events were applied for in the months of August and September 2022 and the pattern of sales was recorded which demonstrates that alcohol is not a significant part of the business (Approximately 21%), and no issues came to light during the period of later trading. It is also of note that the application has not attracted any adverse remarks or representations from residents. A table detailing the sales that occurred in those 3 weeks is attached as **Document 6**

A standard risk assessment would rate the hazard in terms of severity and then rate the risk in terms of likelihood using the methodology below.

5	<b>Multiple Fatalities</b>	5	10	15	20	25
4	<b>Fatality / Life changing injury / illness</b>	4	8	12	16	20
3	<b>Major Injury</b> <i>(Requires Medical Treatment or is LTI)</i>	3	6	9	12	15
2	<b>Minor Injury</b> <i>(First Aid Treatment Required)</i>	2	4	6	8	10
1	<b>Property Damage / Negligible Injury</b> <i>(Required no treatment)</i>	1	2	3	4	5
		<b>Very Unlikely / Rare</b>	<b>Unlikely</b>	<b>Possible</b>	<b>Likely</b>	<b>Almost Certain</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

The hazards identified in the risk assessment would in the worst case be minor injuries, however in the most part matters such as antisocial behaviour, littering and young people accessing alcohol may fall under the category of property damage or negligible injury, which scores 1 on the risk rating.

When assessing the impact of the application you should look at the parts of the licence that the applicant seeks to vary i.e. 23.00-00.00hrs.

Since the premises have traded for many years without concern the likelihood of any spike in issues identified in the risk assessment is unlikely (worst case scenario), this can also be bolstered by the recent Temporary Event Notices that came and went without concern and the evaluation of the immediate area. All this information compiled together enables a competent person to demonstrate that the overall risk to the Licensing Objectives being adversely affected would achieve a score that would put it in the low-risk category (green boxes).

For the sake of completeness, a risk assessment has been completed and is attached as **Document 7**.

### **Conclusion**

The applicant does not seek to go against the grain of the policy, the application has been tailored to do the exact opposite. This is a community-based store with a loyal and diverse customer base.

The applicant has used the only application to be granted (where RA objections were lodged) as a benchmark and it can be distinguished as being specific and stronger in many ways.





1. 14 days' worth of data (TEN financial) was produced in the Whitegate Drive App, in this case, it is 21 days
2. The hours he seeks to vary are 50% less than the Whitegate Drive App
3. The Operating Schedule is considerably more robust than the Whitegate Drive App
4. The premises is a fraction of the size of Whitegate Drive.
5. The quantity of alcohol sold in this premises is approximately 21% vs the Whitegate Drive Statistics which were 33% alcohol sales

The thought process behind the approach is the area presents different challenges to Whitegate Drive so the evidence base is tailored in such a way as to reflect the differences.

3 important considerations seem to be a factor when considering Cumulative Impact, they are

**Location, Time, and Activity**

This written submission seeks to address these 3 headings and we hope that the information provided is as detailed as possible enabling the reader to form the decision that the Licensing Objectives will not be undermined and, in these circumstances, it is both reasonable and justifiable to depart from the Policy of refusal.

A handwritten signature in black ink, appearing to read 'Mark Marshall'.

Mark Marshall

