

# AGENDA



- Committee - **COMMITTEE OF THE LICENSING AUTHORITY**
- Date & Time - Tuesday, 18 October 2016 at 6.35 pm or immediately on the conclusion of the Licensing Committee, whichever is the later.
- Venue - Meeting Room 1, Council Offices, Priory Road, Spalding

**Membership of the Committee of the Licensing Authority:**

Councillors: G R Aley, M D Booth, T A Carter (Vice-Chairman), A Casson, M G Chandler, R Clark, G K Dark, H Drury, A Harrison (Chairman), J L King, C J Lawton, A M Newton, M J Pullen, E J Sneath and J Tyrrell

Persons attending the meeting are requested to turn mobile telephones to silent mode

Democratic Services  
Council Offices, Priory Road  
Spalding, Lincs PE11 2XE

Date: 10 October 2016

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Please ask for Shelley French: Telephone 01775 764451  
e-mail: [sfrench@sholland.gov.uk](mailto:sfrench@sholland.gov.uk)

## **A G E N D A**

1. Apologies for absence.

2. Declaration of interests:

Where a Councillor has a Disclosable Pecuniary Interest the Councillor must declare the interest to the meeting and leave the room without participating in any discussion or making a statement on the item, except where a Councillor is permitted to remain as a result of a grant of dispensation.

3. Minutes: (Pages  
1 - 8)

To agree the minutes of the meeting held on 14 July 2016 (copy enclosed).

4. Quarterly Report for the Licensing Authority: (Pages  
9 - 12)

To provide an update on activities relating to the work of the Licensing Authority (Report of the Executive Manager People and Public Protection is enclosed).

5. Cumulative Impact Review work: (Pages  
13 - 20)

To provide an update on the review of Licensed Premises in South Holland and the need for a Cumulative Impact Policy (Report of the Executive Manager People and Public Protection is enclosed).

6. Panel hearings - feedback and discussion of dates and organisation of hearings:

The Chairman of the Committee (Councillor A Harrison) to lead a discussion and on the dates and organisation of Panels Hearings.

7. Any other items which the Chairman decides are urgent. -

NOTE: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

Minutes of a meeting of the **COMMITTEE OF THE LICENSING AUTHORITY** held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Thursday, 14 July 2016 at 6.35 pm.

## PRESENT

A Harrison (Chairman)  
T A Carter (Vice-Chairman)

G R Aley  
M D Booth  
A Casson  
M G Chandler

R Clark  
G K Dark  
C J Lawton  
M J Pullen

E J Sneath  
J Tyrrell

In Attendance: Licensing and Business Support Manager and Democratic Services Officer.

Apologies for absence were received from or on behalf of Councillors H Drury, J L King and A M Newton.

### 1. **DECLARATION OF INTERESTS**

There were none.

### 2. **MINUTES**

The minutes of the meeting held on 19 April 2016, were agreed as a correct record subject to an amendment being made to the third paragraph under the heading 'Licensing Authority Update' with the replacement of the word 'complaint' with 'compliant'.

Councillor M G Chandler requested an update in respect of the Public Space Protection Officer (PSPO) and ongoing works. The Licensing and Business Support Manager reported that she would be meeting with the Communities Manager in due course to discuss the consultation responses and feedback from the Police. They would then be meeting with the Deputy Leader (Councillor Chandler) and the Portfolio Holder for Community Development (Councillor G J Taylor), and a consultant, Christine Taylor. The Licensing and Business Support Manager added that the Communities Manager had also been liaising with Boston Borough Council who had introduced a PSPO recently.

### 3. **APPOINTMENT OF SUB-COMMITTEES**

Members were asked to appoint a selection of Sub-Committees to discharge duties under the Licensing Act 2003.

It was noted that the Constitution required that the Licensing Committee of the Authority should appoint such number of sub-committees as it considered necessary to discharge any of the duties under the Licensing

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Act 2003 that were delegated to a sub-committee by the Licensing Committee. The Constitution also required that each sub-committee should have a named membership which comprised two ordinary members of the Licensing Committee and either the Chairman or Vice-Chairman of the Licensing Committee. However, in exceptional circumstances where both the Chairman and Vice-Chairman are unable to sit on a Panel, the Licensing Panel comprise three ordinary members of the Licensing Committee, with the Chairman being elected at the beginning of the hearing for the duration of the hearing only with the said person being fully trained in chairing and licensing issues (min 337/09).

In previous years members had approved a schedule of sub-committees which included every possible combination of members within this Constitutional requirement. As there were 15 members of the Committee this made a total of 158 sub-committees. A schedule of sub-committees was prepared prior to the meeting and was attached at agenda item 4 of the pack.

**DECISION:**

- (a) That schedule of sub-committees for the purpose of discharging duties under the Licensing Act 2003 be approved; and
- (b) That in exceptional circumstances where both the Chairman and Vice-Chairman are unable to sit on a Panel, the Licensing Panel comprise three ordinary members of the Licensing Committee with the Chairman be appointed once a sub-committee has been called, and that the said person be fully trained in chairing and licensing issues.

**4. LICENSING AUTHORITY QUARTERLY PERFORMANCE REPORT**

The Licensing and Business Support Manager was in attendance to provide the Committee of the Licensing Authority with an update on the work which fell under the remit of the Licensing Authority. The update covered the period of Quarter 1, 1 April 2016 – 30 June 2016.

The Licensing Team were responsible for administering the statutory licensing framework, which governed businesses and regulated activities in South Holland.

The Team carried out a wide range of interventions in order to ensure that licences and registrations are issued correctly and in accordance with legal provisions. Officers were also involved in monitoring activity, which included; carrying out inspections, providing advice and performing investigations.

The Committee of the Licensing Authority was provided with the following update:

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Quarter 1: 1 April 2016 – 30 June 2016

Licence Type	Activity	Number in Q1
<b>Licensing Act 2003</b>		
Premises Licence	Annual Fee Applications	17
	New Applications	6
	Minor Variations	1
	Vary DPS	10
	Transfer/Vary DPS	2
	Transfer Applications	2
	Change name and address holder	2
		1
	Change premises name	2
	Revocation applications	2
	Update conditions	8
	Suspension Applications	8
	Suspension lifted	
Club Premises Certificate	Annual Fee Applications	2
Personal Alcohol Licence	New Applications	20
	Change name/address	16
	Lost/Stolen	1
TEN – With Alcohol	TEN Applications	44
Late TEN – With Alcohol	TEN Applications	6
<b>Gambling Act 2005</b>		
Licensed Premises Gaming Machine Permit	Annual Fee Application	2
Club Machine Permit	Cancellation	1
Club Gaming Permit	Annual Fee Application	1
Small Society Lotteries	Annual Fee Applications	11
	Change of Promoter	2
	New Applications	2
	Returns Received	7

Inspection or Intervention	Number in Q1
Licensing Act 2003 premises	25
Licensing Act revisits	4
<b>Panel Hearings</b>	<b>Outcome</b>
20 Winsover Road – 21 April 2016 Application for grant of a premises licence 2016	Application rejected
Global Foods – 20 May 2016 Application for grant of a premises licence 2016	Application rejected
<b>Appeals Ongoing</b>	<b>Scheduled Appeal Date</b>
Baltic following revocation of premises licence	5 August 2016, Lincoln

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in February 2016	
Winsover Off Licence following revocation of premises licence in Feb 2016	17 August 2016, Lincoln
<b>Appeals Withdrawn</b>	<b>Outcome</b>
Nasza Biedronka	Appeal withdrawn with effect from 13 June and agreement to pay costs.
<b>Other Work</b>	
Freedom of Information Act Requests (public notices)	1
Safety Advisory Group and events advice	
Member Training – Panel Hearings 14/4/16	
Meeting regarding Pubwatch	
Meeting regarding Community Alcohol Partnership (CAP)	
Public Space Protection Order planning meeting	
Cumulative Impact Policy information gathering	
Investigation of complaints including SIA door staff and small society lottery	
Ongoing development of website and online applications facility for Licensing Act 2003 applications. Expected to go live in September when payment portal and applications procedures have been fully tested.	

The Committee considered the report and the following questions were asked:

Annual Fee Applications

- This referred to renewal applications and not actual new application.
- Would Winsover Road and Baltic be classed as new applications.

Clarification would be sought and confirmed following the meeting.

TENS Applications

- Did the Council supply TENS applications without alcohol?

Yes. Every matter was dealt with on a case by case basis.

The Licensing and Business Support Manager reported that she would provide a further breakdown with the Performance Report in respect of high, medium and low priorities.

Members noted that an one of the Environmental Health Officers, with capacity, was being trained to carry out inspections to support the Licensing Team. The Licensing and Business Support Manager advised

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that she would also be meeting with the Team Leader for Food, Health and Safety to discuss the potential for the team being trained to carry out licensing checks whilst doing their own food, health and safety inspections so that any issues could be picked up as part of their visits. She was confident that overall performance would be increased, in terms of inspections, as part of those implemented changes.

That Chairman emphasised the importance of councillors and officers reporting any issues that they were made aware of to the Licensing Team. The Licensing and Business Support Manager added that she had recently set up a formalised way of sharing intelligence with the Police and Trading Standards. In terms of public protection more flexible working approaches were being investigated. The Licensing and Business Support Manager advised that she would be meeting with Human Resources to progress this.

Members noted that new mobile devices were being supplied to officers to enable access to the licensing database when working away from the Council Offices. In addition, security devices were being obtained for team members.

Councillor E Sneath requested that premises addresses be added to future performance reports so that committee members could identify their location and obtain a further understanding of issues. She added that she had been informed of concerns from a resident in respect of a premises copying and using other business trademarks, and would provide further details to the Licensing and Business Support Manager following the meeting.

Further updates were provided in respect of 'Other Work':

Meeting regarding Pubwatch

The Licensing Officer had met with the Pubwatch Chairman to discuss improved contact between the group and the Council. As a result the Licensing Team had been invited to attend the next meeting.

Meeting regarding Community Alcohol Partnership

The Licensing and Business Support Manager reported that she would be working with the Communities Manager on that area in Quarter 3.

Cumulative Impact Policy information gathering

An update would be provided at a future meeting.

Investigation of complaints including SIA door staff and small society lottery

That was a police issue, which had since been dealt with.

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Ongoing development of website and online applications facility for  
Licensing Act 2003 applications

The Licensing Team were moving forward with that area in line with the Council's approach to digitalisation. With implementation expected in September 2013, an update would be provided at a future meeting.

**DECISION:**

- a) That the report be noted;
- b) That future Performance Reports include high, medium and low priorities and premises addresses; and
- c) That the Licensing and Business Support Manager provide members with the information requested, as noted above.

**5. IMMIGRATION ACT UPDATE**

Councillor M G Chandler requested an update regarding the Immigration Act and the implications on licenced premises.

The Licensing and Business Support Manager reported that updates to the regulations were expected in Spring 2017. She advised that it was necessary to ensure that the Licensing Officers were carrying out thorough checks, in a similar manner to dealing with taxi licences. More joined up working with the Police and Immigration would be expected in terms of further reports being made to the Council.

Councillor Chandler advised that where it was shown that property owners had not made sufficient checks on their employees there would be a case to warrant revocation of the licence at the first offence along with a potential £10,000 fine from the Police.

The Licensing and Business Support Manager mentioned that Immigration Officers would also have more powers. She agreed to provide further updates as the matter progressed.

**DECISION:**

That the Licensing and Business Support Manager provide regular updates in respect of changes to the Immigration Act and its affect on licensing.

**6. LICENSING ACT 2003 REVIEW**

Councillor M G Chandler reported that a survey had recently been issued from the Institute of Licensing and Copleston and Allen in respect of the



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Licensing Act 2003 review. He encouraged all members to respond, as well as the Licensing Team, and suggested that the Licensing Committee may also want to submit a group response.

Councillor Chandler advised that she had met with the local MP and the Police and Crime Commissioner to discuss his feelings on the Licensing Act 2003 review. As a result a meeting was being arranged for the three of them to visit Westminster and discuss their thoughts, of which there were six points:

- Consideration of the need for a licenced premises to be open in the first instance.
- A request to review the suitability of a premises in respect of licensing, as it currently fell within the Planning remit.
- A request to review the suitability of trading style.
- A review of the Appeals Procedure. For example, when there was strong evidence of criminal activity the revocation of a licence should be made affective within 24 hours, with no sale, and no process for obtaining compensation should the appeal be upheld.
- A request to review the suitability of the applicant.
- Consideration of the relicensing of tobacco products.

The Licensing and Business Support Manager advised that Sgt Kim Enderby would be asked to provide any evidence required to support their case.

Councillor Chandler added that Breckland Council should also be encouraged to submit individual and group responses to the survey on behalf of their Licensing Committee and Licensing Officers. Members noted that the deadline for response was in September 2016.

The Chairman and Licensing and Business Support Manager agreed to liaise with Committee members, to go through the survey responses.

**DECISION:**

- a) That the Licensing Committee members be encouraged to respond to the survey individually;
- b) That the Licensing Committee respond to the survey as a group for which the Licensing and Business Support Manager would arrange a meeting;

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- c) That the Licensing Team respond to the survey on behalf of officers;  
and
- d) That Breckland Council also be encouraged to respond to the survey.

**7. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.**

**Licensing Hearings and Safeguarding Training – 22 September 2016**

The Chairman reported that she would be attending a training session, which was being facilitated by the Institute of Licensing, on Licensing Hearings and Safeguarding which was scheduled on 22 September 2016. She requested that any members interested in attending contact her no later than Monday 18 July 2016 so that places could be booked.

**DECISION:**

That members interested in attending the above training contact the Chairman to arrange places.

(The meeting ended at 7.52 pm)

(End of minutes)

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Executive Manager People and Public Protection

**To:** Committee of the Licensing Authority – 18 October 2016

**(Author:** Donna Hall – Licensing and Business Support Manager)

**Subject:** Quarterly report for the Committee of the Licensing Authority

**Purpose:** To provide an update on activities relating to the work of the Licensing Authority

**Recommendation:**

- 1) That the report be noted.

**1.0 BACKGROUND**

1.1 The Licensing Team are responsible for administering the statutory licensing framework, which governs businesses and regulated activities in South Holland.

1.2 The Team carry out a wide range of interventions in order to ensure that licences and registrations are issued correctly and in accordance with legal provisions. Officers are also involved in monitoring activity, which includes; carrying out inspections, providing advice and carrying out investigations.

**1.3 Quarter 2: 1 July 2016 – 30 September 2016**

1.3.1 The below table provides an update on the work undertaken by the Licensing Team in relation to the Committee of the Licensing Authority:

Licence Type	Activity	Number in Q2
<b>Licensing Act 2003</b>		
Premises Licence	Annual Fee Applications	30
	New Applications	3
	Cancel/Surrender	1
	Minor Variations	2
	Vary DPS	9
	Transfer/Vary DPS	3
	Disapply DPS	1
	Transfer Applications	3
	Update conditions	8
	Suspension Applications	16
	Suspension lifted	11
Review application	1	
Club Premises Certificate	Annual Fee Applications	1
Personal Alcohol Licence	New Applications	17
	Change name/address	6
	Lost/Stolen	1
TEN – With Alcohol	TEN Applications	34
Late TEN – With Alcohol	TEN Applications	6

Response time for Temporary Event Notices	Processed within 24 hours	100%
<b>Gambling Act 2005</b>		
Adult Gaming Centre	Premises Licence Applications	1
Betting Premises Licence	Annual Fee Applications	6
Bingo Premises Licence	Annual Fee Application	1
Licensed Premises Gaming Machine Permit	Annual Fee Application	2
Club Machine Permit	Annual Fee Application	1
Club Gaming Permit	Annual Fee Application	1
Notification of Gaming Machines	Cancel/Surrender	1
Small Society Lotteries	Annual Fee Applications	13
	Change of Promoter	2
	New Applications	1
	Returns Received	9

<b>SHDC Statistics</b>	
Number of licensed premises under Licensing Act 2003	332

Inspection or Intervention	Number in Q2
Licensing Act 2003 premises	7 high risk 2 medium risk 4 low risk
Outcomes	All without prior notice. Minor non-compliances only found
Panel Hearings	Outcome
28 Sept 2016 Review of Premises Licence Super Sam, 24 Commercial Road, Spalding	Adjourned
Appeals Ongoing	Scheduled Appeal Date
None	n/a
Appeals Withdrawn	Outcome
Baltic, 14 – 16 Winsover Road (following revocation of premises licence in Feb 2016)	Appeal withdrawn with effect from 4 August 2016 and agreement to pay costs.
Winsover Off Licence, 43 Winsover Rd, Spalding (following revocation of premises licence in Feb 2016)	Appeal withdrawn with effect from 17 August 2016 and agreement to pay costs.
Other Work	
Freedom of Information Act Requests	1 in relation to Licensing Act 2003
Preparation for Appeals hearings including writing statement, transcribing hearings and liaising with other parties	
Safety Advisory Group and events advice	
House of Lords Select Committee response on review of Licensing Act 2003	
Training Food Officer on Licensing inspections	
Liaison and sharing intelligence with Lincs Police and Trading Standards	
Investigation in relation to sale of alcohol without duty stamp	
Publication and distribution of updated posters on duty stamp campaign	
Assistance with report for Public Space Protection Order	

Cumulative Impact Policy information gathering and meeting with police
Investigation of complaints in conjunction with Environmental protection team in relation to noise nuisance at licensed premises
High turnover of Temporary Event Notices due to summer events
Enforcement in respect of non-payment of annual fees including suspensions
High Volume of business enquiries in relation to amending premises and licensable activities
Attendance at Pubwatch meeting
Ongoing development of website and online applications facility for Licensing Act 2003 applications. Expected to go live in November when payment portal and applications procedures have been fully tested.

## 2.0 OPTIONS

2.1 This report is for information only.

## 3.0 IMPLICATIONS

### 3.1 Constitution & Legal

3.1.1 The report details activities undertaken by the Licensing Team in accordance with legal requirements. As this report is for information only there will be no legal implications arising as a result of this report.

### 3.2 Crime and Disorder

3.2.1 The Licensing Framework is an important tool that South Holland District Council has in relation to the prevention of crime and disorder, there are no implications arising from this report.

### 3.3 Equality and Diversity / Human Rights

3.3.1 All Licensing activities are carried out in accordance with all Equality and Human Rights Legislation, there are no implications arising from this report.

### 3.4 Safeguarding

3.4.1 Safeguarding is an integral consideration within the Licensing Framework, in particular Premises Licences (Licensing Act 2003) and Gambling (Gambling Act 2005). There are no implications arising from this report.

## 4.0 WARDS/COMMUNITIES AFFECTED

4.1 The activities undertaken by the Licensing Team on behalf of the Licensing Authority covers the entire District of South Holland.

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Background papers: - None

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### Lead Contact Officer

Name and Post: Donna Hall – Licensing and Business Support Manager  
 Telephone Number: 01775 764661  
 Email: [donna.hall@breckland-sholland.gov.uk](mailto:donna.hall@breckland-sholland.gov.uk)

**Key Decision:** No    **Exempt Decision:** No

**This report refers to a Mandatory Service**

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## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Executive Manager People and Public Protection Manager

**To:** Committee of the Licensing Authority

**(Author:** Donna Hall - Licensing and Business Support Manager)

**Subject:** Cumulative Impact

**Purpose:** To provide an update on the review of Licensed Premises in South Holland and the need for a Cumulative Impact Policy

### **Recommendation:**

- 1) That Committee determine whether officers should proceed with a full cumulative impact review and consultation.

### 1.0 **BACKGROUND**

1.1 Cumulative impact is not specifically mentioned in the Licensing Act 2003, but means, in the guidance issued under section 182 of the Act, the potential impact on the promotion of the licensing objectives of a significant number of licensed premises that are concentrated in one area. The four licensing objectives are:

1.2

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.3 After consultation, a licensing authority can include a cumulative impact policy (CIP) within the statement of licensing policy. The effect of this is to create a rebuttable presumption that applications for premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations unless the applicant can demonstrate that there will be no negative impact on the licensing objectives.

1.3 Each application should still be considered properly and on its own merit, and applications that are unlikely to add to the cumulative impact on the licensing objectives should be granted. If no relevant representations are received then the licensing authority must grant the licence regardless of whether a CIP is in place.

1.4 Home Office guidance summarises the following steps that should be followed in considering whether to adopt a CIP:

- Identify **concern** and consider whether there is good **evidence** that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm. If these problems are occurring, identify whether they are being caused by the customers of licensed premises;
- Identify the boundaries of the area where problems are occurring ;
- Consult specified persons as identified in the 2003 Act;

- Subject to the outcome of the consultation include details of the CIP in the licensing policy statement.

1.5 A review was undertaken in 2013 to decide whether a cumulative impact policy was needed to tackle perceived problems with the off licence trade in Spalding. Evidence was analysed by the police relating to the number of off licences in the area and alcohol related antisocial behaviour incidents from 2008 to 2012. An independent analysis of the evidence was also undertaken by a national licensing law firm. At that time it was concluded that there was insufficient evidence to show a clear link between alcohol related antisocial behaviour and the number of off-licensed premises

1.6 Following on from this a number of other initiatives were introduced with partners to tackle the root cause of problems in the area. These included the Safer Spalding Scheme, Operation Trunk and the Street Pastors. A Designated Public Place Order (DPPO) was in place in the town centre to tackle the problem of street drinking. In addition to this work the team are now working with the Communities team and the police to introduce a Public Space Protection Order (PSPO) to replace the DPPO, and as an additional means to control antisocial behaviour in the town centre.

1.7 The Home Office has recently tabled an amendment to the Policing and Crime Bill proposing to place CIPs on a statutory footing. The aim of this is to add legal certainty and transparency for applicants, licensing authorities and other responsible authorities on how CIPs are developed and operate. The legislation will not require all licensing authorities to consider introducing a CIP. However it will lay out the steps a licensing authority will be required to take before publishing a cumulative impact assessment. Statutory guidance will set out the kinds of evidence licensing authorities may use and the consultation process. For example: why it is considering a cumulative impact assessment; the areas which the assessment relates to; and whether the assessment will relate to all premises licences and club premises or only those of a particular kind.

1.8 There will be a further requirement that the licensing authority carries out a consultation on the CIP at least every 3 years and publishes a statement about whether the licensing authority remains of the opinion set out in the assessment. The aim of this will be to ensure that licensing authorities use robust and up to date evidence to support the implementation and retention of CIPs in their area.

1.9 Enquiries have been made by the licensing team to identify information available that will be relevant to a cumulative impact review. The information below was obtained from SHDC Environmental Protection team in relation to nuisance complaints which were linked by the complainant to licensed premises.

1.10 **Table 1 - Environmental Protection nuisance complaints received for licensed premises Aug 2013 to Sept 2016:**

<b>Time Period</b>	<b>Nature of complaint</b>	<b>Location of licensed premise to which complaint relates</b>
<b>August 2013 to August 2014</b>	Noise from pub Noise from pub Noise from pub (music) Noise from takeaway (building works) Noise from pub (music) Noise from restaurant (music and fighting)	Sutton Bridge Spalding town centre Tydd St Mary Spalding town centre Pinchbeck Sutton Bridge
	<b>TOTAL 6</b>	



<b>August 2014 to August 2015</b>	Noise from event Noise from event Noise from pub (music) Noise from pub (music) Noise from pub (music) Noise from pub (music) Noise from event Noise nuisance (alarm) Noise from pub (music) Noise from event Noise from club premises  <b>TOTAL 11</b>	Gedney Moulton Spalding town centre Spalding town centre Spalding town centre Pinchbeck Long Sutton Whaplode Gedney Dyke Sutton St Edmund Spalding
<b>August 2015 to September 2016</b>	Noise from pub Noise from equipment/takeaway Noise from pub (music) Noise from pub Noise from café Noise from pub Noise from pub (music) Noise from café Noise from pub (music) Noise from pub (music) Noise from pub (music) Noise from pub (music) Noise from pub (equipment) Noise from pub (music)  <b>TOTAL 12</b>	Crowland Outskirts Spalding Spalding town centre Sutton Bridge Spalding town centre Crowland Spalding town centre Spalding town centre Sutton Bridge Sutton Bridge Sutton Bridge Spalding town centre

- 1.11 The data shows an increase in noise nuisance complaints relating to licensed premises in South Holland since 2013 although the numbers remain low. This data relates to complaints made to the council and not every complaint has been substantiated.
- 1.12 Lincolnshire Police and SHDC Communities team have also been asked to contribute to this review. The information below has been received and it is anticipated that any further details or explanation provided since the writing of this report can be given at the meeting. The information relates to the NC27 policing area which is primarily Spalding Town Centre. It is identifiable in orange on the map attached as **Appendix A**.
- 1.13 **Table 2 - Information provided by Communities Team for Alcohol Related Anti Social Behaviour incidents April to July 2014 to 2016:**

	2014				2015				2016			
	Apr	May	Jun	July	Apr	May	Jun	July	Apr	May	Jun	July
Drunken Behaviour	10	13	9	21	12	8	11	7	8	9	7	8
Total	53				38				32			
Street Drinking	5	8	9	7	4	7	2	5	0	4	4	2
Total	29				18				10			

- 1.14 The recorded incidents for drunken behaviour includes drunken behaviour outside pubs and clubs, domestic premises and in the street and do not necessarily equate to street drinking incidents. A maximum of 10 incidents are purported to relate to street drinking. The 10 incidents that were reported to police in April to July 2016 relate to various

locations including Aldi car park, Gore Lane, Swan Street, Victoria car park, Hall Place and the Sheep Market.

- 1.15 A map and further information detailing the number and location of licensed premises in Spalding will be provided at the meeting.

## 2.0 **OPTIONS**

- 2.1 The Committee note the contents of this report and do nothing
- 2.2 The Committee request that further work is carried out and legal opinion is sought in relation to evidence for a CIP
- 2.3 The Committee consider that there is sufficient information at this stage to proceed with a formal review and consultation process

## 3.0 **REASONS FOR RECOMMENDATION**

- 3.1 It is recommended that the Committee consider the information at this stage before deciding whether to proceed with a full review and consultation process. The introduction of a CIP must be based upon evidence that there is a need for a CIP and proper consideration must be given to the extent of the CIP, licensable activities and geographical area to be included.
- 3.2 The number of licensed premises in the area is low and it is notable that several off licences in Spalding have recently had licences revoked by the Panel of the Committee of the Licensing Authority and remain unlicensed.
- 3.3 The information obtained from the police has limited value in relating incidents to specific licensed premises and establishing that the licensing objectives are being undermined by the cumulative impact of licensed premises.
- 3.4 Committee can consider in addition to or instead of a CIP, alternative means to tackle alcohol related harm in the area. The licensing team already work in partnership with the police and other agencies and will continue to identify problem areas and develop strategies to tackle these such as the Safer Spalding Scheme.

## 4.0 **EXPECTED BENEFITS**

- 4.1 The purpose of a CIP if adopted is to enable the Licensing Authority to limit the number or type of licence applications granted in areas where they can demonstrate that the number or density of premises in that area is adversely impacting upon the statutory licensing objectives.
- 4.2 Continuing investment in partnership working can achieve similar outcomes and Lincolnshire Police are very proactive in consulting with new applicants and raising objections if they believe that granting a licence would undermine the licensing objectives.

## 5.0 **IMPLICATIONS**

### 5.1 **Constitution & Legal**

- 5.2.1 Introduction of a special policy under the Licensing Act 2003 would require the Council to go through a consultation process as suggested in the Section 182 Guidance to the Licensing Act 2003.

5.2.2 There are legal implications if the special policy is introduced as any applications within the specified area which receive a relevant representation would be required to go to a panel hearing. There would be a subsequent right of appeal in the Magistrates Court.

### 5.3 **Corporate Priorities**

5.4 The licensing regime is essential in contributing to the corporate priority of developing safer, stronger, healthier and more independent communities whilst protecting the most vulnerable. It is also an important factor in ensuring businesses operate fairly and contributes to the priority of encouraging the local economy to be vibrant with continues growth.

### 5.5 **Crime and Disorder**

5.5.1 Crime and disorder is a licensing objective and the police in Lincolnshire are very strong in encouraging premises to uphold this objective and calling licences into review where the objectives are being undermined.

5.5.2 The Licensing team work closely with the police and other agencies to share intelligence and ensure that licensed premises are operating in accordance with the conditions of their licence and upholding the objectives.

### 5.6 **Equality and Diversity / Human Rights**

5.6.1 In order to implement a CIP a consultation process would need to be undertaken to ensure that anyone who is likely to be affected by the introduction of the CIP has an opportunity to put forward their views.

### 5.7 **Financial**

5.7.1 It is anticipated that the only financial implication relating to the introduction of a CIP would be officer time in preparing the review and the costs associated in carrying out a consultation process. If the Committee wish to obtain further legal advice then there will be an additional cost for this work.

### 5.8 **Staffing**

5.8.1 The introduction of a CIP would have little impact upon staffing resources required although there is a potential for a small increase in the demand for panel hearings.

### 5.9 **Stakeholders / Consultation / Timescales**

5.9.1 Initial consultation has been carried out with Lincolnshire Police, SHDC antisocial behaviour team, and SHDC Environmental protection team. If the Committee wish to progress the introduction of a CIP a full consultation will need to be carried out with statutory consultees including: Lincolnshire Police; Lincolnshire Fire Authority; Director of Public Health; representatives of local licence holders; businesses and residents in the licensing authority area.

5.9.2 There is no legal timescale for a CIP to be introduced, however legislation is anticipated in 2017 that will place CIPs on a statutory footing and introduce further guidance and requirements in relation to consultation and review procedures.

## 6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 Potentially all wards could be affected as the CIP would impact upon any licensable businesses looking to open within the CIP area. It would directly affect any wards where the CIP area was located. There is also the potential for displacement of licensed premises to the area surrounding the CIP zone, however this is a consideration at this stage and there is no supporting evidence.

## 7.0 **ACRONYMS**

7.1 SHDC South Holland District Council  
CIP Cumulative Impact Policy  
ASB Anti Social Behaviour  
DPPO Designated Public Place Order  
PSPO Public Space Protection Order

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Background papers:- None

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### **Lead Contact Officer**

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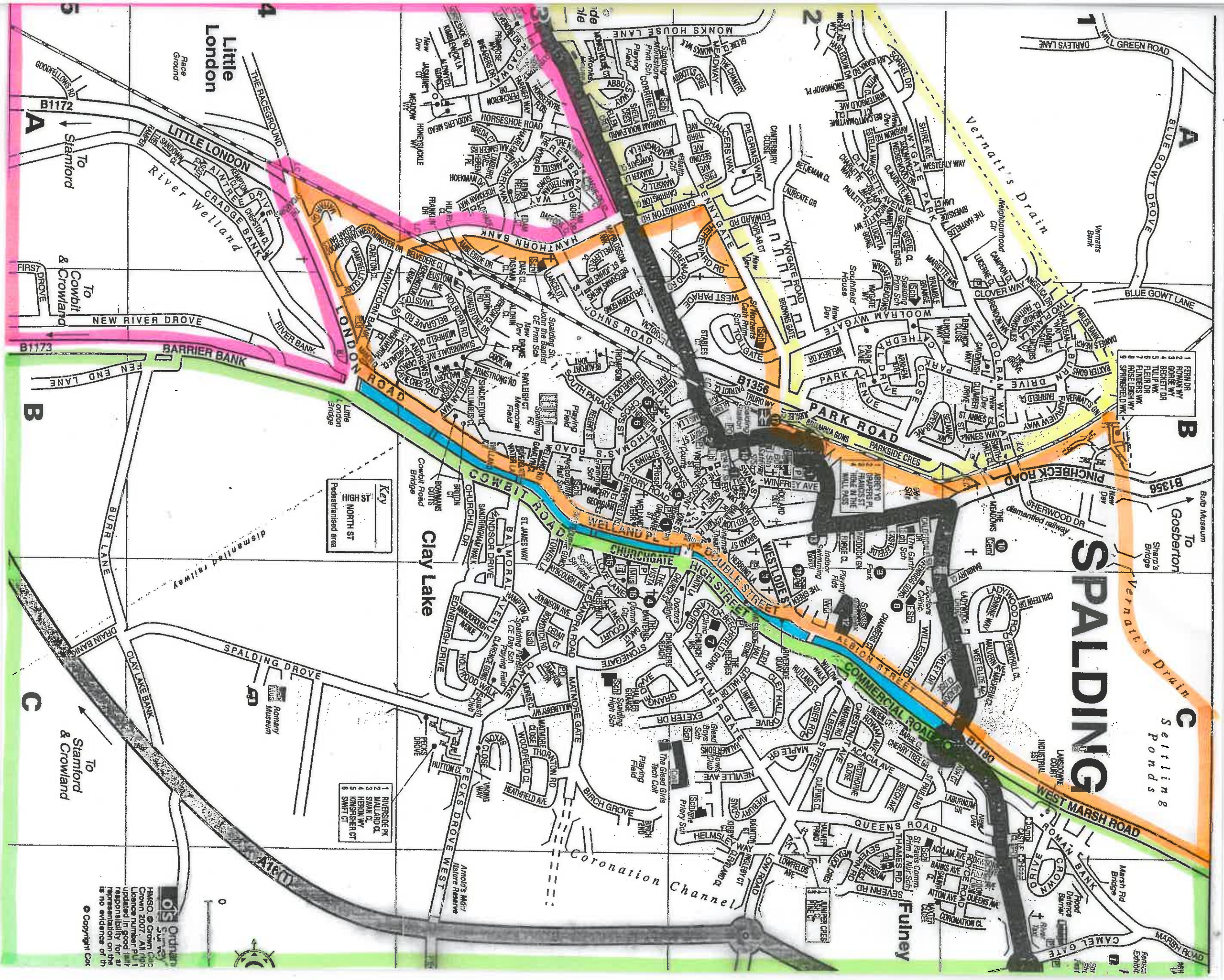
**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service**

### **Appendices attached to this report:**

Appendix A Map of NC27 policing area (orange) , town centre



- 1 FEEN DR
- 2 ROMAN WY
- 3 BECKETT DR
- 4 TULIP WY
- 5 FLEM DR
- 6 FLOERS WY
- 7 ROSE LEIGH WY
- 8 SPRINGFIELD WY

- 1 RIVERSIDE PK
- 2 MALLARD CL
- 3 SWAN CL
- 4 HERON WY
- 5 KINGSRISHER CT
- 6 SWIFT CT

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