

# Cabinet



*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>CAB/SE/17/062</b>   |                  |
| <b>Report to and dates:</b> | <b>Cabinet</b>   | 5 December 2017  |
|                             | <b>Council</b>   | 19 December 2017 |
| <b>Portfolio holder:</b>    | Councillor Alaric Pugh<br>Portfolio Holder for Planning and Growth<br><b>Tel:</b> 07930 460899<br><b>Email:</b> <a href="mailto:alaric.pugh@stedsbc.gov.uk">alaric.pugh@stedsbc.gov.uk</a>   |                  |
| <b>Lead Officer:</b>        | Amanda Garnham<br>Licensing Team Leader<br><b>Tel:</b> 01284 758050<br><b>Email:</b> <a href="mailto:Amanda.garnham@westsuffolk.gov.uk">Amanda.garnham@westsuffolk.gov.uk</a>  |                  |
| <b>Purpose of report:</b>   | To review and seek adoption of the updated mandatory Statement of Licensing Policy and the incorporated Cumulative Impact Policy for Bury St Edmunds Town Centre.  |                  |
| <b>Recommendation:</b>      | <p><b>It is <u>RECOMMENDED</u> that, subject to the approval of Council:</b></p> <p><b>(1) the proposed Cumulative Impact Area of Bury St Edmunds Town Centre contained within the Statement of Licensing Policy at Appendix 3 to Report No: LIC/SE/17/011, be amended to cover the area shown on <u>either</u> Map 1 or Map 2, attached as Appendices A and B to Report No: CAB/SE/17/062; and</b></p> <p><b>(2) subject to the agreement of (1) above, the revised Statement of Licensing Policy incorporating the amended Cumulative Impact Policy, attached as Appendix 3 to Report No: LIC/SE/17/011, be adopted.</b></p> |                  |

|   |   |   |                                       |
|---|---|---|---------------------------------------|
| <b>Key Decision:</b><br><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>                             |   | <i>Is this a Key Decision and, if so, under which definition?</i><br>Yes, it is a Key Decision - <input type="checkbox"/><br>No, it is not a Key Decision - <input checked="" type="checkbox"/>   |                                       |
| <b>Consultation:</b>  |   | • See Report No: LIC/SE/17/011  |                                       |
| <b>Alternative option(s):</b>   |   | • See Report No: LIC/SE/17/011  |                                       |
| <b>Implications:</b>  |   |   |                                       |
| <i>Are there any <b>financial</b> implications?<br/>If yes, please give details</i>   |   | Yes <input type="checkbox"/> No <input type="checkbox"/><br>• See Report No: LIC/SE/17/011  |                                       |
| <i>Are there any <b>staffing</b> implications?<br/>If yes, please give details</i>  |   | Yes <input type="checkbox"/> No <input type="checkbox"/><br>• See Report No: LIC/SE/17/011  |                                       |
| <i>Are there any <b>ICT</b> implications? If yes, please give details</i>   |   | Yes <input type="checkbox"/> No <input type="checkbox"/><br>• See Report No: LIC/SE/17/011  |                                       |
| <i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>   |   | Yes <input type="checkbox"/> No <input type="checkbox"/><br>• See Report No: LIC/SE/17/011  |                                       |
| <i>Are there any <b>equality</b> implications?<br/>If yes, please give details</i>  |   | Yes <input type="checkbox"/> No <input type="checkbox"/><br>• See Report No: LIC/SE/17/011  |                                       |
| <b>Risk/opportunity assessment:</b><br><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) |
| See Report No: LIC/SE/17/011  |   |   |                                       |
| <b>Wards affected:</b>  |   | Risbygate, Abbeygate Wards  |                                       |
| <b>Background papers:</b>   |   | <p>St Edmundsbury current Statement of Licensing Policy:<br/> <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)<br/> <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> |                                       |

**Documents attached:**

**Appendix A:** Revised Cumulative Impact Area, *as proposed to be amended by the Licensing and Regulatory Committee* (Map 1)

**Appendix B:** Revised Cumulative Impact Area, *as proposed by Officers following consideration by the Licensing and Regulatory Committee* (Map 2)

For information:

**Appendix C:** Previous Cumulative Impact Area (Map 3)

**Appendix D:** Revised Cumulative Impact Area, as originally proposed to the Licensing and Regulatory Committee (Map 4)

## **1. Key issues and reasons for recommendation**

### **1.1 Key Issues**

- 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.
- 1.3 St Edmundsbury Borough Council adopted the current Statement of Licensing Policy 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.
- 1.4 On 31 October 2017, the Licensing and Regulatory Committee considered Report No: LIC/SE/17/011, which set out proposals to re-adopt both the Statement of Licensing Policy and Cumulative Impact Policy area for Bury St Edmunds town centre, based on a review of the current 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.
- 1.5 Attached to Report No: [LIC/SE/17/011](#), were a number of appendices:
- ([Appendix 1](#)) - Crime statistics
  - ([Appendix 2](#)) - Summary of the Consultation Responses
  - ([Appendix 3](#)) - Statement of Licensing Policy including proposed Policy wording and the proposed map extension of the Cumulative Impact Policy
  - ([Appendix 4](#)) - Residents' consultation responses
  - ([Appendix 5](#)) - Police consultation
  - ([Appendix 6](#)) - British Beer and Pub Association consultation response.

## **2. Licensing and Regulatory Committee**

- 2.1 Councillor David Nettleton, one of the Ward Members for Risbygate addressed the Committee on the proposal to extend the Cumulative Impact Policy (CIP) into his Ward, which included St Johns Street North, Bury St Edmunds and hoped the CIP would not be extended into these areas. He felt the CIP did not deliver what its advocates said it would.

Although he opposed it right from the start, he explained that if Councillors Joanna Rayner and Andrew Speed, Ward Members for Abbeygate did not object to its extension to cover the area north, beyond Abbeygate Street to the ward boundaries with Risbygate and Eastgate, he was not objecting, as they were the Ward Members.

He added that Bury St Edmunds had a thriving town centre and felt the CIP would not be beneficial as a whole.

Councillor Patricia Warby, Ward Member for Eastgate who was present at the meeting as a member of the Committee, did not comment upon the impact of the proposals on the eastern side of St Johns Street, which was located in her ward.

- 2.2 Having listened to Councillor Nettleton's representation, the Licensing and Regulatory Committee subsequently reviewed the Statement of Licensing Policy and Cumulative Impact Policy Renewal.
- 2.3 The Committee was reassured that the proposal to extend the CIP had been requested by the Police, and would not prevent new businesses from applying for an alcohol licence or an extension to their existing licensing hours, but would mean when applying for a licence the applicant would have to provide additional evidence to support their application with the burden of proof that their activities, if approved, would not increase crime, disorder or anti-social behaviour. The proposals would not exclude restaurants and cafés, and was mainly aimed at premises wishing to sell alcohol after 11pm. The proposal to extend the area would encompass the two night clubs, and premises selling late-night refreshments and take-aways, which should have been included in the original CIP.
- 2.4 Several members of the Committee felt that the night time economy was paramount to the town and did not want to make it too onerous for new businesses to apply the additional burden of risk assessment and proposals for mitigation as part of their licence application, and therefore felt they could not support the proposed extension to the CIP area. Members also had some concerns about the need for housing and a thriving town centre.
- 2.5 The Committee felt that Councillor Nettleton, Ward Member for Risbygate had made some reasonably valid points and suggested that the CIP should include the town centre, but not St Andrew Street North and that the proposed map on page 39 of Appendix 3 (Map 4 attached as Appendix D to this report) should be amended to not include the north of Risbygate Street and Brentgovel Street, as shown on Map 1 attached as Appendix A to this report.

### **3. Recommendations**

- 3.1 As a result of the above discussions, **the Licensing and Regulatory Committee has RECOMMENDED** that Map 1, attached as Appendix A to this report be the revised cumulative impact area for Bury St Edmunds Town Centre.
- 3.2 As a result of the deliberations of the Licensing and Regulatory Committee and its recommendation, **Officers RECOMMEND** that Map 2, attached as Appendix B to this report be the revised cumulative impact area for Bury St Edmunds Town Centre. This area includes the Abbeygate ward and removes most of the Risbygate ward apart from a small section of St Andrews Street North. The reason for this is to retain all current late night premises that have a detrimental cumulative impact on the town, such as noise, crime, anti-social behaviour and damage, within the cumulative impact area.

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- 3.3 The Cabinet is asked to recommend to Council, approval of either Map 1 (Appendix A) or Map 2 (Appendix B) as the revised cumulative impact area for Bury St Edmunds Town Centre, for incorporation into the Council's Statement of Licensing Policy.
- 3.4 The full recommendations required to be considered are set out on page one of this report.