

AGENDA ITEM NO. 12

COUNCIL

Date **25 JULY 2013**

Title **CUMULATIVE IMPACT ZONE POLICY**

1. PURPOSE/SUMMARY

This report presents Full Council with the recommendation from Licensing Committee on a proposed Cumulative Impact Zone Policy for Wisbech Town Centre.

2. KEY ISSUES

- Cambridgeshire Constabulary has submitted a request for a Cumulative Impact Assessment for Wisbech Town Centre.
- This would create a presumption that in Wisbech Town Centre applications for new premises licences, club premises certificates or variations to those authorisations would normally be refused, following relevant representations, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.
- There is no statutory requirement for Cumulative Impact Zones however, government guidance issued under Section 182 of the Licensing Act 2003, defines cumulative impact.
- The guidance to Council's on special saturation policies is that they can be introduced as part of the main Licensing Policy.
- Public consultation took place between the 19 December 2012 and 8 March 2013
- A total of 27 responses were received during the consultation period.
- Licensing Committee met on 14 May 2013 to review the consultation responses and it was DECIDED that the Cumulative Impact Area - Option 2 be recommended to Full Council for adoption.
- Cabinet met on 20 June 2013 to receive the Cumulative Impact Zone policy and note the recommendation by the Licensing Committee to Full Council that it be adopted.

3. RECOMMENDATION	
That Full Council review the Cumulative Impact Zone policy and note the recommendation by the Licensing Committee to Full Council that it be adopted.	
Wards Affected	All Wisbech Wards
Forward Plan Reference No. (if applicable)	Not applicable
Portfolio Holders	Cllr. David Oliver, Cabinet Member with responsibilities for Licensing. email: doliver@fenland.gov.uk
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Background Papers	The Licensing Act 2003 Amended Guidance issued under Section 182 of the Licensing Act 2003, October 2012 Original Response documents to the Public Consultation The Council's Licensing Policy Statement CSP Strategic assessment presented to Licensing Committee

1 INTRODUCTION AND BACKGROUND

- 1.1 Cambridgeshire Constabulary requested a Cumulative Impact Assessment for Wisbech Town Centre detailing evidence of crime and disorder within the Wisbech Town Centre area. The report document may be viewed at **Appendix A** to this report.
- 1.2 The Licensing Committee requested that officers consult on the proposed amendment to the Council's Statement of Licensing Policy, namely that a special policy is adopted. This would create a presumption that in Wisbech Town Centre applications for new premises licences, club premises certificates or variations to those authorisations would normally be refused, following relevant representations, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.
- 1.3 The consultation sought views on the proposed policy for the Wisbech Town Centre area, including:
 - Whether there should be a special policy for the identified area
 - The boundary of any area for which a special policy should have effect
 - The extent of the special policy in any such area.
- 1.4 The consultation took place between 19 December 2012 and 8 March 2013. A Notice was placed in a local newspaper and consultation documents were shared with Wisbech Members from the Town, District and County Council, Chamber of Commerce, licensed trade, Voluntary Crime Scheme Groups, and members of the public. The consultation documents were made available online at the licensing consultation page of the Council's website and an online response form was

also made available. Representatives from the Licensing unit attended Pubwatch and Wisbech Town Council meetings and held an open day session at the Council's Wisbech One Stop Shop to raise awareness of the proposed policy and the consultation.

- 1.5 The consultation documents are at **Appendix B1 – B5** of this report and included the Police report at Appendix A.
- 1.6 Cabinet met on 20 June 2013 to receive the Cumulative Impact Zone policy and acknowledged that Appendix A referenced the DPPO prohibited alcohol within the Order area which is not correct under the legislation.
- 1.7 Under section 13 of the *Criminal Justice and Police Act 2001*, local authorities can designate areas that have experienced alcohol-related disorder or nuisance so that there can be restrictions on public drinking. The orders are called Designated Public Place Orders (DPPOs). While it is not an offence to consume alcohol within a "designated" area, the police have powers to control the consumption of alcohol within that place. If they believe someone is consuming alcohol or intends to consume alcohol they can:

- A) require them to stop; and
- B) confiscate the alcohol from people

If someone, without a reasonable excuse, fails to comply with the officer's request they are committing an offence which can result in a penalty notice or a fine. DPPOs replaced drinking byelaws, a measure previously available to local authorities to address anti-social alcohol misuse behaviour.

- 1.8 The CIZ Policy is addressed under Licensing legislation and is a policy regarding future licensing applications within an identified area of concern. Licensing Committee were made aware of the differences between a DPPO and the CIZ Policy through their deliberation on the issues of concern.

2 RESPONSES TO THE CONSULTATION

- 2.1 A total of 27 responses were received during the consultation period. No responses were received out of time.
- 2.2 The majority (78%) of respondents were local residents with a total of 21 responses.
- 2.3 There were no responses received from the licensed trade.
- 2.4 Other respondents consisted of businesses and a PCSO from Wisbech Police Station.
- 2.5 Responses were received as below:

Respondent Type	Total	Percentage
Local Resident	21	78%
Local Resident & Local Business(not licensed)	3	11%
Other	3	11%
Total	27	100%

2.6 **Appendix C** contains details of the actual responses received to the consultation. The original responses were made available at the Licensing Committee hearing.

2.7 Many of the comments made by respondents give street drinking, littering, anti social behaviour and fear of intimidation as the reason for their agreement to a special policy being adopted for Wisbech Town Centre.

3 EFFECT ON CORPORATE OBJECTIVES

3.1 The Statement of Licensing Policy links to the following corporate objectives of the Council:

- Quality Organisation – Delivering regulatory services in a Customer Focussed Way - Maintain a supportive and fair approach to enforcement and regulatory services
- Streets Ahead - Promote a safer Fenland - Work with our partner organisations to reduce crime and anti social behaviour in Fenland

4 COMMUNITY IMPACT

4.1 Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the town. The proposed Cumulative Impact Policy will play an essential role in establishing that only such premises that are able to demonstrate that they shall not add to existing cumulative impact shall be licensed in the special policy area which will contribute positively to the economy of the area.

5 DECISION

5.1 The Licensing Committee were asked to:

- a) Consider the consultation responses and determine the Cumulative Impact Policy as set out in **Appendix B4** of consultation documents, subject to any amendments considered appropriate for the promotion of the licensing objects by the Committee.
- b) Include within the policy the considerations and reasons of the Committee in reaching its decision in accordance with a) above.
- c) Recommend to Council that they adopt the Cumulative Impact Policy, as determined by Committee in accordance with a) and b) above, for incorporation with the Council's Statement of Licensing Policy.

5.2 At the Licensing Committee meeting held on 14 May 2012 It was DECIDED that the Cumulative Impact Area - Option 2 be recommended to Full Council to be adopted. Minutes of the meeting are **Appendix D** to this report.