

AGENDA



- Committee - **COMMITTEE OF THE LICENSING AUTHORITY**
- Date & Time - Thursday, 26 January 2017 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: 17 January 2017

AGENDA

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 - 10)
To sign as a correct record the minutes of the meeting held on 18 October 2017 (copy enclosed).
4. Licensing Quarterly Update Report (Pages 11 - 14)
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 Update Report (Pages 15 - 26)
To provide an update on the review of Licensed Premises in South Holland and the need for a Cumulative Impact Policy. This report is a continuation from the report considered at the Committee of the Licensing Authority meeting on 18th October (report of the Executive Manager – People and Public Protection is enclosed).
6. 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 Tuesday, 18 October 2016 at 6.35 pm.

PRESENT

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

G R Aley
A Casson
M G Chandler
G K Dark

J L King
C J Lawton
A M Newton
M J Pullen

E J Sneath
J Tyrrell

In Attendance: Democratic Services Support Officer, Licensing and Business Support Manager, Assistant Licensing Officer and Communications Officer

Apologies for absence were received from or on behalf of Councillors M D Booth, R Clark and H Drury

8. **CUMULATIVE IMPACT REVIEW WORK**

The Chairman agreed to consider the item 5 of the agenda, regarding Cumulative Impact Review Work, immediately after apologies for absence. This was due to the attendance of Daven Naghen (Maples Solicitors, Spalding) who was present at the meeting to provide any legal advice of matters being considered in relation to Cumulative Impact.

The Licensing and Business Support Manager, Donna presented to the Committee the report of the Executive Manager People and Public Protection, relating to Cumulative Impact Review Work. In addition to the report Donna provided the Committee with maps of the Spalding Town Centre, which indicated Licensing Premises and their locations.

Cumulative impact was relevant where there is a 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 were:

:

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

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

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

Home Office guidance summarised 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.*

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.

Following on from that a number of other initiatives were introduced with partners to tackle the root cause of problems in that area. These included; 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 Licensing Team were 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.

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

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There would be a further requirement that the licensing authority carried out a consultation on the CIP at least every 3 years and published a statement about whether the licensing authority remained of the opinion set out in the original assessment. The aim of this was to ensure that licensing authorities used robust and up to date evidence to support the implementation and retention of CIPS in their area.

Enquiries had been made by the licensing team to identify information available that would 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.

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

Time Period	Nature of complaint	Location of licensed premise to which complaint relates
August 2013 to August 2014	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) TOTAL 6	Sutton Bridge Spalding town centre Tydd St Mary Spalding town centre Pinchbeck Sutton Bridge
August 2014 to August 2015	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 TOTAL 11	Gedney Moulton Spalding town centre Spalding town centre Spalding town centre Pinchbeck Long Sutton Whaplode Gedney Dyke Sutton St Edmund Spalding
August 2015 to September 2016	Noise from pub Noise from equipment/takeaway Noise from pub (music) Noise from pub Noise from café Noise from pub	Crowland Outskirts Spalding Spalding town centre Sutton Bridge Spalding town centre Crowland Spalding town centre

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	Noise from pub (music)	Spalding town centre
	Noise from café	Sutton Bridge
	Noise from pub (music)	Sutton Bridge
	Noise from pub (music)	Sutton Bridge
	Noise from pub (equipment)	Spalding town centre
	Noise from pub (music)	
	TOTAL 12	

The data showed an increase in noise nuisance complaints relating to licensed premises in South Holland since 2013, although the numbers remained low. The data related to complaints made to the council, not every complaint had been substantiated.

Lincolnshire Police and SHDC Communities Team had also been asked to contribute to this review. The information related to the NC27 policing area which was primarily Spalding Town Centre.

Table 2 - Information provided by Communities Team for Alcohol Related Anti Social Behaviour incidents April to July 2014 to 2016:

	2014				2015				2016			
Drunken Behaviour	Ap r	Ma y	Ju n	Jul y	Ap r	Ma y	Ju n	Jul y	Ap r	Ma y	Ju n	Jul y
	10	13	9	21	12	8	11	7	8	9	7	8
Total	53				38				32			
Street Drinking	Ap r	Ma y	Ju n	Jul y	Ap r	Ma y	Ju n	Jul y	Ap r	Ma y	Ju n	Jul y
	5	8	9	7	4	7	2	5	0	4	4	2
Total	29				18				10			

The recorded incidents for drunken behaviour included drunken behaviour outside pubs and clubs, domestic premises and in the street but did not necessarily equate to street drinking incidents. A maximum of 10 incidents were purported to relate to street drinking. Those 10 incidents that were reported to the Police in April to July 2016 related to various locations including Aldi car park, Gore Lane, Swan Street, Victoria car park, Hall Place and the Sheep Market.

The Committee considered the information and the following points and queries were raised:

- Could a decision not to grant a Licence in a Cumulative Impact Area be appealed against?

The Licensing and Business Support Manager advised that, like with any other application that was refused, an applicant could appeal against a decision to not grant a licence.

- If there are a lot of Licensed Premises in one location surely there would be issues?

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In the case of Spalding, there were no figures to suggest that there was a problem. But also, if incidents were reported it would be very hard to associate any incident with a particular premises.

- The public perceives that there were issues, were those figures shared with the public?

The information gathered was provided by the Police, and was to be included within the minutes of the meeting, which would also be of public record.

- How was the Town Centre defined?

The information provided was based on Police beat areas, which was similar to the DPPO which was in place.

- Had the effect of a CIP in other areas been looked at and what effect had it had?

It was very difficult to compare one area with another, there were so many factors to make it hard to see if what worked in one place would mean it would work in another.

- Could information from Accident and Emergency wards be gathered?

It would be hard to relate any data to particular premises, especially as South Holland did not have any emergency care facilities, the nearest ones were Peterborough and Boston.

Councillor Chandler advised that he had been involved when a Cumulative Impact Policy had been considered in 2013, at that time the figures gathered did not suggest that there was a problem, the Police and the Legal advice did not support implementation.

Councillor Dark noted that although there was no evidence to support the need of a CIP, the public did have a perception that there was a problem and that Spalding would benefit from one. He suggested that further communication to the public on the Licensing Act 2003 was perhaps needed and if incidents occurred encourage the public to report them. The Chairman advised that she had in the past been involved with an article in the local press about the Licensing Act 2003 and Premises in South Holland.

Daven Naghen, Maples Solicitors Spalding advised that to take any decision relating to a CIP members would have to give it careful consideration, and acknowledge any risks or challenges that any Policy may pose. He noted that a policy would only deal with new applications for licences and not those that were already in place. The members of the Committee considered the recommendation but agreed that there was not sufficient evidence to support going forward with a CIP. Instead members considered the options available to them, as indicated within the report:

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

Members agreed that none of the options reflected their views and that the following recommendation be proposed:

That officers provide further evidence that may support a CIP and that be reported to Committee along with a list which identified the pros and cons of putting a CIP in place.

Members were all in agreement, with the recommendation and noted that no further work should take place unless there was sufficient evidence and it was important to know exactly what the risks were, if one were in place.

AGREED:

That officers provide further evidence that may support a CIP and that be reported to Committee along with a list which identified the pros and cons of putting a CIP in place.

(Ken McErlain (Communications Officer) and Daven Naghen (Maples Solicitors, Spalding) left the meeting at 8.11pm., after consideration of the above item).

9. DECLARATION OF INTERESTS

There were no declarations of interests.

10. MINUTES

That the minutes of the meeting held on 14 July 2016, be agreed as a correct record, subject to several minor typographical errors.

11. QUARTERLY REPORT FOR THE LICENSING AUTHORITY

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 were issued correctly and in accordance with legal provisions. Officers were also involved in monitoring activity, which included; carrying out inspections, providing advice and carrying out investigations.

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Quarter 2: 1 July 2016 – 30 September 2016

The below table provided members with 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
Licensing Act 2003		
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%
Gambling Act 2005		
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

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SHDC Statistics	
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.	

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AGREED:

That the report be noted.

12. **PANEL HEARINGS - FEEDBACK AND DISCUSSION OF DATES AND
ORGANISATION OF HEARINGS**

The Chairman invited the Committee to consider the current arrangement for determining dates and composition of Panel of the Committee of the Licensing Authority and Licensing Panels.

Currently dates were scheduled into members calendar every 21 days, for them to keep free should a Panel be called. In the Protocol on Good Practice in Licensing for Members and Officers Dealing with Licensing, Panels were to comprise of either the Chairman or Vice Chairman of the Committee and two ordinary members, these Panel members were to be selected by Democratic Services, delegated by the Executive Manager Governance.

The Chairman advised that there had been a few occasions since May 2016, where Panels had to be held outside the pre-scheduled dates, due to the legal timescales involved.

Members had a brief discussion and concluded that in order to establish if the pre-scheduled dates were effective, it was needed to be trialled for longer, until the end of the 2016/17 municipal year.

AGREED:

That the pre-scheduled dates remain in place until the end of the 2016/17 municipal year, after which their effectiveness be reviewed.

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

There were none.

(The meeting ended at 8.25 pm)

(End of minutes)

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SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Manager - People and Public Protection

To: Committee of the Licensing Authority – 26 January 2017

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

Subject: Quarterly Performance Report Q3

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

Recommendation:

- 1) That the contents of the report is considered and 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 3: 1 October 2016 – 31 December 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 Q3
Licensing Act 2003		
Premises Licence	Annual Fee Applications	133
	New Applications	2
	Cancel/Surrender	4
	Minor Variations	1
	Vary DPS	6
	Transfer/Vary DPS	2
	Transfer Applications	3
	Update conditions	1
	Suspension Applications	30
	Suspension lifted	28
	Review application	1
	Change name & address holder	2
	Change name & address DPS	1
Lost/stolen	2	
Club Premises Certificate	Annual Fee Applications	18
Personal Alcohol Licence	New Applications	13
	Change name/address	5

	Lost/Stolen Online applications	3 1
TEN – With Alcohol	TEN Applications Online applications	35 2
Late TEN – With Alcohol	TEN Applications	6
Response time for Temporary Event Notices	Processed within 24 hours	100%
Gambling Act 2005		
Betting Premises Licence	Lost/stolen	1
Licensed Premises Gaming Machine Permit	New application	1
Club Machine Permit	Annual Fee Application New application	1 1
Club Gaming Permit	Annual Fee Application	1
Notification of Gaming Machines	Cancel/Surrender Notice of intent	5 1
Small Society Lotteries	Annual Fee Applications Change of Promoter New Applications	46 4 2

SHDC Statistics	
Number of licensed premises under Licensing Act 2003	330

Inspection or Intervention	Number in Q3
Licensing Act 2003 premises	3 high risk 4 medium risk 3 low risk
Outcomes	All without prior notice. Mostly compliant with a few minor non-compliances only found
Panel Hearings	Outcome
8 th December - Graffiti Bar, Westlode Street, Spalding Panel: Cllr Chandler (Chair), Cllr Aley, Cllr Drury Application for a variation of the premises licence	Rejected
23 rd November – Super Sam. 24 Commercial Road, Spalding Panel: Cllr Dark (Chair), Cllr Sneath, Cllr Tyrrel Request to transfer and vary the Designated Premises Supervisor	Rejected
17 th November – Super Sam 24 Commercial Road, Spalding	Revoked

Panel: Cllr Carter (Chair), Cllr Harrison, Cllr King Review hearing which had been adjourned from 28 th September. Police and trading standards called the licence into review in relation to illegal cigarettes.	
14 th October – VIP Alcohol, 37 Winsover Road, Spalding New premises licence application Panel: Cllr Harrison (Chair), Cllr Drury, Cllr Pullen	Refused
Other Work	
Freedom of Information Act Requests	2 in relation to LA03
Participation in general audit of licensing team work	
Online applications facility for licensing act applications has been launched on 1 st December. Applications and payment can now be made via the SHDC website.	
Training Food Officer on licensing compliance checks to be carried out on food inspections	
Liaison and sharing intelligence with Lincs Police and Trading Standards	
Events advice in relation to seasonal events	
Participation in NFI (National Fraud Initiative) in conjunction with the Audit Commission – return provided with information on personal licence holders and taxi drivers	

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.

Background papers: - None

Lead Contact Officer

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

Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Manager People and Public Protection Manager

To: Committee of the Licensing Authority - 26 January 2017

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

Subject: Cumulative Impact Review - Update

Purpose: To provide an update on the review of Licensed Premises in South Holland and the need for a Cumulative Impact Policy. This report is a continuation from the report considered at the Committee of the Licensing Authority meeting on 18th October and all new information is provided in **red** below.

Recommendation:

- 1) That Committee determine whether officers should proceed with a consultation with a view to implementing a Cumulative Impact Policy.

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. **More recently the Licensing team have supported the introduction of a Public Space Protection Order (PSPO) to replace the DPPO.**

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 a 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:**

Time Period	Nature of complaint	Location of licensed premise to which complaint relates
August 2013 to August 2014	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
	TOTAL 6	

August 2014 to August 2015	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	Gedney Moulton Spalding town centre Spalding town centre Spalding town centre Pinchbeck Long Sutton Whaplode Gedney Dyke Sutton St Edmund Spalding
	TOTAL 11	
August 2015 to September 2016	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 (equipment) Noise from pub (music)	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
	TOTAL 12	

- 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 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.

1.16 Since the Committee last met in October some additional information has been sought from relevant agencies including Lincolnshire Police and Lincolnshire County Council. Table 3 below provided by Lincolnshire Police details the number of incidents of street drinking and drunken behaviour recorded by Lincolnshire Police in the NC27 policing area (as shown in Appendix A) and expands upon information previously supplied.

Table 3 – Information provided by Lincolnshire police for alcohol related anti-social behaviour incidents from 2014 to 2016

		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Drunken behaviour	2014	5	7	6	10	13	9	21	20	8	8	11	8	124
	2015	5	7	8	12	8	11	7	6	13	1	6	6	90
	2016	4	2	6	8	9	7	8	6	8	1	-	-	59
Street drinking	2014	0	2	7	5	8	9	7	8	13	8	3	3	73
	2015	0	2	1	4	7	2	5	4	1	1	1	3	31
	2016	2	2	0	0	4	4	2	1	2	0	-	-	17

1.17 The police data shows a reduction in the reported incidents of street drinking and drunken behaviour. This may be attributable to a number of reasons: reduction in incidents occurring; reduction in the reporting of incidents; success of other interventions.

1.18 Information has also been sought in relation to alcohol related hospital admissions. As discussed at the previous Committee meeting it is difficult to attribute incidents to specific premises or even towns. It is noted that persons taken to hospital for concerns relating to alcohol consumption could be taken to Boston, Kings Lynn or Peterborough hospitals which are the three closest Accident and Emergency Departments, all in different counties and health trusts. This makes data collection very difficult. Hospitals also currently only record the home post code and not the location where the incident occurred or the alcohol was bought.

1.19 Table 4 below shows the number of alcohol licensed premises in 2013 and 2016 in Spalding town centre.

Table 4 - Comparison of Licensed Premises 2013 to 2016, Spalding Town Centre

Type of Licence	2013	2016
Off Sales	13	17
On Sales	21	13
On and Off Sales	24	27
TOTAL	58	57

1.20 The Cardiff model was recognised in 2007 as a method of using emergency medicine to assist in the prevention of violent crime. The principles of this model centred on the recording by the hospital of information relating to the location time and circumstances of the assault. The basic principle is that collating this information enables relevant authorities

to analyse the data and determine patterns, offenders, hotspots etc all leading to the prevention of community violence.

- 1.21 It has been recognised within Lincolnshire that there may be an opportunity to expand upon this scheme to enable better recording and sharing of data relating to alcohol related harm and the night time economy. Whilst the licensing team would be supportive it is recognised that this information is not currently available.
- 1.22 At the meeting on 18th October the Committee requested that further information is provided in relation to the potential impacts of the introduction of a CIP. This has been provided for consideration as Appendix B to this report.

2.0 OPTIONS

- 2.1 The Committee note the contents of this report and do nothing
- 2.2 The Committee consider that there is sufficient information at this stage to proceed with a formal review and consultation process
- 2.3 The Committee consider that there is not sufficient evidence to proceed with the introduction of a CIP at this time.

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.

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

Background papers:-

[Lincolnshire Alcohol Health Needs Assessment 2014](#)

<http://www.research-lincs.org.uk/UI/Documents/Alcohol%20HNA%20FINAL%20June%202014.pdf>

Revised Guidance issued in section 182 of the Licensing Act 2003

Lead Contact Officer

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Key Decision: No

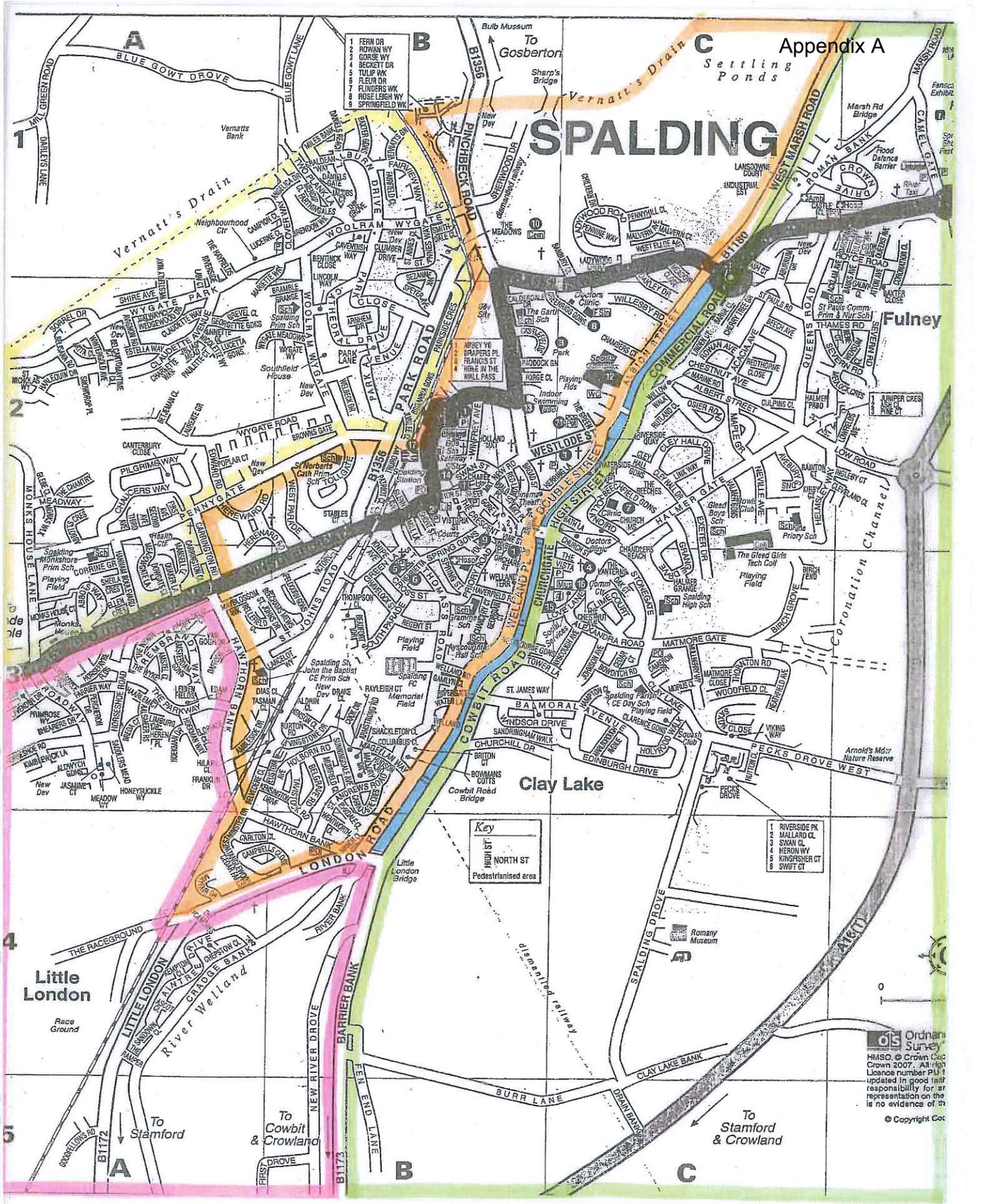
Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A Map of NC27 policing area (orange) , town centre
Appendix B Potential impact of the introduction of a CIP

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SPALDING

Appendix A

- 1 FERN DR
- 2 ROWAN WY
- 3 GORSE WY
- 4 BECKETT DR
- 5 TULIP WY
- 6 FLEUR DR
- 7 FLOIDERS WY
- 8 ROSE LICHEN WY
- 9 SPRINGFIELD WY

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

Key
 NORTH ST
 Pedestrianised area

OS Ordnance Survey
 HMSO. © Crown Cop
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 Licence number PL11
 updated in good faith
 responsibility for an
 representation on the
 is no evidence of it
 © Copyright Cox

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APPENDIX B

Cumulative Impact Review (Committee of the Licensing Authority 26 January 2017)

1. Consideration of a Cumulative Impact Policy (CIP) is an evidence based process. It is difficult to demonstrate an evidential basis linking the number/density of off-licences to alcohol related anti-social behaviour. In addition, police data shows a reduction in reported alcohol related crime.
2. Consideration should be given to the fact that there has been an overall reduction in the number of licensed premises in Spalding. This has been supported by the number of premises licences which have been revoked during the last 2 years due to failure to promote the licensing objectives. The reviews which have led to licences being revoked, and the new premises licences which have been rejected on the basis of police evidence, demonstrate that there is effective partnership working with Lincolnshire Police, Trading Standards and South Holland District Council Licensing Team. This is helping to ensure that premises that are linked to crime and disorder, or are not promoting the licensing objectives, will not be licensed to supply alcohol in the District.
3. The Committee should consider the scope of a potential CIP, for example should the policy be limited to off-licences or to on-licensed premises also. The statistics provided by the police do not allow the Committee to identify where the alcohol was sourced.
4. If the policy is taken further there are likely to be representations from the trade and trade associations. The policy could be subject to judicial review if the evidence base is not sufficiently robust.
5. The Committee will also need to consider the geographical area to be covered and have regard to the potential that premises may be opened outside of the zone, displacing any potential problems.
6. If the public concern is that premises are selling non-duty paid cigarettes it should be noted that much work has been done to raid, review and revoke the licences of these premises. These cigarettes can be sold (illegally) by any shop/premises or individual without the need for an alcohol licence. Tobacco and cigarettes are not subject to any licensing requirements.
7. The implementation of a policy can have negative effects:
 - a) may put off reputable businesses from investing in the area
 - b) lack of threat of new entrants or competition can drive down standards in existing premises and create complacency.
 - c) property prices both commercial and residential may be adversely impacted. There is potential that South Holland and the area which the policy covers must be a crime and disorder hotspot. Other non-alcohol based businesses may also be put off from investing in the area that is covered by policy.
 - d) increased cost as there is potential for more panel hearings and more appeals (although the policy could also deter some applications)
 - e) if no objections are received then applications still need to be granted.
 - f) The policy would apply to variations of premises licences as well as new premises.
8. Other measures may suffice. Police have more recently been vetting new applicants more closely and have been more proactive in objecting to new applications where it is appropriate to do so.
9. The Public Space Protection Order (PSPO) has just been introduced and has been designed to reduce crime and disorder and anti-social behaviour.

