

# Licensing and Regulatory Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Statement of Licensing Policy and Cumulative Impact Policy Renewal</b>	
<b>Report No:</b>	<b>LIC/SE/17/011</b>	
<b>Report to and dates:</b>	<b>Licensing and Regulatory Committee</b>	31 October 2017
	<b>Cabinet</b>	5 December 2017
	<b>Council</b>	19 December 2017
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<b>Purpose of report:</b>	To review the updated Mandatory Statement of Licensing Policy and incorporated the Cumulative Impact Policy.	
<b>Recommendation:</b>	<p><b>Licensing and Regulatory Committee:</b></p> <p><b>Subject to approval of Cabinet and Full Council, it is recommended that:</b></p> <p><b>(1) The revised Statement of Licensing Policy is adopted; and</b></p> <p><b>(2) The extended Cumulative Impact Area within the Statement of Licensing Policy is adopted.</b></p>	

<b>Key Decision:</b> (Check the appropriate box and delete all those that <b><u>do not</u></b> apply.)		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<b>Consultation:</b>		<ul style="list-style-type: none"> <li>• <b>10 July – 1 September 2017</b>            Details of the consultation are set out in Section X.</li> </ul>	
<b>Alternative option(s):</b>		<b>Statement of Licensing Policy</b> <ul style="list-style-type: none"> <li>• Not adopting the Statement of Licensing Policy</li> <li>• Re-adopting the existing Statement of Licensing Policy</li> </ul> <b>Cumulative Impact Policy (CIP) Area for Bury St Edmunds town centre</b> <ul style="list-style-type: none"> <li>• Not adopting the current CIP Area</li> <li>• Re-adopting the existing CIP Area</li> </ul>	
<b>Implications:</b>			
<i>Are there any <b>financial</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any <b>ICT</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>• <b>The Mandatory Statement of Licensing Policy must be reviewed every 5 years with the Cumulative Impact Policy according to Statutory Guidance. The expiry date on this Policy is 17 December 2017.</b></li> </ul>	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Reputational – Government Guidance states that the Licensing Statement of Policy should be reviewed along with its integral cumulative impact policy according to statutory guidelines.	Medium	The Statement of Licensing Policy has undergone previous reviews in line with guidance. The latest version is a review of the same policy and amendment to the cumulative impact/special area policy.	Low

Legal – If the policy is not revised in line with the guidance then the Authority may be open to legal challenge.	Medium	An appropriate consultation plan and supporting evidence base has been implemented.	Low
Community – Maintaining the Statement of Licensing Policy and CIP area could result in too many premises selling alcohol in the locality with the associated negative impact crime and disorder.	Medium	Implementing effective policies and controls to manage premises selling alcohol will contribute to a safer localities.	Low
<b>Ward(s) affected:</b>		Risbygate, Abbeygate Wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<p>St Edmundsbury current Statement of Licensing Policy:  <a href="http://www.westsuffolk.gov.uk/Business/Regulation%20and%20Licensing/Licensing/Alcohol%20and%20entertainment/upload/Statement-of-Policy-2012-to-2017-final.pdf">http://www.westsuffolk.gov.uk/Business/Regulation and Licensing/Licensing/Alcohol and entertainment/upload/Statement-of-Policy-2012-to-2017-final.pdf</a></p> <p>Home Office Amended Guidance issued under section 182 of the licensing Act 2003 (March 2015)  <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf</a></p> <p><a href="#">LRC12 10 15 RepD160 dated October 2012 Proposed Amendments to Licensing Statement of Policy</a></p>	
<b>Documents attached:</b>		<p><b>Appendix 1</b> – Crime statistics</p> <p><b>Appendix 2</b> - Summary of the Consultation Responses</p> <p><b>Appendix 3</b> – Proposed Policy wording and the proposed map extension of the Cumulative Impact Policy</p> <p><b>Appendix 4</b> – Residents consultation responses</p> <p><b>Appendix 5</b> – Police consultation</p> <p><b>Appendix 6</b> – British Beer and Pub Association consultation response</p>	

## **1. Key issues and reasons for recommendation(s)**

### **1.1 Background**

- 1.2 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.
- 1.2 During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met. If the licensing authority determines and publishes its policy in this way, a new five-year period commences on the date it is published.
- 1.3 Previously, licensing authorities were required to determine their licensing policies for each three-year period. Licensing policies published in respect of the three-year period that began on 7 January 2011 are to be treated as though they apply to a period of five years beginning at that date.
- 1.4 St Edmundsbury Borough Council adopted the current Statement of Licensing Policy centre in 2012 (Report D160 refers). Under the scope of the Policy, the Council re-adopted a special area policy covering certain parts of the town centre of Bury St Edmunds where the cumulative impact of significant number of licensed premises concentrated in the area is considered to have a potential impact on the promotion of the licensing objectives.
- 1.5 This report sets out proposals to re-adopt both the Statement of Licensing Policy and Cumulative Impact Policy area for Bury town centre, based on a review of current the legislative framework, the effectiveness of the current policy on crime and disorder in the area and a consultation carried out in accordance with statutory guidelines that apply.

### **2. Background to the Cumulative Impact Policy (within the Statement of Licensing Policy)**

- 2.1 "Cumulative Impact" is not mentioned specifically in the 2003 Act. It is, however, referred to in the Home office guidance, where it is defined as "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area". The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.
- 2.2 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 still be greater than the impact of customers of individual premises.
- 2.3 The effect of adopting a cumulative impact/special policy is to create a rebuttable presumption that applications for the grant or variation of

premises licenses 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. If the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives then the licence or variation sought is likely to be granted. Applicants should give consideration to potential cumulative issues when setting out the steps they will take to promote the licensing objectives in their application.

- 2.4 However, a cumulative impact/special policy presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation before a licensing authority may lawfully consider giving effect to its cumulative impact policy. A relevant representation would state which of the Licensing Act objectives will be undermined and also the likely effect of granting the licence. If there are no representations, the licensing authority must grant the application in terms that they are consistent with the operating schedule submitted by the applicant.

Based on the principles set out in the Statement of Licensing Policy, the current Cumulative Impact Policy area applying to the centre of Bury St Edmunds was designated in 2009 and re-adopted in 2012 (Report D160 refers).

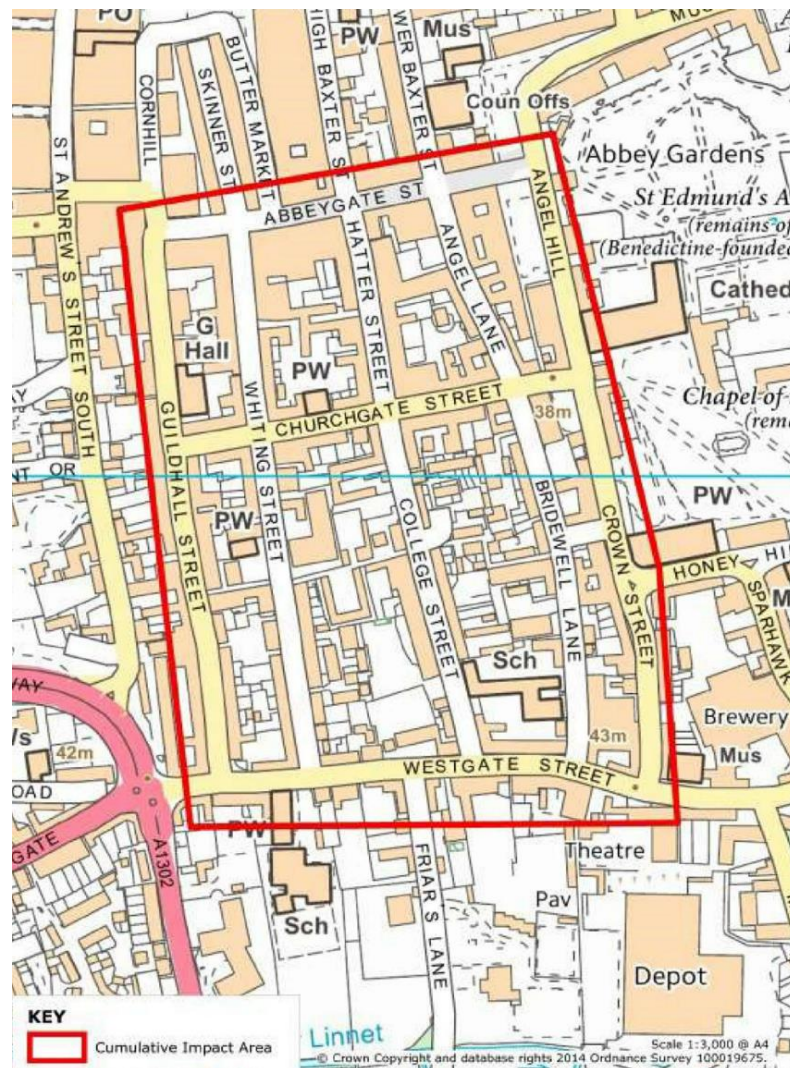


Figure 1 – Current Cumulative Impact Policy area for Bury St Edmunds town centre

### 3. Review and consultation process

- 3.1 Options were considered as part of the review process. These comprised of:
- Statement of Licensing Policy
    - i. Option SLP1 – Not re-adopting the current policy
    - ii. Option SLP2 – Re-adopting the current policy without revision
    - iii. Option SLP3 – Adopting an updated version of the policy to reflect legislative change and based on the findings of the review and consultation.
  - Cumulative Impact Policy Area for Bury St Edmunds town centre
    - i. Option CIP1 – Not re-adopting the CIP area
    - ii. Option CIP2 – Re-adopting the current CIP area without amendment
    - iii. Option CIP3 – Adopting a CIP area to reflect legislative change and based on the findings of the review and consultation.
- 3.2 Data relating to crime and disorder have been obtained from Suffolk Constabulary for a representative period since the adoption of the current Statement of Licensing Policy and CIP area. A summary of crime statistics for the relevant period is presented in **Appendix 1**.
- 3.3 In addition, discussions were held with key internal stakeholders, including engagement with the consultation relating to the emerging Bury St Edmunds Town Centre Masterplan, and external agencies including the Neighbourhood Policing Team and Suffolk Public Health.
- 3.4 As part of the review of the Statement of Licensing Policy, the licensing authority is required to consult the persons listed in section 5(3) of the 2003 Act. These are:
- the chief officer of police for the area;
  - the fire and rescue authority for the area;
  - each local authority's Director of Public Health in England (DPH)<sup>11</sup> or
  - Local Health Board in Wales for an area any part of which is in the
  - licensing authority's area,
  - persons/bodies representative of local premises licence holders;
  - persons/bodies representative of local club premises certificate holders;
  - persons/bodies representative of local personal licence holders; and
  - persons/bodies representative of businesses and residents in its area.
- 3.5 The consultation also included ward members, members of the Licensing and Regulatory Committee and the Business Improvement District Management Company, Our Bury St Edmunds.
- 3.6 For consistency and in line with statutory guidance, the consultation scope and approach adopted for the policy was also applied to the CIP Area. The consultation ran between the 10 July 2017 and 1 September 2017. A summary of the consultation questions and responses received is presented in **Appendix 2**.
- 3.7 In addition to meeting the relevant statutory guidelines, the scope and format of the consultation was considered appropriate for the following

reasons:

- i. In the light of the data presented to the licensing authority as part of the preparatory work to develop the consultation approach, and in the view of experience of your officers, the current policy is considered to have operated effectively since it was re-adopted in 2012.
- ii. Refreshing the Statement of Licensing Policy will be part of a wider strategic development which could see St Edmundsbury Borough Council and Forest Heath District Council becoming a single local authority across West Suffolk, with the likely commencement date of the new authority being April 2019. Should this go ahead, the impact will be to create a single licensing authority, which will have an impact on this and other area-based policies. Consideration will be given on the need for a further review of the policy should a single council structure be adopted.

#### **4 Statement of Licensing Policy – findings of review and consultation**

- 4.1 The review showed that generally the Statement of Licensing Policy remains fit for purpose although it required updating to incorporate changes to relevant legislative frameworks. No adverse comments were received from the public consultation.
- 4.2 Options SLP1 and SLP2 would leave the council at risk of not performing its statutory functions. It is proposed therefore that with minor amendment the current Statement of Licensing Policy should be re-adopted (Option SLP3). A proposed revision to the Policy, with any amendments marked in RED, are presented in **Appendix 3**.

#### **5. Cumulative Impact Policy Area – findings of review and consultation**

- 5.1 As part of the consultation a proposed Cumulative Impact Policy area was presented. The extended area has been drawn up based on a review of crime and disorder statistics and discussions with stakeholders. The review highlighted the growth of the town centre, including the development of the Arc Shopping Centre which accommodates a mix of commercial and residential uses and the concentration of the premises in one area which are open late at night, which is not covered by the current CIP area. This includes the following streets:

- St Andrews Street North (northwards to the Bus Station)
- St Andrew's Street South
- Risbygate Street
- Cornhill
- Buttermarket and
- Part of St John's Street.

Crime and disorder statistics supported your officers' opinion that the CIP area should be extended. The proposed CIP area based on the findings of the review is shown below and this option was included in the consultation.



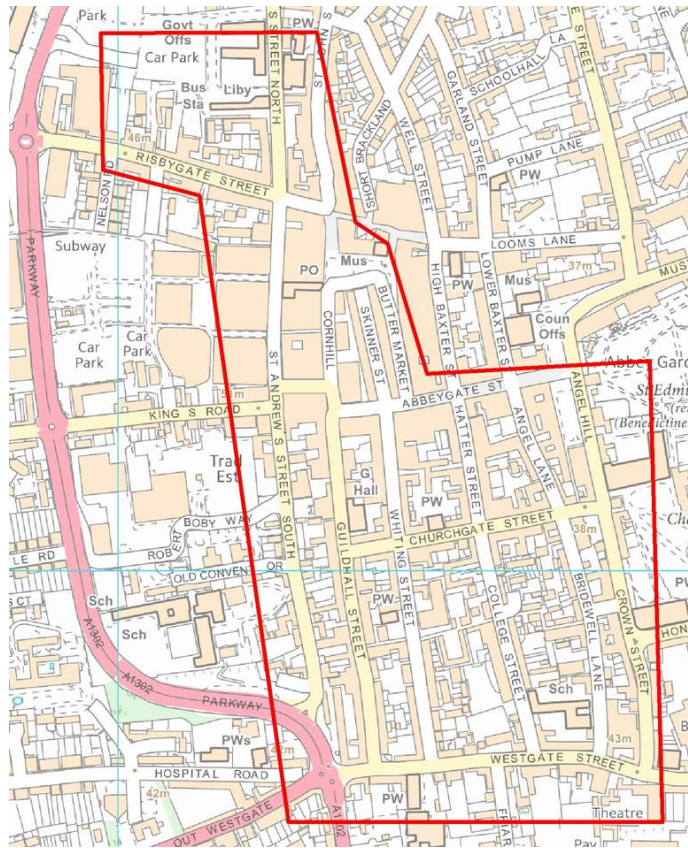


Figure 2 – Proposed Cumulative Impact Policy Area for Bury St Edmunds town centre

- 5.2 Forty-seven online responses to the consultation were received as well as statements made by residents, representation from Neighbourhood Policing (Suffolk Constabulary) and The British Beer and Pub Association. The online responses are summarised in **Appendix 2**.
- 5.3 Forty-one online respondents supported the renewal of the current Cumulative Impact Policy Area, while thirty respondents wished to see additions or amendments made to the existing area.
- 5.4 Forty online respondents supported the proposed CIP area, while only ten wished to see additions or amendments to the proposed area. Three town centre residents submitted written statements supporting the proposed CIP area (**Appendix 4**). It is considered, therefore, that respondents were generally supportive of the proposed changes to the Cumulative Policy Impact area.
- 5.5 Three respondents wished to see the proposed area extended to include Eastgate Street to cover pubs in the vicinity as well as the Parkway covering Cineworld and associated eateries. These proposals have been considered but rejected since the majority of these premises close at around the time the Cumulative Impact Policy would commence, being around 11pm, hence it would not be appropriate to extend the area.
- 5.6 The response from Neighbourhood Policing (**Appendix 5**) outlined the issues and knock-on effects of having late night premises in a small area particularly St Andrew's Street North and South, Cornhill, Buttermarket, St John's Street, Risbygate, King's Road, the Arc, Abbeygate Street, Angel Hill



and Woolhall Street. Some of these streets are already covered by the existing CIP but would benefit from inclusion in the CIP area the additional streets where the nightclubs, late bars and take-aways operate.

- 5.7 The representation from the British Beer and Pub Association (**Appendix 6**) generally concurred with the proposals for extending the CIP area.
- 5.8 It is, therefore, your officers' view based on the review and consultation that the Cumulative Impact Policy Area (Option CIP3) should be extended to cover the area show in **Figure 2**.

## **6. Other matters raised during the consultation**

- 6.1 The British Beer and Pub Association also suggested the Licensing Authority should consider other methods for controlling alcohol-related issues. As such, your officers continue to work with Police and other crime prevention agencies to develop initiatives to reduce crime and anti-social behaviour.
- 6.2 Although Suffolk Constabulary does not currently support the National Pubwatch scheme, local licensees share information about related issues using various means of communications. The town centre has regular weekend support from Street Pastors supported by the United Churches which has proved invaluable. The Council's Licensing and Families and Communities officers also work closely with Suffolk Police as part of a problem-solving approach centred on licensed premises.