REPORT OF THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

LICENSING COMMITTEE – 5 FEBRUARY 2018

LICENSING ACT 2003 - POSSIBLE REVISION OF LICENSING POLICY TO INCLUDE A SPECIAL POLICY RELATING TO CUMULATIVE IMPACT

1.0 Purpose of the Report

1.1 To seek the agreement of the Committee that the Council should commence the process whereby it may revise the Licensing Act 2003 Licensing Policy to include a special policy relating to the cumulative impact of licensed premises.

2.0 Description of Decision (Recommendation)

2.1 The Committee is recommended to agree that the Council should commence the process whereby it may revise the Licensing Policy to include a special policy relating to the cumulative impact of licensed premises.

3.0 Background

3.1 The Licensing Act 2003 (the "Act") requires that licensing authorities publish, in respect of a period of five years, a statement of licensing policy which indicates how they will undertake their functions under the Act. The current policy statement was agreed at a meeting of the Council in November 2015 and its period of validity will expire on 6 January 2021. The Act further requires that licensing authorities keep their policies under review and enables authorities to revise policies should an authority consider it appropriate to do so. In carrying out functions under the Act the law requires that each licensing authority must have regard to its licensing policy and guidance issued by the Secretary of State.

3.2 The Government's Guidance on the Licensing Act allows each licensing authority, in specified circumstances and subject to a statutory consultation process, to include a special policy in its licensing policy relating to the cumulative impact of licensed premises. The Guidance indicates that such policies may be appropriate where the operations of a significant number of licensed premises concentrated in a particular area have a potential impact on the promotion of the licensing objectives in that area.

3.3 The licensing objectives as defined by the Act are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and

- the protection of children from harm.

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3.4 The effect of adopting a special policy is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates in a specified area will normally be refused or subject to certain limitations. It is necessary that relevant representations are made in order to activate the policy. Applicants are entitled to assert that the policy should not constrain their applications e.g. by seeking to demonstrate in their operating schedule (part of the legally prescribed application form) that there will be no negative cumulative impact on any of the licensing objectives. The Guidance states that applicants for licences in areas covered by a special policy should give consideration to potential cumulative impact issues when setting out in their operating schedules the steps that they will take to promote the licensing objectives.

3.5 The Guidance sets out the steps that an authority should follow in considering whether to adopt a special policy. These are:

- To identify concern about the licensing objectives;
- 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 such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
- Identify the boundaries of the area(s) where problems are occurring; and
- To consult the statutory consultees (as prescribed by the Act) and, subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy.

3.6 The law requires that any decision to introduce such a policy must be made by full Council.

4.0 Current Position

4.1 Compared with other local authority areas in England, the available relevant data shows that Sunderland as a whole has particular problems associated with alcohol. For example, Sunderland is in the worst 10% of the 152 upper tier local authority populations for alcohol-specific hospital admissions of young people aged under 18 (second highest) and hospital admission episodes for alcohol-related conditions (all people) (12th highest).

4.2 The Director of Public Health has commissioned research into the views of residents and business people in the City upon the impact of licensed premises upon the licensing objectives. This research revealed particular concerns about certain parts of the City. Officers of the Licensing Section and Public Health have subsequently collated information held by the Council, NHS and the Police. These data, which either cover the calendar year 2016

or the financial year 2015-16 as indicated, show that, in the areas identified by the initial research, the rates of crime and disorder and public nuisance associated with alcohol, and the risk of harm to people (which includes children) due to alcohol, are greater than the average situation across the City. Given the City's issues with alcohol as a whole, these data appear to constitute good evidence that the relevant problems in these areas are being caused, in some instances, by customers of the local licensed premises and that the operations of these premises are having, cumulatively, a negative impact upon the licensing objectives.

4.3 The data are set out in Appendices 1 and 2. All of the data is presented within datasets which refer to Lower Super Output Areas (LSOAs). These are areas which have approximately equal numbers of residents and are used for the purposes of making statistical comparisons. Some of the datasets exclude the LSOAs in the City Centre, which are significantly the most problematic areas of the City in relevant respects, in order that the differences between the situations in more residential areas may more readily be demonstrated. Appendix 1 shows some of the data in a pictorial format and is composed of the datasets identified below:

- Alcohol-related hospital admissions;
- Alcohol-related assaults resulting in hospital attendance (occurring between 6am and 9pm);
- Alcohol-related assaults resulting in hospital attendance (occurring at any time);
- Alcohol-related ambulance call outs;
- Alcohol-related Anti-Social Behaviour (ASB) incidents (occurring between 6am and 9pm);
- Alcohol-related Anti-Social Behaviour (ASB) incidents (excluding City Centre LSOAs) (occurring between 6am and 9pm);
- Alcohol-related Anti-Social Behaviour (ASB) incidents (occurring at any time);
- Alcohol-related Anti-Social Behaviour (ASB) incidents (excluding City Centre LSOAs) (occurring at any time);
- Alcohol-related incidents (recorded by the Police) (occurring between 6am and 9pm);
- Alcohol-related incidents (recorded by the Police) (excluding City Centre LSOAs) (occurring between 6am and 9pm);
- Alcohol-related incidents (recorded by the Police) (occurring at any time; and
- Alcohol-related incidents (recorded by the Police) (excluding City Centre LSOAs) (occurring at any time).

4.4 Appendix 2 contains a table which indicates numerical values for some of the above-mentioned datasets and, also, other datasets as indicated, the numbers of licensed premises in the relevant LSOAs and rankings relative to the values for all 185 LSOAs in the City.

4.5 The areas identified by the research are not coterminous with Council ward boundaries. Some of the areas are wholly located within single wards whereas others are composed of parts of more than one ward. The areas are identified in the list below:

- the City Centre and East End (parts of Hendon, Millfield and St Michael's wards);
- Millfield and Pallion (parts of each ward);
- Hendon (parts of Hendon and St Michael's wards);
- Southwick;
- Shiney Row;
- Washington North; and
- Hetton (parts of Copt Hill and Hetton wards).

4.6 The fact that these areas may be seen to experience more relevant problems than the average for the City during daytime specifically, as well as on a 24 hour basis, suggests that off licences need to be brought within any CIP regime as well as premises where alcohol may be sold for immediate consumption e.g. public houses.

4.7 The proposed CIP areas do not, in all cases, follow the LSOA boundaries precisely. Some of the boundaries proposed go beyond the relevant LSOA areas in order to include areas closely adjacent to the LSOA. These either contain licensed premises which serve the adjacent LSOA or are areas in which in it is envisaged that additional licences serving the adjacent LSOA may be sought. Restricting some of the proposed CIPs specifically to LSOA boundaries runs the risk of failing to prevent the establishment of licensed premises immediately outside the problematic LSOA area; thus having, potentially, an adverse impact on the licensing objectives within the neighbouring LSOA.

4.8 It should be noted, in respect of the proposed City Centre and East End CIP area, that the Council wishes to encourage the development of new, high quality leisure venues and retail outlets whose operations would have a positive impact upon the economic vitality of the City Centre. It is therefore proposed that the amendment to our licensing policy includes the following statement:

The Council intends that the City Centre should remain as an area where we would encourage businesses to set up and expand. We recognise that a dynamic trading environment will feature applications for new or amended licences. We consider that the operations of well-run, high quality licensed premises should not have a negative impact upon the licensing objectives. We, therefore, would welcome the submission of applications for new or amended licences by businesses whose operations would significantly enhance the economic vitality of the City Centre.

4.9 Maps of the proposed CIP areas are attached as Appendix 3.

4.10 In view of the information set out above, the Committee are requested to agree that the Council commences the process whereby a special policy relating to cumulative impact may be created in respect of these areas.

5.0 Reasons for the Decision

5.1 To enable the Council to fulfil its statutory duty of carrying out its functions under the Act with a view to promoting the licensing objectives.

6.0 Alternative Options

6.1 No alternative options are suggested as, given the evidence available, it appears necessary, in order to fulfil a statutory duty, that the Council explores further the need for a special policy relating to cumulative impact.

7.0 Relevant Considerations/Consultation

7.1 None**.**

8.0 Glossary

8.1 None.

9.0 List of Appendices

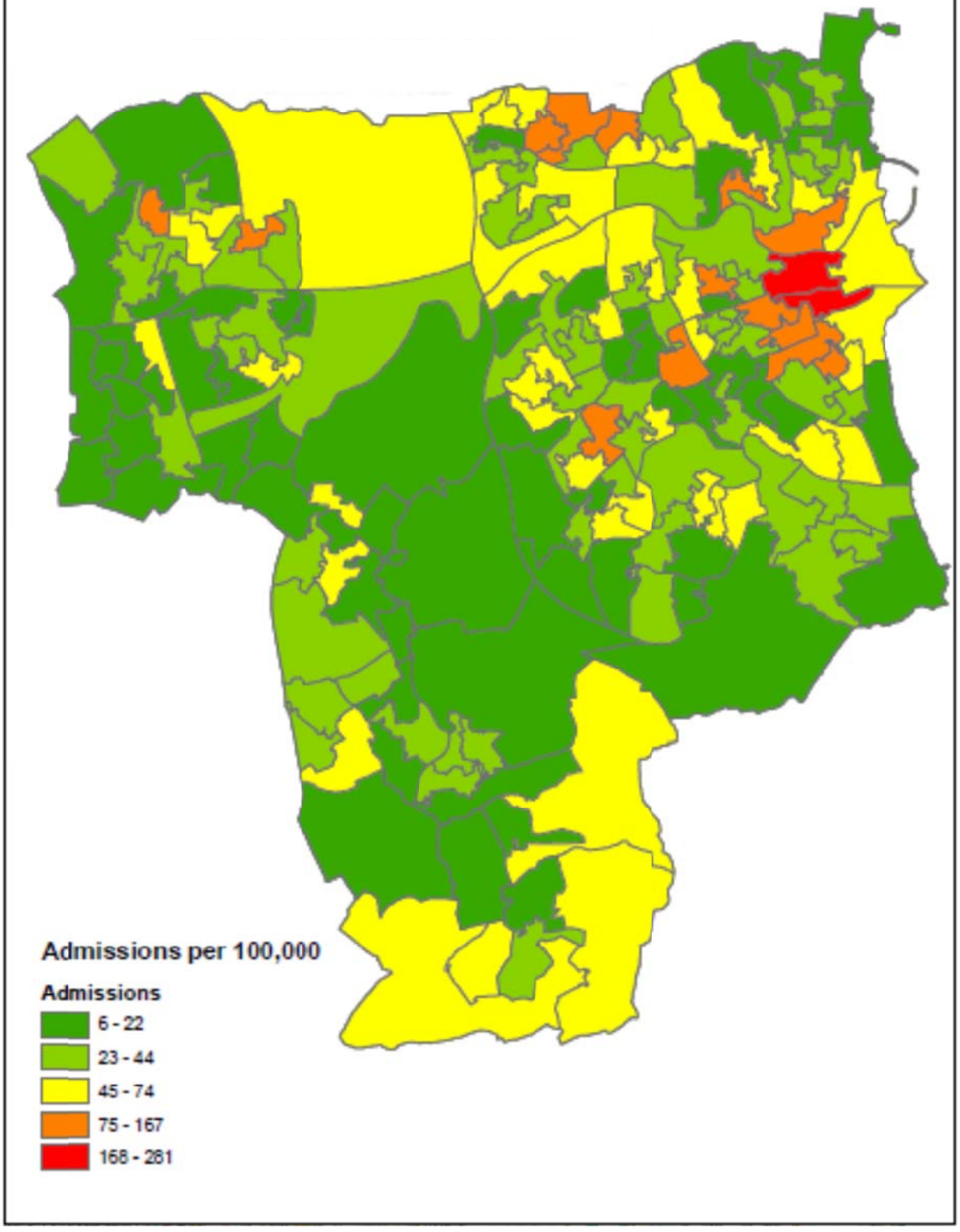
9.1 Appendix 1 – Datasets in pictorial form
Appendix 2 – Datasets in tabular form
Appendix 3 – Maps of the proposed special policy areas

10.0 Background Papers

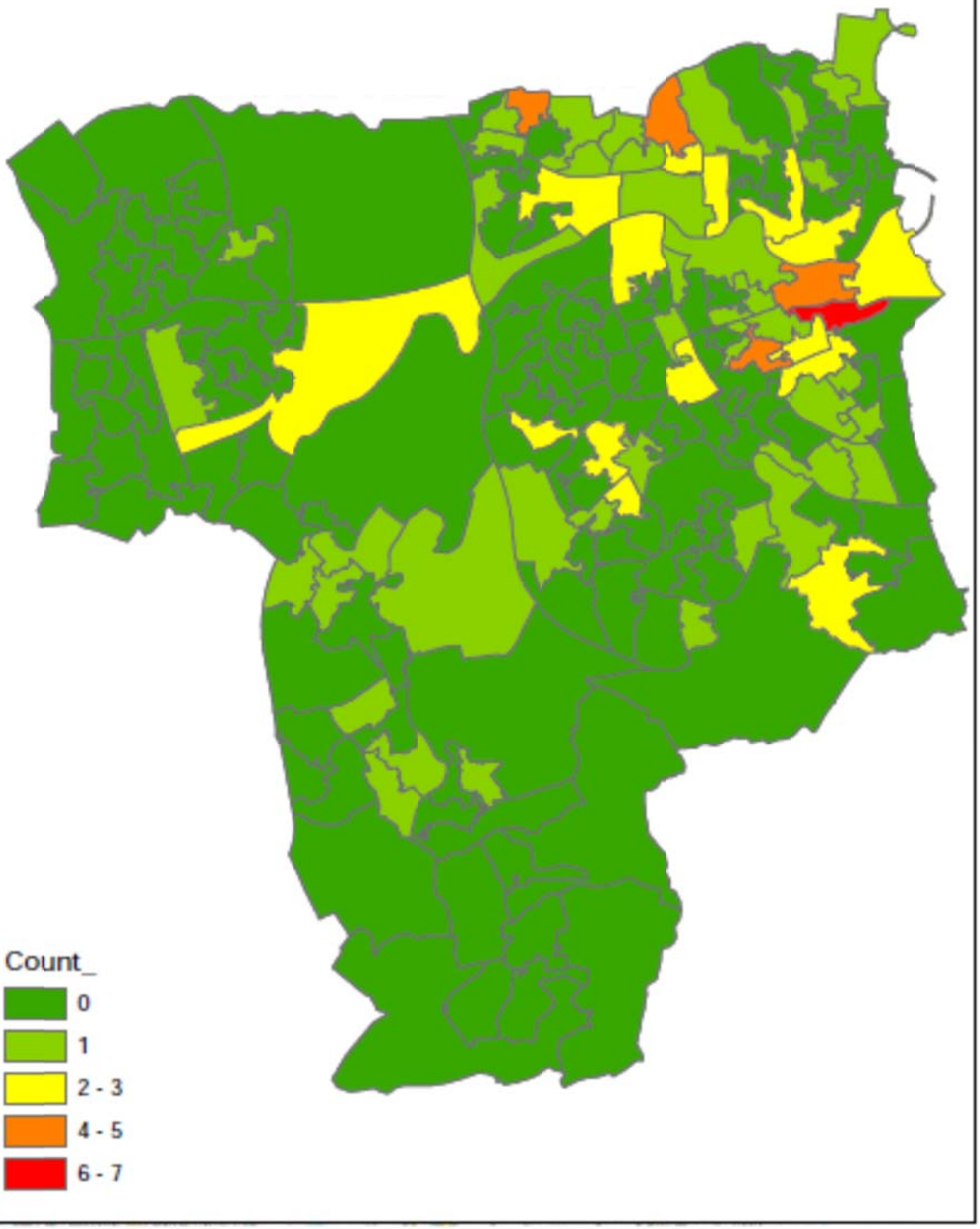
10.1 None.

Appendix 1

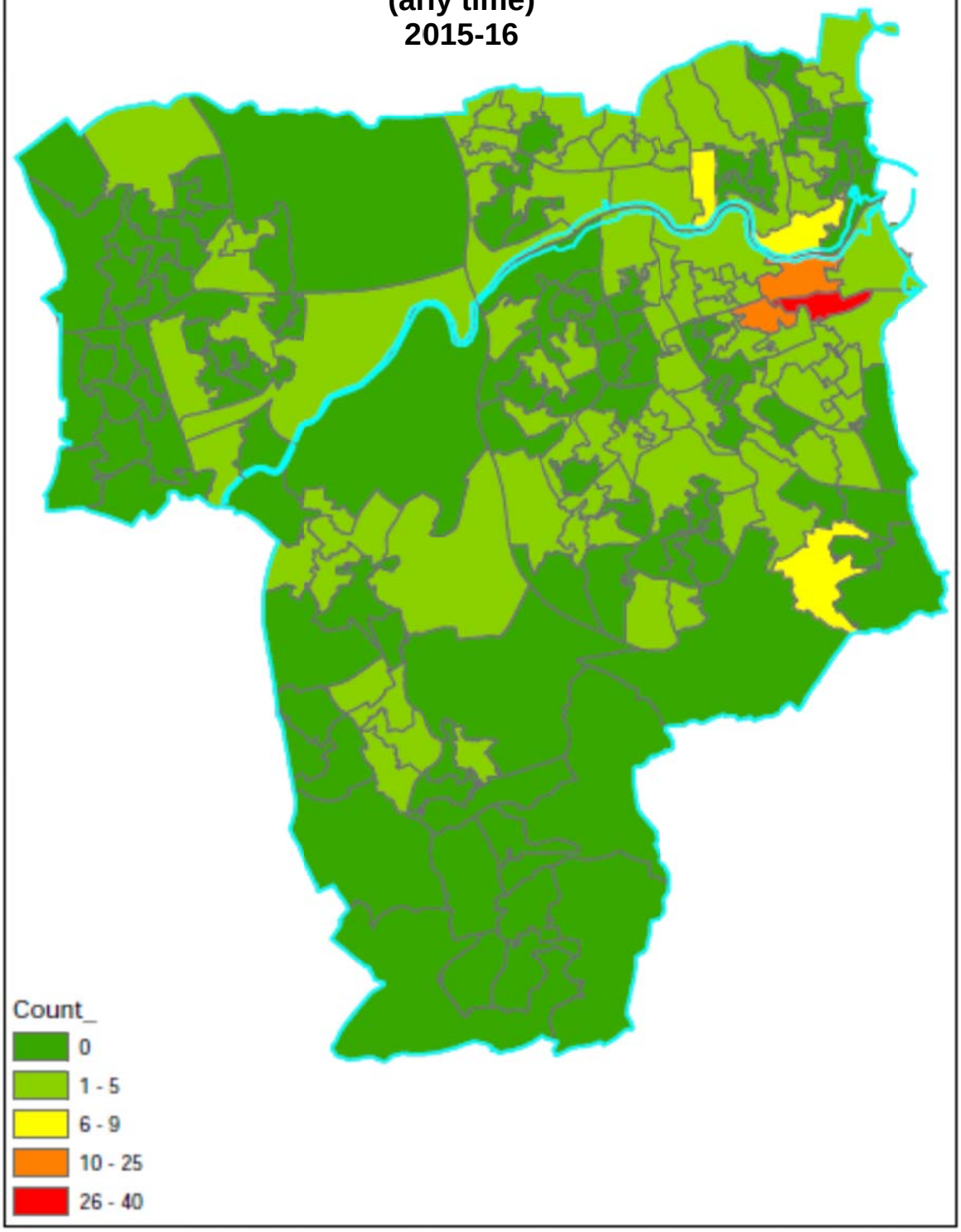
Alcohol-related hospital admissions 2015-16



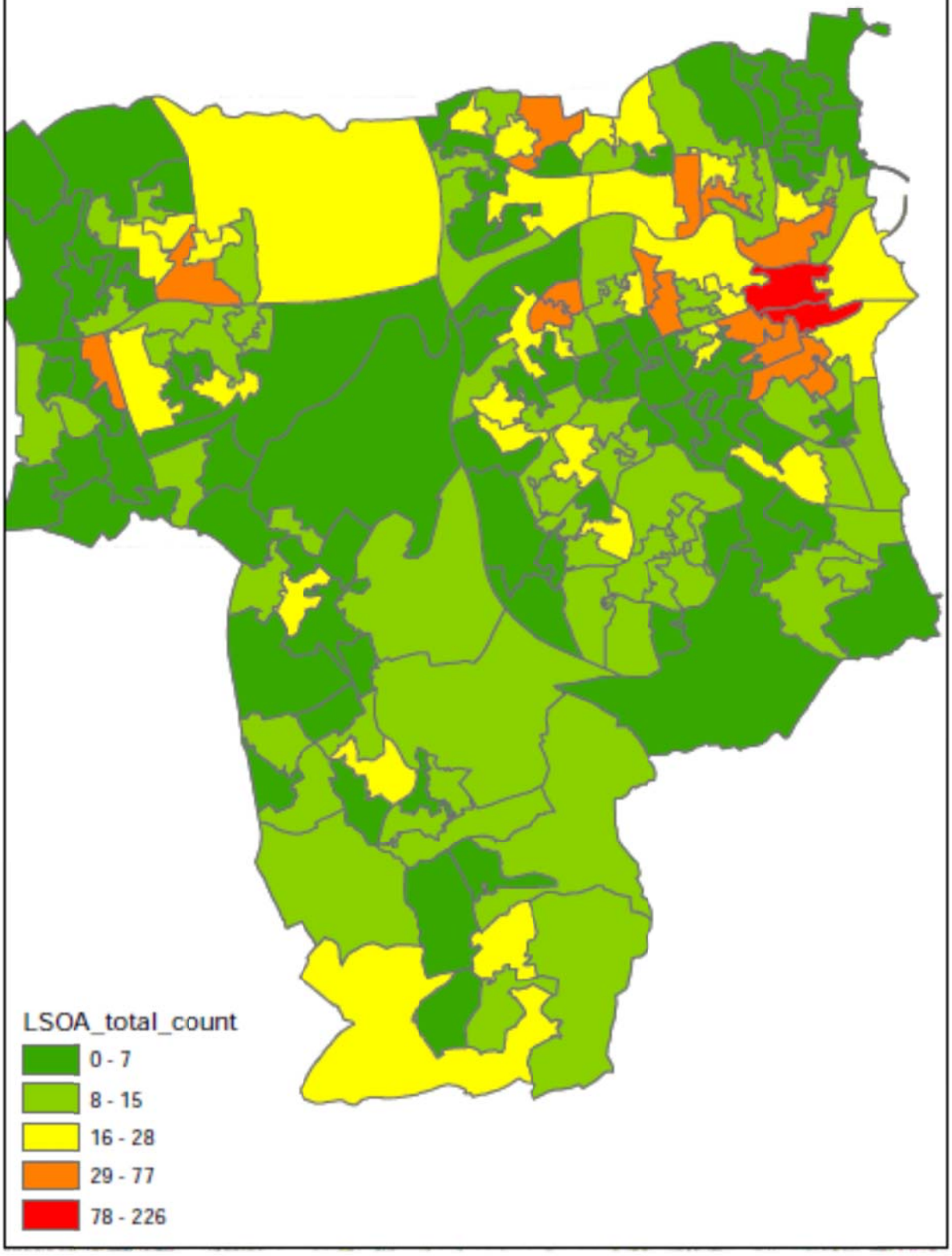
Alcohol-related assaults resulting in hospital attendance (6am - 9pm) 2015-16



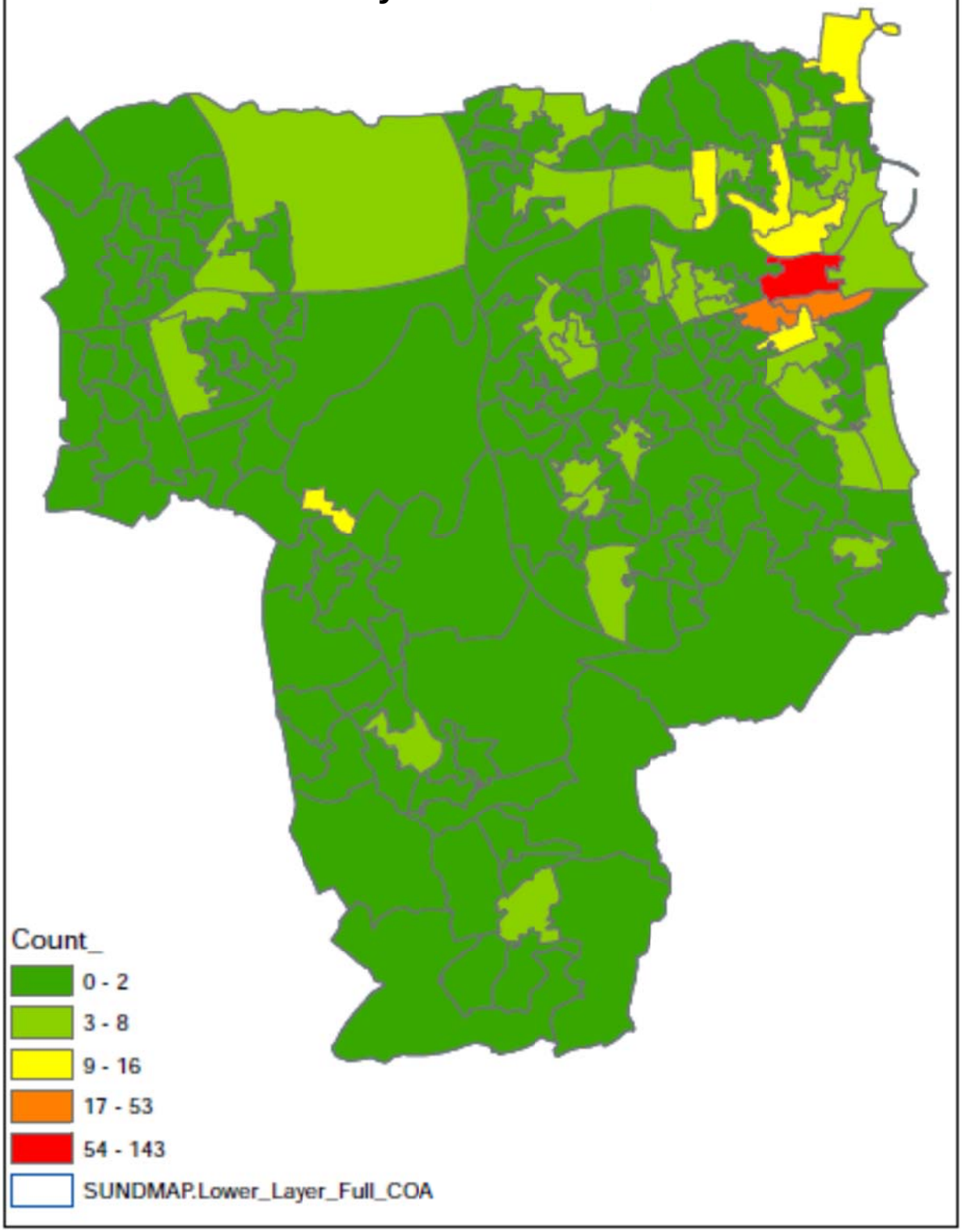
Alcohol-related assaults resulting in hospital attendance (any time) 2015-16



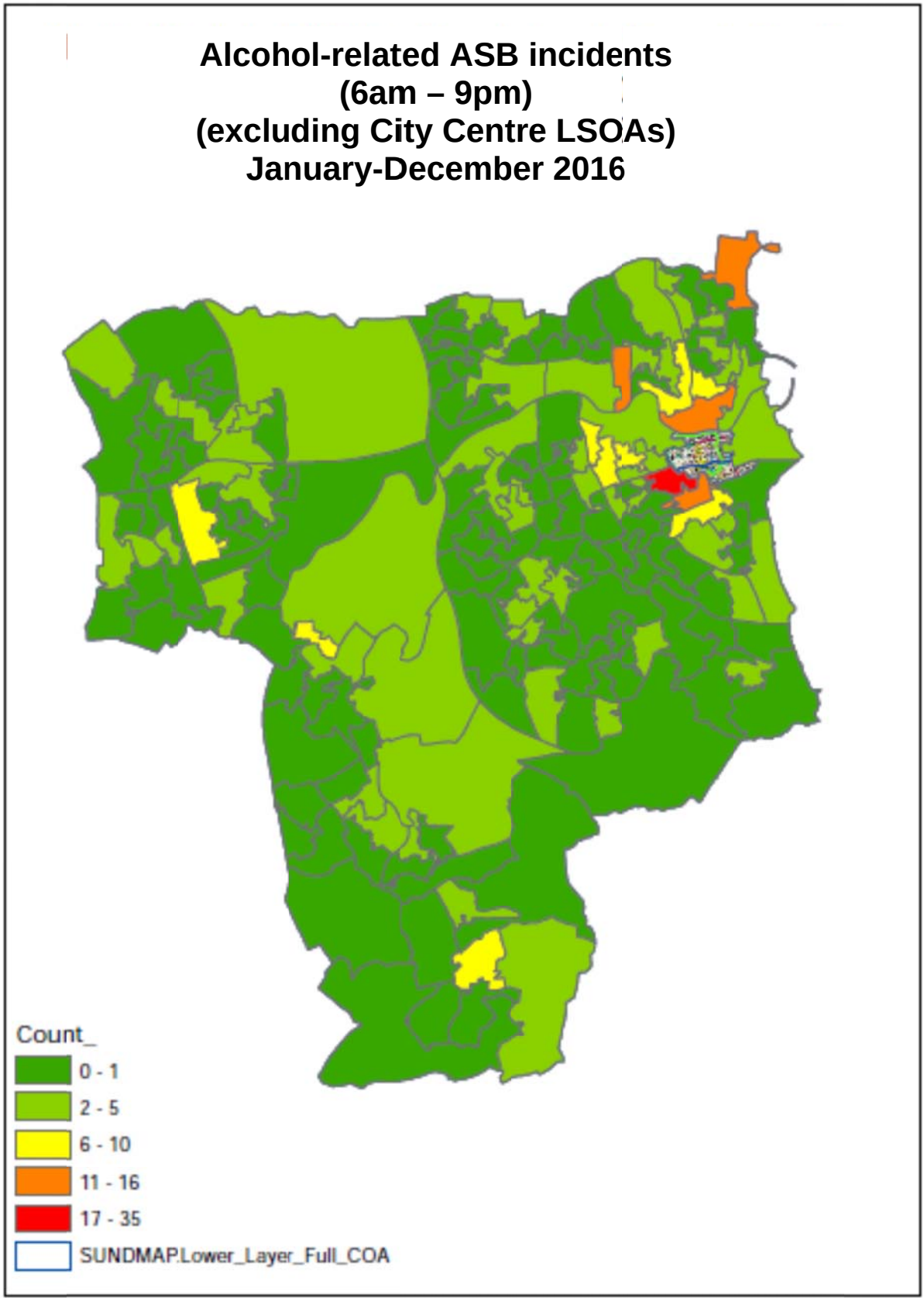
Alcohol-related ambulance call outs 2015-16 (any time)



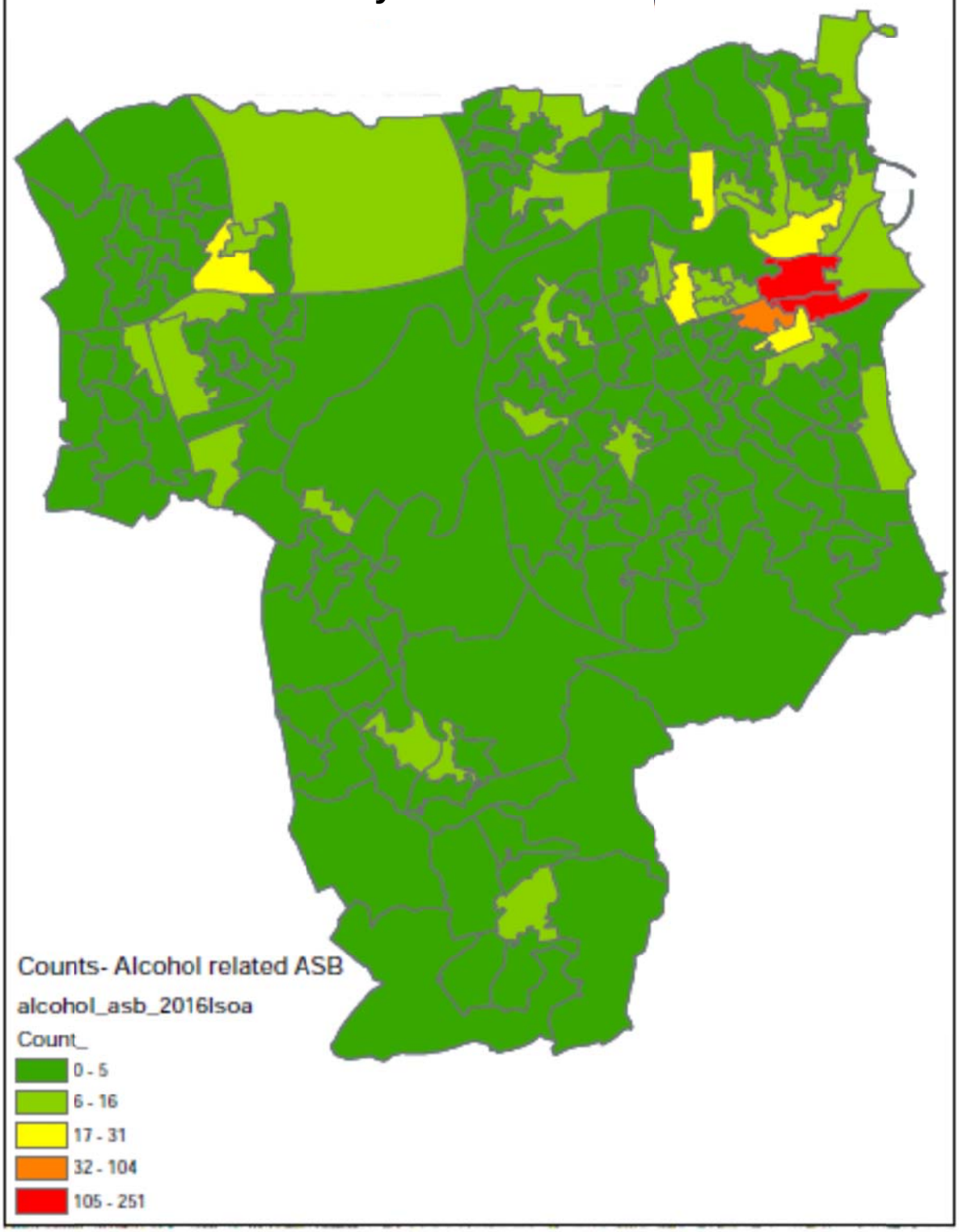
Alcohol-related ASB incidents
(6am – 9pm)
January-December 2016



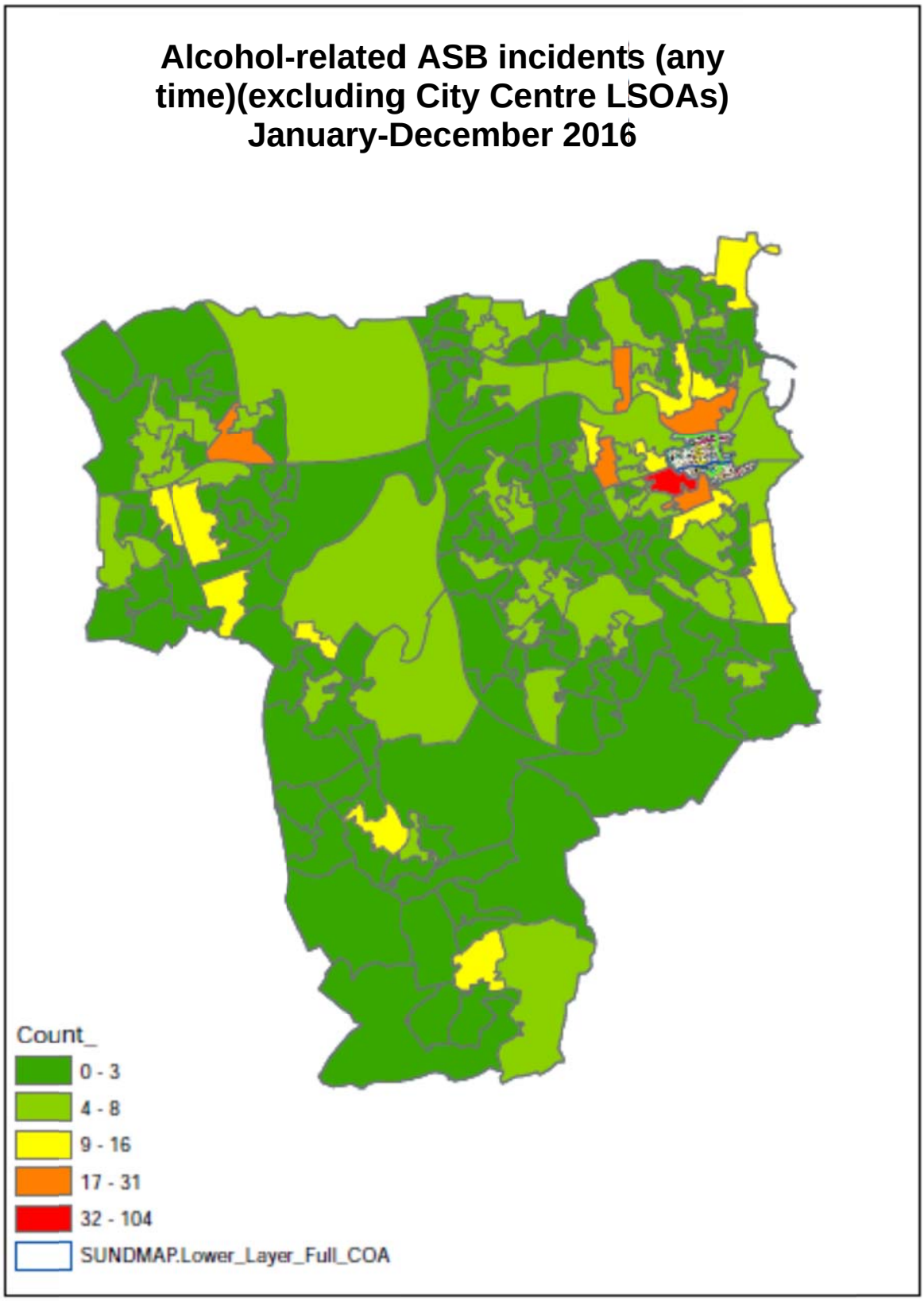
Alcohol-related ASB incidents
(6am – 9pm)
(excluding City Centre LSOAs)
January-December 2016



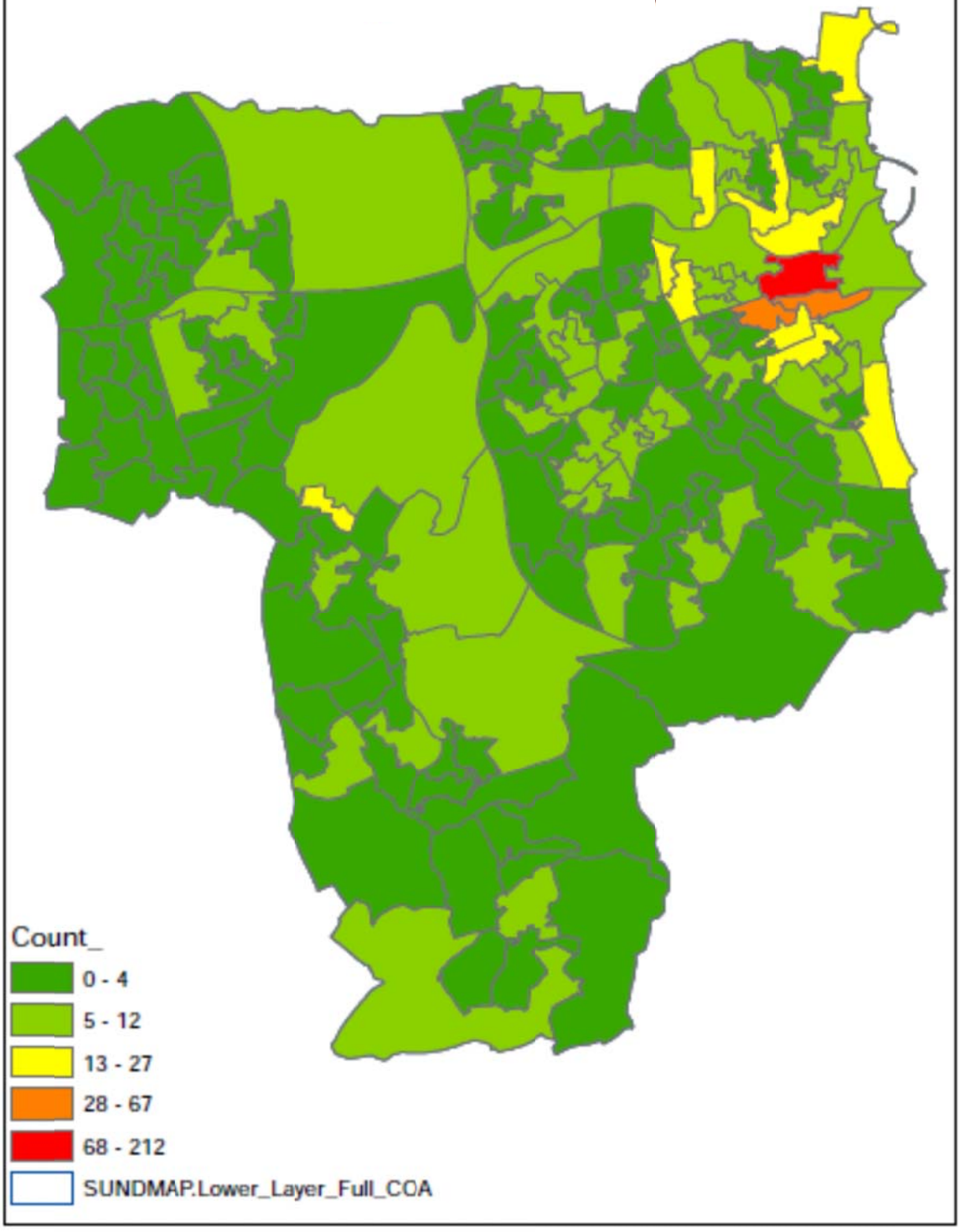
Alcohol-related ASB incidents (any time) January-December 2016



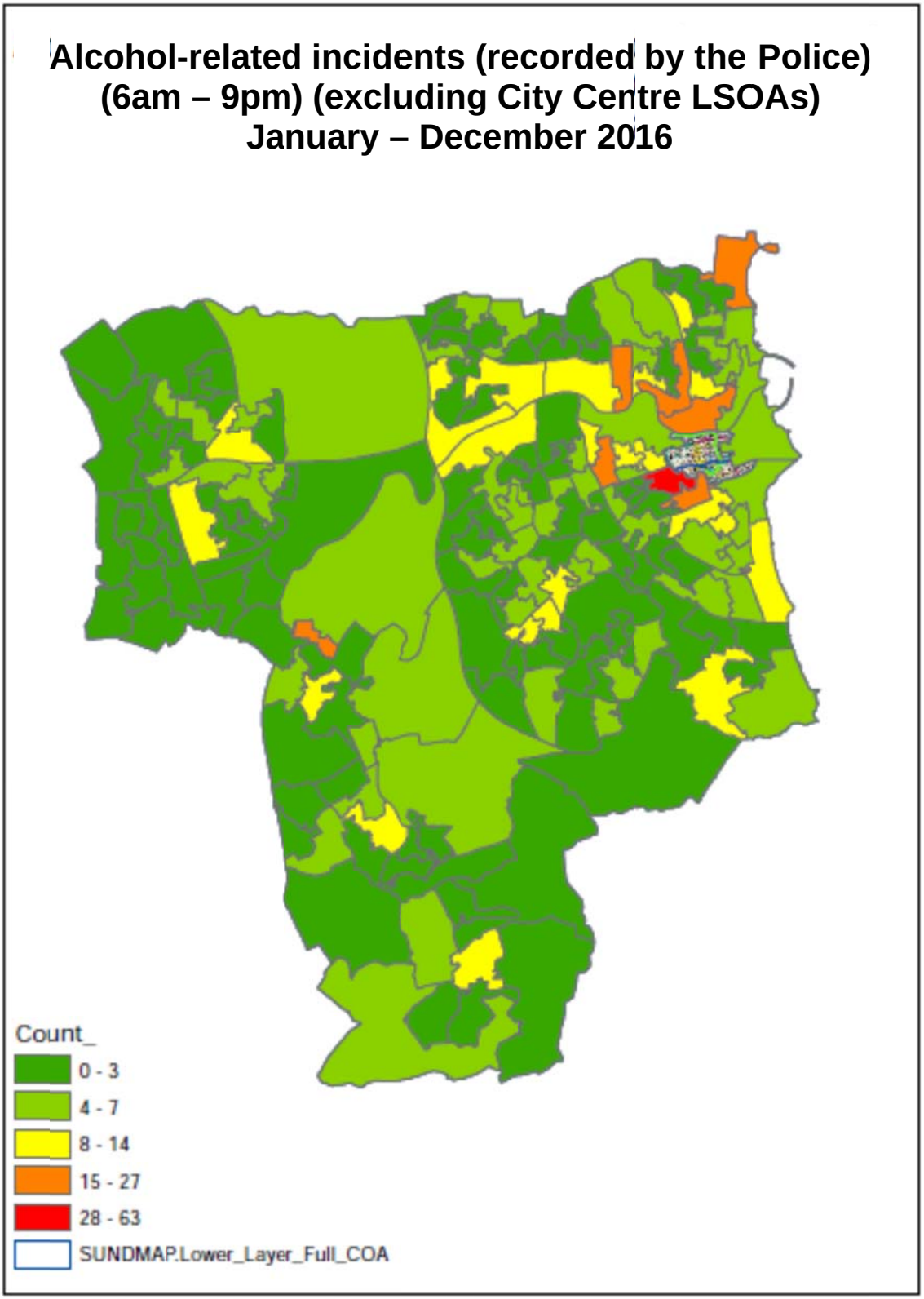
Alcohol-related ASB incidents (any time)(excluding City Centre LSOAs) January-December 2016



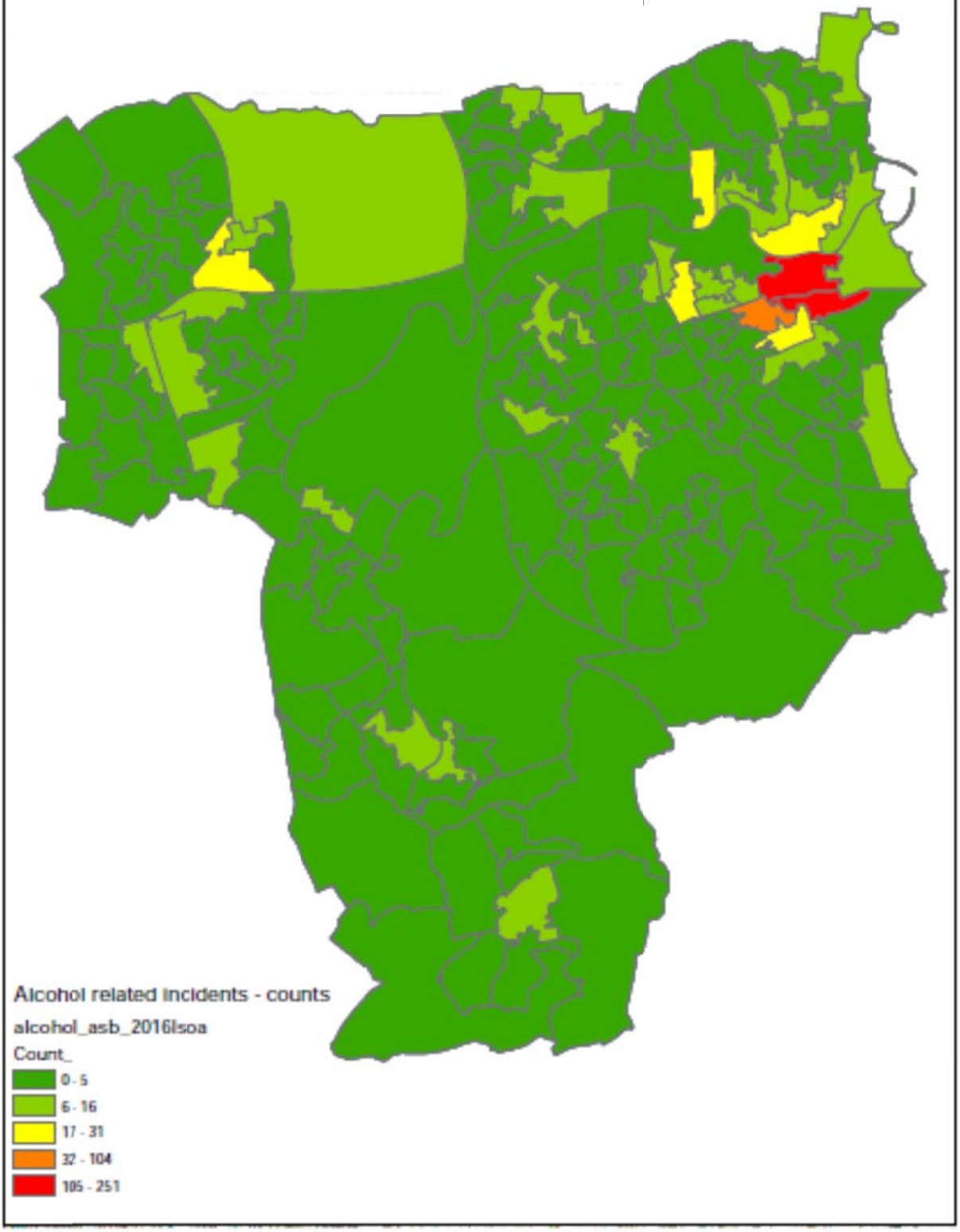
Alcohol-related incidents (recorded by the Police) (6am – 9pm)
January – December 2016



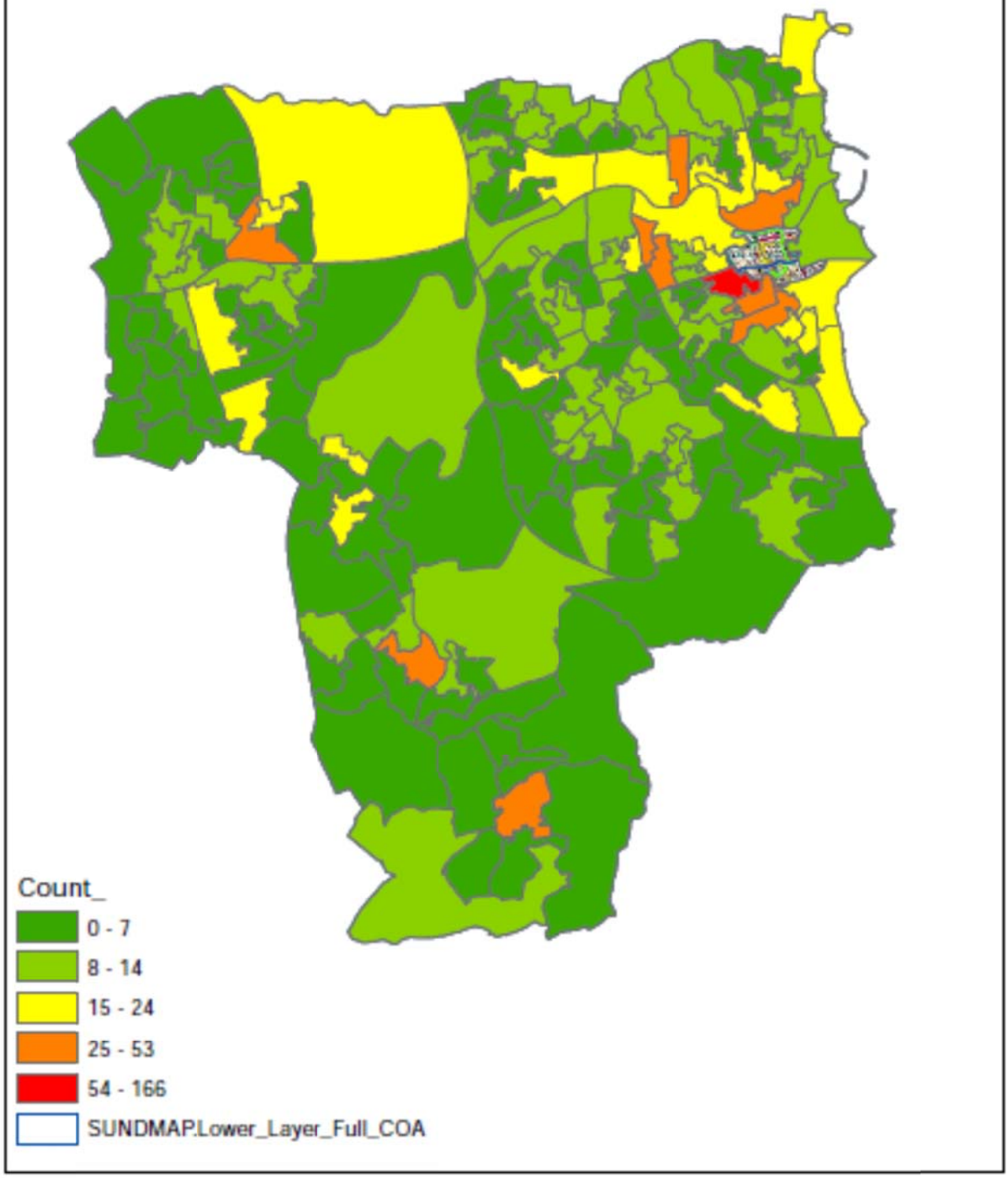
Alcohol-related incidents (recorded by the Police) (6am – 9pm) (excluding City Centre LSOAs) January – December 2016



Alcohol-related incidents (recorded by the Police) (any time) January – December 2016



Alcohol-related incidents (recorded by the Police) (any time) (excluding City Centre LSOAs) January – December 2016

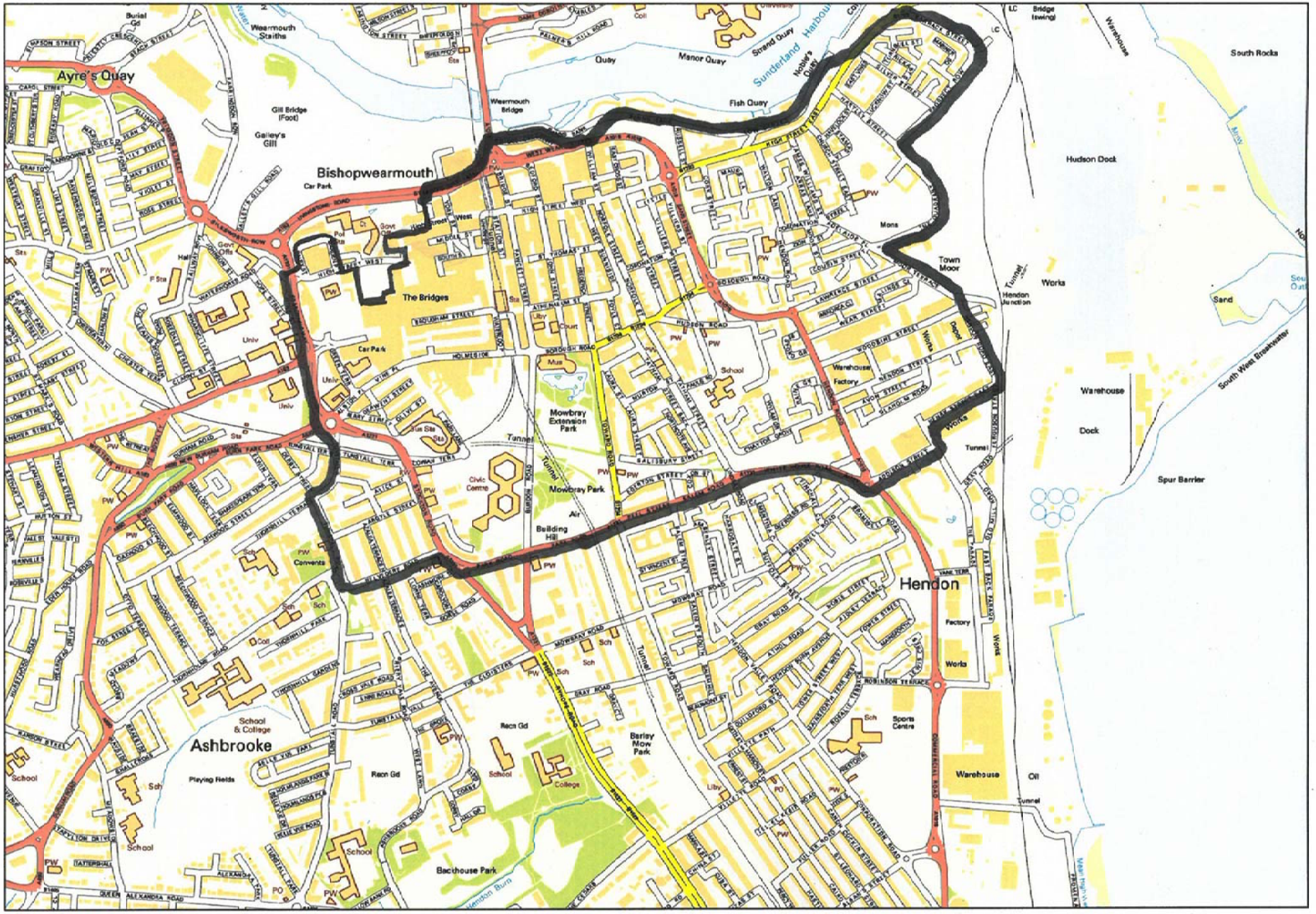


Appendix 2

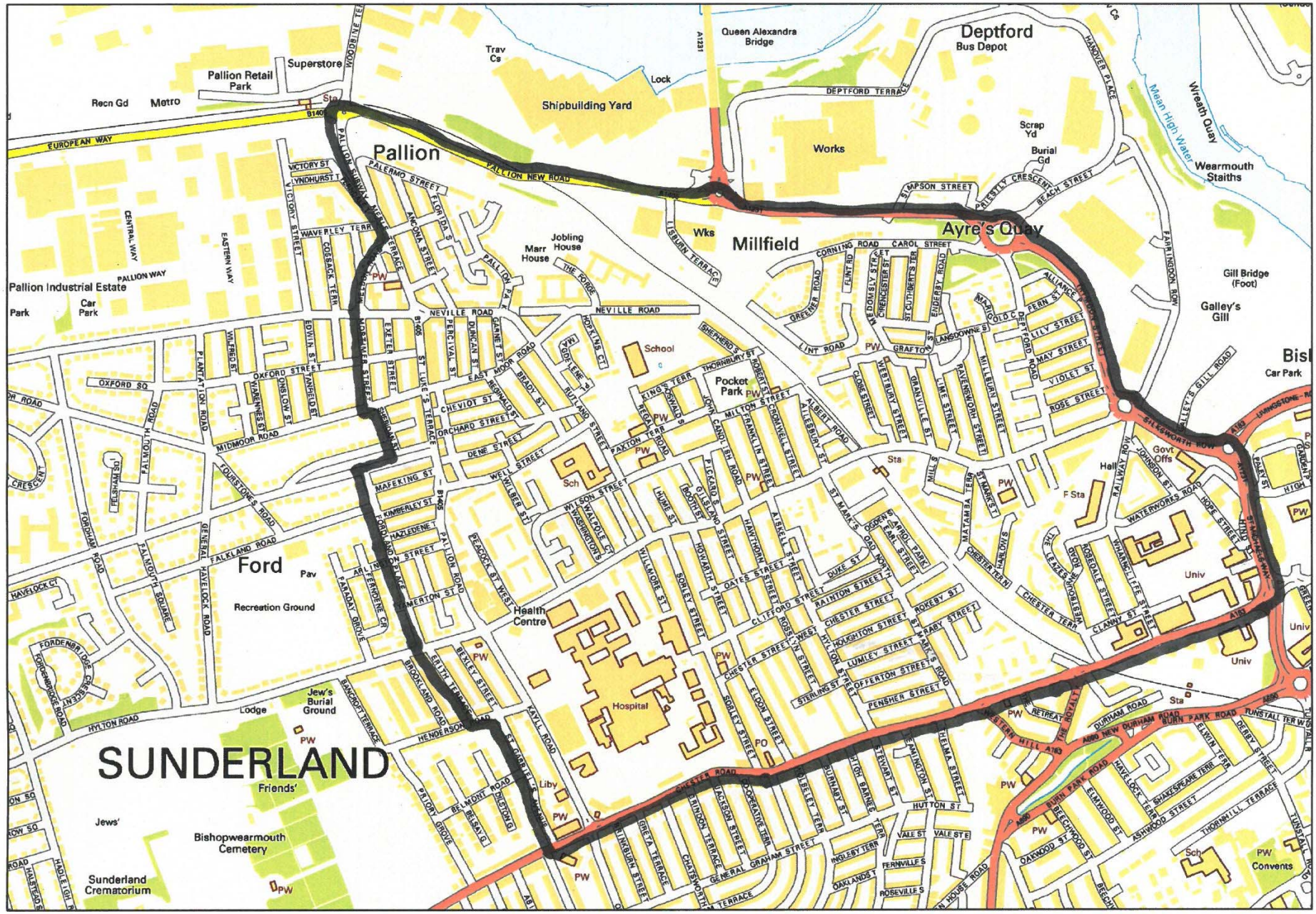
		Alcohol-related ambulance callouts		Alcohol-related assaults (recorded by Police) (6:00-21:00)		Alcohol-related assaults (recorded by Police) (any time)		Alcohol-related ASB (6:00-21:00)		Alcohol-related ASB (any time)	
LSOA(s) (185 City wide)	Area	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number
E01008703 E01008836	City Centre and East End	1 2	178 113	2 1	186 224	2 1	233 266	1 2	240 128	1 2	463 448
E01008705 E01008700 E01008707 E01008706 E01008704 E01008701	Millfield and Pallion	32 18 56 56 8 7	12 18 9 9 29 30	29 24 19 12 8 7	16 17 15 20 30 32	30 22 44 23 8 9	23 27 18 26 45 44	30 14 65 11 6 49	8 13 4 16 26 5	18 23 72 17 6 52	25 21 8 27 57 11
E01008834 E01008735 E01008737	Hendon	6 11 4	31 25 37	14 12 10	25 26 27	15 73 35	64 24 38	4 9 21	37 21 11	4 11 22	71 37 22
E01008818	Southwick	4	37	5	37	5	55	7	25	9	45
E01008800	Shiney Row	68	8	17	21	17	30	15	12	17	19
E01008858 E01008853 E01008854 E01008859 E01008855	Washington North	145 56 68 77 46	2 9 8 7 10	39 4 12 95 84	14 38 26 6 7	50 4 10 88 60	16 72 43 10 14	40 23 185 49 30	6 10 0 5 8	32 7 80 72 59	15 56 7 8 10
E01008742	Hetton	33	11	17	21	13	34	65	4	12	32

		Alcohol-related incidents (recorded by Police) (6:00-21:00)		Alcohol-related incidents (recorded by Police) (any time)		Number of alcohol outlets	
LSOA(s) (185 City wide)	Area	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number
E01008703 E01008836	City Centre and East End	1 2	336 163	1 2	759 493	1 3	93 25
E01008705 E01008700 E01008707 E01008706 E01008704 E01008701	Millfield and Pallion	19 13 34 25 19	22 28 16 19 22	19 16 43 29 9 17	43 52 31 38 76 50	25 6 69 90 15 28	7 19 3 2 9 6
E01008834 E01008735 E01008737	Hendon	5 18 14	64 23 27	5 22 11	116 40 65	28 69 28	6 3 6
E01008818	Southwick	11	31	15	54	9	13
E01008800	Shiney Row	8	37	13	57	10	12
E01008858 E01008853 E01008854 E01008859 E01008855	Washington North	74 10 58 25 43	9 32 11 19 14	38 6 50 43 45	32 110 28 31 30	90 8 124 49 28	2 14 1 4 6
E01008742	Hetton	19	22	14	56	13	10

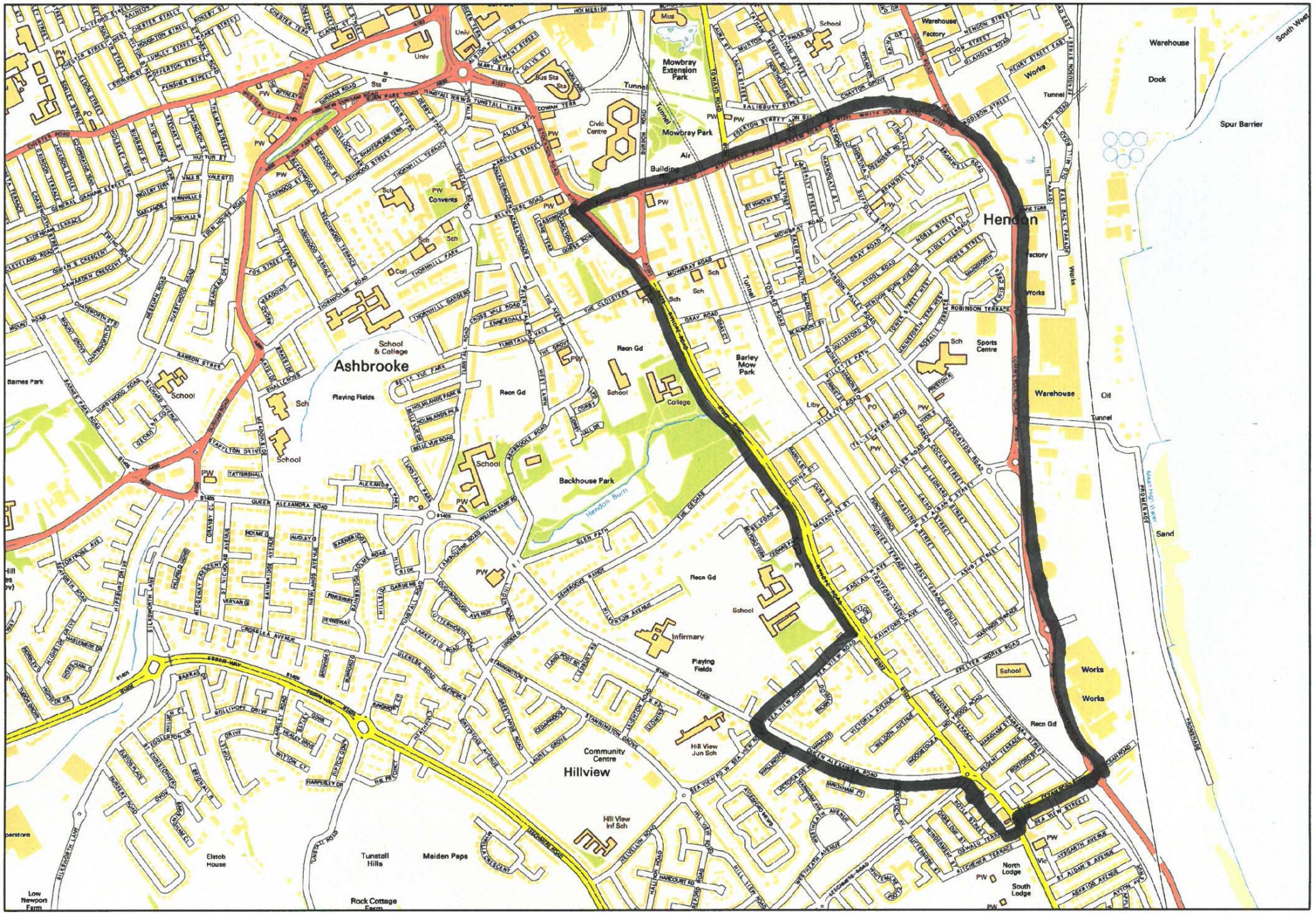
Appendix 3



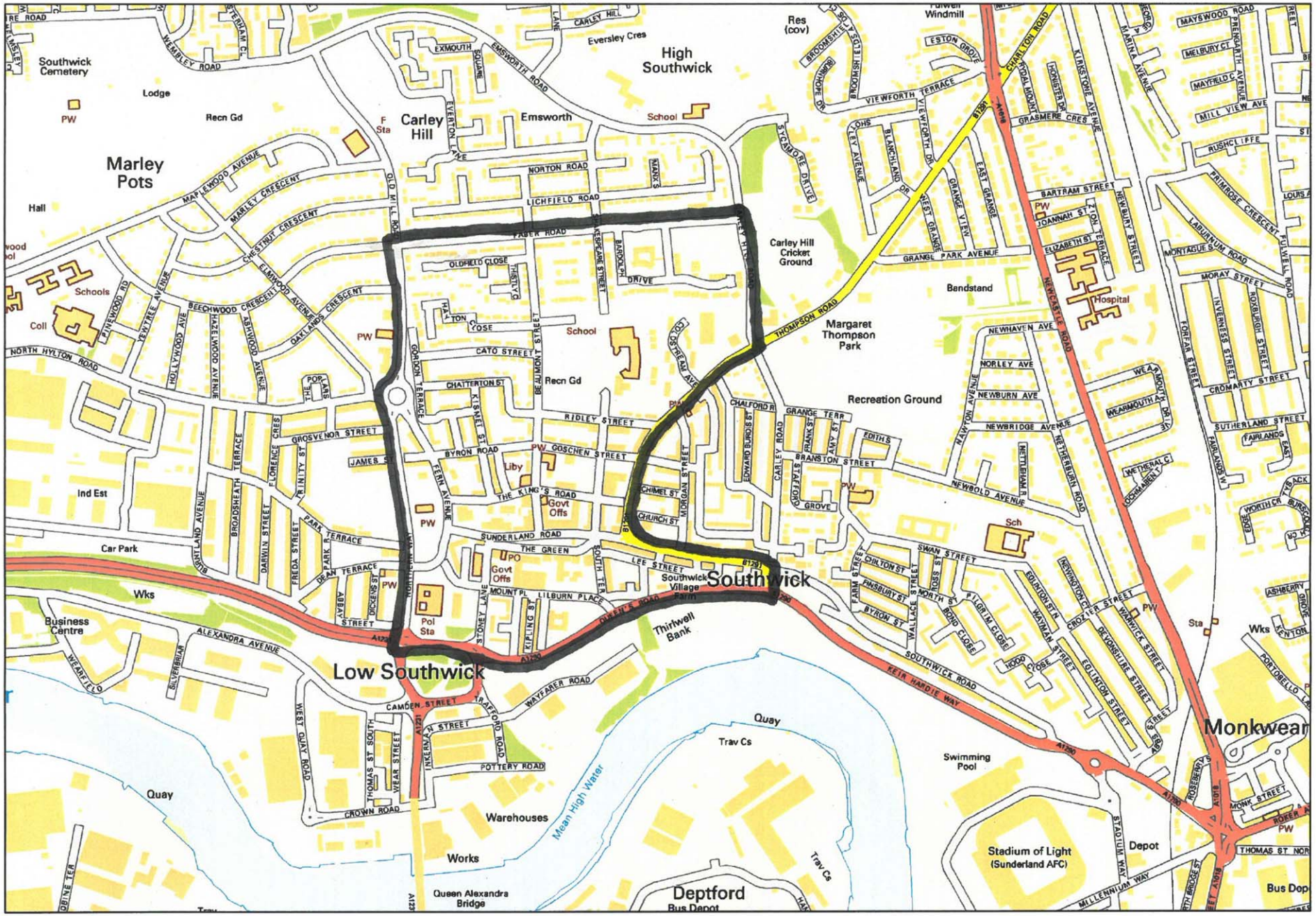
CITY CENTRE AND EAST END PROPOSED CIP



MILLFIELD AND PALLION PROPOSED CIP



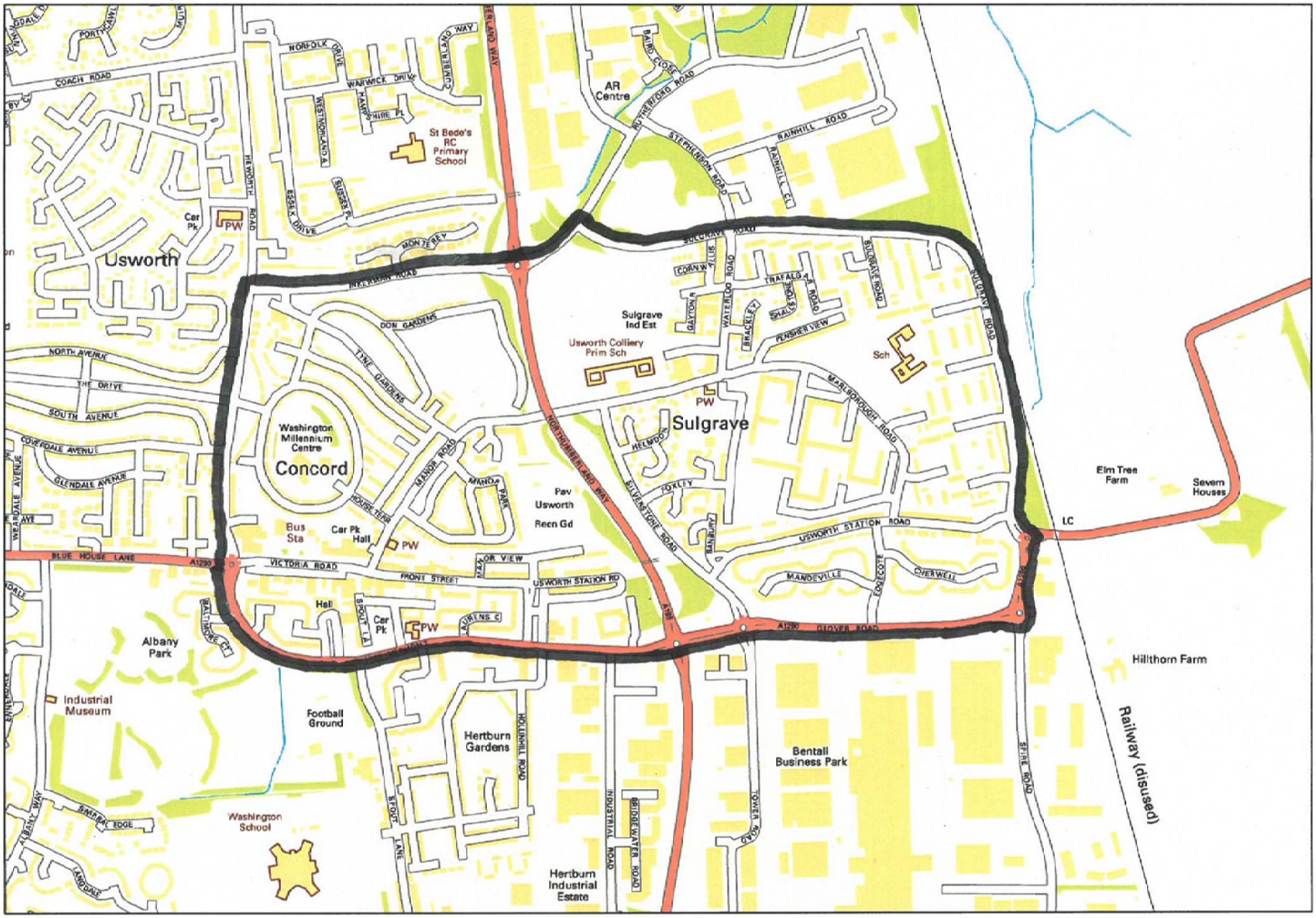
HENDON PROPOSED CIP AREA



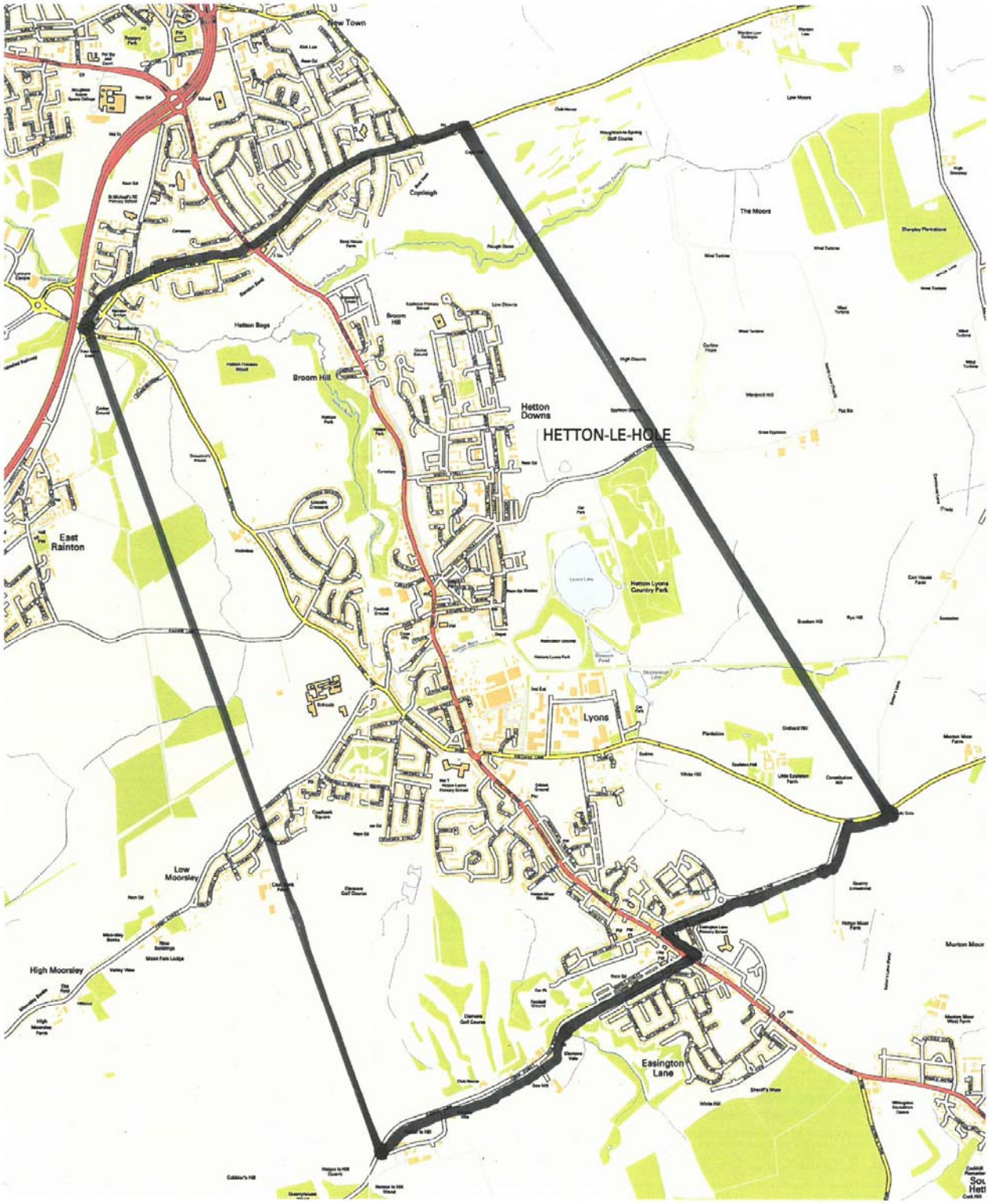
SOUTHWICK PROPOSED CIP



SHINEY ROW PROPOSED CIP



WASHINGTON NORTH PROPOSED CIP



HETTON AND COPT HILL PROPOSED CIP