

**REPORT TO:** Executive Board  
**DATE:** 18 November 2010  
**REPORTING OFFICER:** Chief Executive  
**SUBJECT:** Licensing Act 2003 Statement of Licensing Policy  
**WARDS:** Boroughwide

## **1.0 PURPOSE OF REPORT**

To recommend the Council to adopt a Statement of Licensing Policy.

## **2.0 RECOMMENDED: That the Council be recommended to**

- 1) adopt the Statement of Licensing Policy attached to this report; and**
- 2) defer consideration of the cumulative impact special policy as proposed by Cheshire Constabulary.**

## **3.0 SUPPORTING INFORMATION**

- 3.1 On 9<sup>th</sup> September 2010 the Council's Executive Board authorised a consultation exercise to be undertaken to review the Council's Statement of Licensing Policy (Minute EXB 37).
- 3.2 A consultation exercise was then undertaken in respect of the draft statement. The consultation period ended on 15 October 2010. The consultation draft of the Statement of Licensing Policy is attached as **Appendix 1** to this report.
- 3.3 Only one response was received to the consultation exercise and this was from Cheshire Constabulary writing in support of its own proposed cumulative impact policy (described below). It is perhaps not surprising that no other responses have been received since the Council's proposals represent no change to the existing policy except for any decision made on the proposed cumulative impact policy.
- 3.4 For the first time since the introduction of Statements of Licensing Policies the Council has received a request from Cheshire Constabulary to include a Cumulative Impact Policy in respect of the Victoria Square Area in Widnes. This request is set out at **Appendix 2** to this report.
- 3.5 The rules relating to Cumulative Impact Policies are set out in statutory guidance issued under section 182 Licensing Act 2003: these are set out at **Appendix 3** to this report.
- 3.6 The provisions regarding cumulative impact in the proposed revised Statement of Licensing Policy are set out at paragraphs 23 – 26 in **Appendix 1** to this report

and remains unchanged from earlier versions of the Policy. But see section 6 below for matters relating to the request by Cheshire Constabulary for a special policy on cumulative impact.

- 3.7 The Council is under a duty to have an adopted Statement of Licensing Policy in place by 7<sup>th</sup> January 2011 and there must be a newspaper advertisement confirming the adoption prior to that date. This means that a decision must be made by the Council at its meeting on 15<sup>th</sup> December 2010. Once adopted, the policy will remain for a three year period unless amended before that time. Any changes in legislation or in the Statutory Guidance would also override the policy.

#### **4.0 ISSUES FOR THE COUNCIL TO DETERMINE**

- 4.1 No representations have been received in respect of any aspect of the draft Policy other than cumulative impact.
- 4.2 The main issue for the Council to determine is about cumulative impact.
- 4.3 The options are (1) to reject the request for the cumulative impact policy requested by Cheshire Constabulary; (2) adopt the cumulative impact policy as requested, (3) adopt a modified form of the requested policy or (4) defer a decision on the requested cumulative impact policy.

#### **5.0 RELEVANT CONSIDERATIONS**

- 5.1 The Statutory Guidance in **Appendix 3** sets out the correct approach to cumulative impact policies. No cumulative impact policy should be introduced except on firm evidence for the need for such a policy. The question is whether Cheshire Constabulary have made out a valid case for such a policy.
- 5.2 The Council has an existing policy regarding the night time economy in Victoria Square which goes back to 2007 (Minute EXB 79). The proposals from Cheshire Constabulary would appear to be at odds with that policy. The Council should consider whether Cheshire Constabulary have made a sufficient case to justify a departure from existing policy.

#### **6.0 THE REQUEST MADE BY CHESHIRE CONSTABULARY FOR A CULMULATIVE IMPACT SPECIAL POLICY**

- 6.1 The proposal divides Widnes Town Centre as defined in Table 1 into streets within the proposed Cumulative Impact Special Policy area ("CISP") and those outside.
- 6.2 The Members should assess whether the "non-CISP" area within Widnes Town Centre ought reasonably to be compared with CISP area.
- 6.3 The capacities set out in Table 2 should be seen as approximations since there are no capacity limits on a number of licensed premises.
- 6.4 Charts 1, 2 and 3 and Tables 3 and 4 deal with the numbers of incidents, "calls to service" and arrests during the 12 month period April 2009 to March 2010. Members will need to consider whether this data warrants the imposition of a Cumulative Impact Policy.

- 6.5 The policy requested is “to prevent any further licensed premises from opening up, or existing licences being extended, which will aid in preventing a further rise in alcohol related violent crime and anti-social behaviour.”
- 6.6 As currently stated the request clearly breaches the Statutory Guidance.
- 6.7 Should the Council be minded to introduce a policy it would need to be worded differently to comply with the Statutory Guidance as follows;

*Delete paragraphs 30 to 32 of the Council's existing Statement of Licensing Policy and substitute*

**“30. The Council has adopted a special policy relating to cumulative impact within the area of Victoria Square Widnes. The area (“the Cumulative Impact Policy Area”) to which this special policy applies is described in Appendix XXX.**

**31. Within the Cumulative Impact Policy Area there will be a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.**

**32. However, The Statutory Guidance requires the Council to stress that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.”**

- 6.8 Since it might reasonably assumed that relatively few new premises are likely to come forward in what Cheshire Constabulary describe as a “saturated area” a new cumulative impact policy would be expected to impact principally on variation applications relating to existing premises.
- 6.9 Another matter to consider is that there are premises within the proposed policy area which have planning permissions for licensed premises but which have not had premises licences. The question is whether a policy should apply to these premises.
- 6.10 Although the statutory consultation has been concluded the proposed policy warrants additional consideration and input from within the Council and outside. Further clarification on the data provided by Cheshire Constabulary would assist this process.
- 6.11 Since the adoption of the Statement of Licensing Policy cannot be delayed it is recommended that consideration of the Cumulative Impact Special Policy be deferred to a later date.

## **7.0 POLICY IMPLICATIONS**

7.1 Once adopted, the statement of licensing policy will be used by applicants and the Regulatory Committee in accordance with the Licensing Act 2003.

## **8.0 OTHER IMPLICATIONS**

8.1 There are no other implications arising out of this report.

## **9.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

### **9.1 Children and Young People in Halton**

There are no new implications arising out of this report

### **9.2 Employment Learning and Skills in Halton**

There are no new implications arising out of this report

### **9.3 A Healthy Halton**

There are no new implications arising out of this report

### **9.4 A Safer Halton**

There are no new implications arising out of this report

### **9.5 Halton's Urban Renewal**

There are no new implications arising out of this report

## **10.0 RISK ANALYSIS**

N/A

## **11.0 EQUALITY AND DIVERSITY ISSUES**

N/A

## **12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972**

12.1 This report is based on the Licensing Act 2003 and the written responses to the consultation exercise. In addition the DCMS/Home Office and LACORS web-sites have provided background information.

## Consultation draft of the Statement of Licensing Policy

**This Statement of Licensing Policy was adopted by Halton Borough Council on**

15th December 2010

(Minute No. xxx)

LICENSING ACT 2003

HALTON BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

### **INTRODUCTION**

1. The Government has modernised the legislation governing the sale and supply of alcohol, the control of public entertainment, cinemas and theatres and the provision of late night refreshment. There will be a fundamental change in the responsibility for licensing, the personnel and premises involved in these activities. These changes are contained in the Licensing Act 2003 ("the Act"). It requires Licensing Authorities, in our case Halton Borough Council ("the Council"), to provide a Statement of Licensing Policy before it can make any decisions on licence applications.

2. The Council's Statement of Licensing Policy is set out in this document. It details the general principles that the Council will take into account when making its licensing decisions. In drawing up the policy the Council is required to have regard to 'Government Guidance' produced under Section 182 of the Act. If the Statement of Licensing Policy departs from the guidance the Council must be able to justify its decision should there be a legal challenge.

3. The aim of the policy is to promote the four licensing objectives set out in the Act, namely:-

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

4. The Council wish to promote these objectives whilst still encouraging a vibrant and sustainable entertainment and leisure industry. The Council recognises both the needs of local residents for a safe and healthy environment in which to work and live and the importance of safe and well-run entertainment and leisure facilities to the area.

5. The policy aims to provide guidance to applicants, responsible authorities and interested parties on the general approach to licensing in the area. Although each and every application will be dealt with separately and on its own individual merits, the Council in writing this policy is offering guidance on the wider considerations that will be taken into account.

6. The policy comes into force on 7<sup>th</sup> February, 2011, and will be reviewed at least every three years. The policy is intended for the guidance of the Council's Regulatory Committee (which has responsibility for the Council's Licensing functions) as well as to assist applicants in presenting their application. It is not intended to limit the power or fetter the discretion of the Regulatory Committee who will listen to, and determine on its own individual merits, any application placed before it.

### **SCOPE OF THE POLICY**

7. The policy covers applications, reviews, transfers and variations of licences for the following licensable activities:

- The sale by retail of alcohol

- The supply of alcohol by or on behalf of a club to, or to the order of a member of that club
- The provision of regulated entertainment, and
- The provision of late night refreshment

## **LICENSING OBJECTIVES**

8. The Council will carry out its functions under the Act with a view to promoting the licensing objectives, namely;

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

9. No one objective is considered to be of any more importance than any other.

10. In carrying out its functions the Council will also have regard to this Policy and to any guidance issued by the Secretary of State under section 182 of the Act (“the Guidance”).

11. Individual applicants will be required to address the licensing objectives and address the issues of the needs of the local community, the way in which the premises is to operate, the size, location and type of premises, and any entertainment which is to be provided.

12. The Council has identified 5 objectives of its own for the area. These objectives are:

1. Improving health
2. Promoting urban renewal
3. Enhancing life chances and employment
4. Increasing prosperity and equality
5. Ensuring safe and attractive neighbourhoods

13. So far as is consistent with the licensing objectives, the Council will carry out its licensing functions with a view to promoting these objectives.

14. The Council will encourage the provision of a wide range of entertainment activities within the Halton area including promotion of live music, dance and so on, in the interests of broadening cultural opportunities within the local community.

## **INTEGRATING STRATEGIES**

15. The Council’s core plans and strategies are set out in the Corporate Plan, the Community Strategy.

16. The Council will secure the proper integration of its licensing policy with its core plans and strategies as well as its local crime prevention, planning, transport, tourism, equal opportunities, race equality schemes, and cultural strategies and any other plans introduced for the management of town centres and the night-time economy (as to which, see below).

17. This will be achieved by ensuring that the Council’s Regulatory Committee receive appropriate reports on all relevant strategies, plans and policies. Many of these strategies are not directly related to the promotion of the four licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

18. Many licensable activities take place at night-time: when much of the rest of the economy has closed down. It follows that licensable activities can contribute a very significant element of the night-time economy, particularly within town centres. Emerging Town Centre Strategies for Widnes and Runcorn will contribute to the development of the night-time economy and assist the Council in exercising its licensing functions.

19. This statement sets out the Council's general approach to the making of licensing decisions. It does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

20. Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, the Council will focus its attention on the premises being used for licensable activities and the vicinity of those premises.

21. In addressing this matter, the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

### **THE NEED FOR LICENSED PREMISES**

22. There can be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the Council in discharging its licensing functions. "Need" is a matter for planning committees and for the market.

### **THE CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES**

23. "Cumulative impact" is not mentioned specifically in the Act but means in the Guidance the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town or city centre of a large concentration of licensed premises in that part of the Council's area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Council to consider in developing its licensing policy statement.

24. The Council will not, impose any arbitrary quotas on numbers of licensed premises, nor will it impose any restriction or limitation on trading hours in a particular area.

25. The Council considers that there are presently no areas within the Borough of Halton which can be considered to be causing cumulative impact on one or more of the licensing objectives.

26. However, the absence of a special policy does not prevent the Council or any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

27. Notwithstanding what is set out in this statement about other mechanisms for controlling cumulative impact, applicants will be expected to demonstrate (where appropriate) how their proposals are consistent with dealing with crime and disorder and nuisance in the vicinity of their premises. Attention should be paid to their proposals in respect of hours of operation and the management of their premises generally. Regard should be had to issues such as taxis and transportation and the pattern of licensed premises and food premises in the vicinity, and, not least, the distribution of residential premises in the vicinity.

28. Other mechanisms for controlling cumulative effect .

29. Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. The general public needs to be made aware that there is a much broader strategy for addressing these problems than the licensing regime of the Act. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

30. These can be supplemented by other local initiatives that similarly address these problems.

### **LICENSING HOURS**

31. With regard to licensing hours, consideration will be given to the individual merits of an application.

- The Council recognises that, in certain circumstances, longer licensing hours with regard to the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- The Council also wants to ensure that licensing hours should not inhibit the development of a thriving and safe evening and night-time local economy.

32. The term “zoning” is used in the Guidance to refer to the setting of fixed trading hours within a designated area. The Council has followed the advice in the Guidance and will not be adopting such a policy within the Borough. However, stricter conditions with regard to noise control will be expected in areas which have denser residential accommodation, but this will not limit opening hours without regard to the individual merits of any application.

### **SHOPS STORES AND SUPERMARKETS**

33. With regard to shops, stores and supermarkets, the norm will be for such premises to be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

### **CHILDREN**

34. The Council considers that children and family groups in general should be encouraged to be present in places subject to premises licences unless the environment in those premises (by nature of the activities carried on) is unsuitable. As a general principle, the presence of children and family groups is felt to have a positive influence on the atmosphere within such premises and to produce a more balanced age range within the premises.

35. The Council will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The Council will not attempt to anticipate every issue of concern that could arise in respect of children with regard to individual premises and as such, general rules will be avoided. Consideration of the individual merits of each application remains the best mechanism for judging such matters.



36. The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice.

37. Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity at those venues. Accordingly, between 5am and midnight the offence would not necessarily apply to many restaurants, hotels, cinemas and even many pubs where the main business activity is the consumption of both food and drink. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the new offences created by the Act.

38. The fact that the Act may effectively bar children under 16 unaccompanied by an adult from premises where the consumption of alcohol is the exclusive or primary activity does not mean that the Act automatically permits unaccompanied children under the age of 18 to have free access to other premises or to the same premises even if they are accompanied or to premises where the consumption of alcohol is not involved.

39. Subject only to the provisions of the Act and any licence or certificate conditions, admission will always be at the discretion of those managing the premises. The Act includes on the one hand, no presumption of giving children access or on the other hand, no presumption of preventing their access to licensed premises. Each application and the circumstances obtaining at each premises will be considered on its own merits.

40. Certain areas need to be highlighted that will give rise to particular concern in respect of children. For example, these will include premises:

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

41. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. The Council, applicants, and responsible authorities will need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless bar staff, striptease, lap-, table- or poledancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

42. There are a number of alternatives which may be considered for limiting the access of children where that is necessary for the prevention of harm to children. These, which can be adopted in combination, include:

- limitations on the hours when children may be present;
- limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and

- full exclusion of those people under 18 from the premises when any licensable activities are taking place.

43. Conditions requiring the admission of children to any premises cannot be attached to licences or certificates.

44. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club or person who has given a temporary event notice.

Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Council, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the Council in these circumstances.

45. In connection with the protection of children from harm, the responsible authorities include a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm and is recognised by the licensing authority for that area as being competent to advise it on such matters. The Council is a unitary authority and competent in this area. Applications will therefore not need to be copied to any other competent authority in this area: the Council will liaise where appropriate with its own social services department.

### **PROOF OF AGE**

46. It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports.

### **RESPONSIBLE AUTHORITIES**

47. A full list of the responsible authorities in the area and appropriate contact details are set out at **Appendix A**.

### **THE PORTMAN GROUP CODE OF PRACTICE ON THE NAMING, PACKAGING AND PROMOTION OF ALCOHOLIC DRINKS**

48. The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.

49. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Council commends the Code and applicants will be expected to state how they intend to apply the Code.

### **PLASTIC CONTAINERS AND TOUGHENED GLASS**

50. The Council has concerns about the dangers of bottles and glasses being used as weapons. It believes that the use of safer forms of glasses can help to reduce injuries and will expect applicants to state in their

operating schedule what proposals they have to minimise such injuries through the use of safer forms of glasses, bottles and other means.

51. Consideration will therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries. Location and style of the venue, the activities carried on there, and the hours of operation, would be particularly important in assessing whether a condition is necessary.. For example, the use of glass containers on the terraces of outdoor sports grounds may be of concern.

### **CCTV**

52. The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

### **CHILDREN AND CINEMAS**

53. In the case of premises giving film exhibitions, the Council will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the Council itself. The Council has no current plans to adopt its own system of classification.

54. The Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984 - the British Board of Film Classification is the only body which has been so designated – or by the licensing authority itself.

### **CRIME PREVENTION**

55. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed circuit television cameras in certain premises. Conditions will, where appropriate, also reflect the input of the local Crime and Disorder Reduction Partnership.

### **CAPACITY LIMITS**

56. Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

### **GOOD MANAGEMENT**

57. Certain kinds of physical environment within places subject to premises licences (such as an over preponderance of vertical drinking) are generally thought be less conducive to avoiding crime and disorder. Good management and adequate staff training are vital. Where appropriate the provision of food in addition to alcohol can have a beneficial effect. Where food is provided it is good practice (but not mandatory under the licensing system) to have regard to current practice on healthy eating.

58. Another aspect of good management in relation to door supervision is to have proper systems in place to comply with the Private Security Industry Act 2001 and to think about how good door supervision systems

can contribute to crime reduction both within and outside of premises. Applicants will be expected to have considered these and all relevant issues and to reflect these within their operating schedules.

## **CULTURAL STRATEGIES**

59. In connection with cultural strategies, the Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only necessary, proportionate and reasonable licensing conditions will be applied on such events. Where there is any indication that such events are being deterred by licensing requirements, the statement be re-visited with a view to investigating how the situation might be reversed.

60. The United Kingdom ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1976. Article 15 of the Covenant requires that progressive measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts. It is therefore important that the principles underpinning ICESCR will be integrated, where possible, with the Council's approach to the licensing of regulated entertainment.

## **TRANSPORT**

61. The Council proposes, through its Local Transport Plan, to develop protocols to be agreed between the local police and other partners that have due regard to the need to disperse people from town centres swiftly and safely to avoid concentrations which produce disorder and disturbance. Applicants will be expected to have considered this issue, and their operating schedule should reflect their proposals for how they might assist in this process.

## **TOURISM, EMPLOYMENT, PLANNING AND BUILDING CONTROL, AND HIGHWAYS**

62. The following matters should be noted in relation to tourism, employment, planning and building control, and highways:

- arrangements have been made for the Council's Regulatory Committee to receive, when appropriate, reports on the needs of the local tourist economy for the area to ensure that these are reflected in their considerations;
- the Council intends to keep the Regulatory Committee apprised of the employment situation in the area and the need for new investment and employment where appropriate;

63. Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Except in cases where planning permission is not required, applications for premises licences for permanent commercial premises should normally be from businesses with planning permission in place for the property concerned.

64. Licensing applications will not be a re-run of the planning application and should not cut across decisions taken by the Council's Development Control Committee or following appeals against decisions taken by that 11 Adopted by Halton Borough Council 12th December 2007 committee. Nevertheless, applicants should be aware that because the rules applicable and the range of matters to be taken into account are not identical, it is possible for planning permission to be granted and a licence application to be refused (and vice versa) in respect of the same premises. The same applies to the conditions which may be applied to planning permissions and premises licences.

65. Similarly, the granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

66. Planning obligations under section 106 Town and Country Planning Act 1990 warrant special mention. The Council as licensing authority can neither demand that a planning obligation be entered into nor be party to a planning obligation. However, applicants are free to enter into such agreements with the Council as planning authority if they so wish. Such agreements could potentially deal with a wide range of matters such as contributions to town centre policing and litter control.

67. Proper integration will be assured by the Regulatory Committee, where appropriate, providing regular reports to the Development Control Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the Development Control Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

68. The Council's Local Transport Plan is the mechanism by which the Council will work in partnership with all appropriate bodies to deliver effective local transport strategies. Effective strategies will include provision of night-time and evening services, where this is appropriate to the local situation.

69. Where applicants seek premises licences in respect of pavement cafes and the like, they will have to have satisfied the Council (as Highway Authority) of the appropriateness and legality of any proposal prior to any application to the Licensing Authority.

### **PROMOTION OF RACE EQUALITY**

70. The Council recognises that the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.

71. Local authorities are also required under the 1976 Act, as amended, to produce a race equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring.

72. Applicants will be expected to demonstrate that they have taken this issue into account.

### **DUPLICATION**

73. The Council will avoid duplication with other regulatory regimes so far as possible. For example, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed, employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation.

74. Conditions in respect of public safety will only be attached to premises licences and club premises certificates that are "necessary" for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary. It should be borne in mind that an alteration is "material" for the purposes of the Building Regulations if it has the potential to affect structural stability, fire safety or access.

75. The Council appreciates that regulations under which a fire safety inspection would normally be carried out do not apply to ships/boats unless they are in dry dock. The safety regime for passenger vessels is enforced under the Merchant Shipping Acts by the Maritime and Coastguard Agency who operate a passenger ship certification scheme. Accordingly, it will not normally be necessary to duplicate the controls imposed through the certification scheme.

76. Certain health and safety issues can be taken into account despite apparent duplication. For example, applicants will be expected to consider the appropriate types of drinking containers (i.e glass or plastic) within premises or parts of premises. This example can only be considered under the crime and disorder heading.

## **STANDARDISED CONDITIONS**

77. The Guidance states that a key concept underscoring the Act is for conditions to be attached to licences and certificates which are tailored to the individual style and characteristics of the premises and events concerned. This can be important to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. The Guidance states that standardised conditions should therefore be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

78. The Guidance states that it is acceptable for licensing authorities to draw attention in their statements of policy to pools of conditions from which necessary and proportionate conditions may be drawn in particular circumstances. The Council considers that standardised wording of conditions (but not universally applied block conditions) are acceptable when dealing with the same or very similar situations.

79. There will be circumstances where no additional conditions may be necessary in circumstances where existing legislation and regulation already effectively promote the licensing objectives.

## **ENFORCEMENT**

80. The Council intends to establish protocols with the local police on enforcement issues.

81. In particular, these protocols are intended to provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. The Act does not require inspections to take place save at the discretion of those charged with this role. The principle of risk assessment and targeting should prevail and inspections should not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

## **LIVE MUSIC, DANCING AND THEATRE**

82. The Council recognises that as part of implementing the Council's cultural strategies, proper account should be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays, for the wider cultural benefit of communities. Concern to prevent disturbance in neighbourhoods will always be carefully balanced with these wider cultural benefits, particularly the cultural benefits for children.

83. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives, the Council will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature. It is noted that the absence of cultural provision in any area can itself lead to the young people being diverted into anti-social activities that damage communities and the young people involved themselves.

84. To ensure that cultural diversity thrives, the Council will have a policy of seeking premises licences where appropriate for public spaces within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, Council owned art centres and similar public areas. Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give a performance in these places. They would still require the permission of the Council as the premises licence holder for any regulated entertainment that it was proposed should take place in these areas.

85. It should be noted that when one part of the Council seeks a premises licence of this kind from the Council in its capacity of licensing authority, the Regulatory Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee. Those making representations genuinely aggrieved by a positive decision in favour of the Council application by the Council in its capacity of licensing authority would be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision made.

## **PREPARATION OF OPERATING SCHEDULES**

86 Applicants are strongly advised to obtain proper professional advice in the preparation of operating schedules and in particular are strongly advised to seek advice from the police on matters relating to crime prevention (including CCTV) to ensure a proper link between Crime and Disorder Strategies and Alcohol Harm Reduction Strategies.

## **CONTACT POINTS**

87. Appendix B gives details of contact points where members of public can obtain advice about whether or not activities fall to be licensed.

## **ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**

88. The Council's Regulatory Committee (and Regulatory Sub-Committees) will carry out all of the Council's licensing functions under the Act except those relating to the making of statements of licensing policy. A full delegation scheme is in place. The scheme of delegation relating to matters which will be dealt with by the Regulatory Sub-committee(s) and officers of the Council are set out at **Appendix C**.

## **MONITORING/REVIEW**

89. The Council will carry out a review of the statement in accordance with the Guidance and the Act.

**LIST OF RESPONSIBLE AUTHORITIES AND CONTACT DETAILS**

**All premises**

- 1) Chief Officer of Police  
Police Licensing Officer  
Cheshire Constabulary  
Halton and Vale Royal Divisions  
Widnes Police Station  
Kingsway  
Widnes WA8 7QJ
- 2) Cheshire Fire Authority  
Fire Station  
Winwick Road  
Warrington WA2 8HH
- 3) Local Enforcement Agency for Health & Safety (normally the Council\*, otherwise the HSE)
- 4) Environmental Health Authority\*
- 5) Local Planning Authority\*
- 6) Recognised Child Protection Body\*
- 7) Consumer Protection/Trading Standards\*
- 8) Any licensing authority other than the Council in whose area part of the premises are situated  
  
Crime & Disorder Reduction Partnership

\* In all these cases the Council is the responsible authority and a single notice to the Licensing Section will be forwarded to all relevant sections of the Council

**Vessels**

- 1) The navigation authority in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when it is used for licensable activities
- 2) Environment Agency
- 3) British Waterways Board
- 4) The Secretary of State for Transport through the Maritime and Coastguard Agency



**CONTACT POINTS WHERE THE PUBLIC MAY OBTAIN ADVICE FROM THE COUNCIL**

Council Website [www.halton.gov.uk](http://www.halton.gov.uk)

Email address: [legal.services@halton.gov.uk](mailto:legal.services@halton.gov.uk)

Telephone: 0303 333 4300 ext. 1054, 1055 and 1056

Fax No. 0151 471 7527

Postal Address: Licensing Section  
Legal Services  
Municipal Building  
Kingsway  
Widnes  
WA8 7QF

**SCHEME OF DELEGATION**

| <b>Matter to be dealt with</b>                                                                                    | <b>Full Committee</b> | <b>Sub Committee</b>     | <b>Officers</b>           |
|-------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------|---------------------------|
| Application for personal licence                                                                                  |                       | If an objection made     | If no objection made      |
| Application for personal licence with unspent convictions                                                         |                       | All cases                |                           |
| Application for premises licence/club premises certificate                                                        |                       | If a representation made | If no representation made |
| Application for provisional statement                                                                             |                       | If a representation made | If no representation made |
| Application to vary premises licence/club premises certificate                                                    |                       | If a representation made | If no representation made |
| Application to vary designated premises supervisor                                                                |                       | If a police objection    | All other cases           |
| Request to be removed as designated premises supervisor                                                           |                       |                          | All cases                 |
| Application for transfer of premises licence                                                                      |                       | If a police objection    | All other cases           |
| Applications for interim authorities                                                                              |                       | If a police objection    | All other cases           |
| Application to review premises licence/club premises certificate                                                  |                       | All cases                |                           |
| Decision on whether a complaint is irrelevant, frivolous, vexatious etc.                                          |                       |                          | All cases                 |
| Decision to object when local authority is a consultee and not the relevant authority considering the application |                       | All cases                |                           |
| Determination of a police objection to a temporary event notice                                                   |                       | All cases                |                           |

## Appendix 2

Police  
Cumulative



representations requesting a  
Impact Policy

**OF A  
IMPACT POLICY**

**EVIDENCE IN SUPPORT  
SPECIAL CUMULATIVE**

**Victoria Square area, Widnes.**

**On behalf of Chief Superintendent Richard Strachan**

**September 2010**

**Ian Seville, Licensing Officer.  
Widnes Police Station.  
Mark Riley, CDRPAnalyst  
Waterfront Office**

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## **1. Purpose of Report.**

The purpose of this report is to request that the defined area of Victoria Square in Widnes be included within a new special cumulative impact policy in the current review of the Halton Borough Council Licensing Policy. This report is intended to provide evidence and information to the Licensing Committee and Full Council to support this request by providing relevant crime and disorder statistics.

## **2. Background.**

Under the Licensing Act 2003 there is a presumption to grant all applications and, only once operating, should any individual premises be identified as being poorly managed, action to review that licence should then be taken, based on evidence collated and presented. There is an expectation that the review of a licence should only take place once all other options had been explored. The Act does not, in ordinary circumstances, address Crime and Disorder issues which cannot be tied to any individual licensed premises.

Where a specific defined area has so many licensed premises that it becomes impossible to identify where incidents of crime and disorder originated then the area may be defined as saturated and a cumulative impact special policy may be included in the Council's Licensing Policy.

This report highlights the crime and disorder issues and demand currently associated with the night-time economy within the Victoria Square area of Widnes.

## **3. The Licensing Act 2003.**

### **3.1 Special Policy and Licensing Policy.**

A Cumulative Impact Special Policy (CISP) is not absolute. Each application must still be considered on its own merits and will not impact on those applications where it is believed that there will not be an adverse impact on crime and disorder within the stress area. Therefore any applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives will still be granted.

The statement of policy states that Licensing Law is not the primary mechanism for the general control of anti-social behaviour and nuisance by individuals once they are away from the licensed premises and beyond the direct control of the individual business or club holding the licence, certificate or authorisation concerned. Nevertheless, it is a key aspect of such control, and the licensing law will continue to be an integral part of the overall management of the evening and night-time economy in town centres.

### **3.2 Effect of a Cumulative Impact Special Policy.**

The effect of adopting a CISP will be to create a rebuttable presumption that an application for a new premises licence or club premises certificate or a variation application for an existing premises licence or club premises certificate will normally be refused. However this special policy will only come into effect once a relevant representation has been submitted by a relevant authority or interested party. Whilst such a policy is in place any applicant would have to clearly demonstrate why the operation of those premises would not add to the cumulative impact already being experienced.

### **3.3 Department of Culture, Media & Sport (DCMS) Guidelines: Steps to be taken.**

DCMS guidelines state that certain steps need to be taken when considering whether to adopt a CISP within the statement of Licensing Policy: -

- Identification of concern about Crime and Disorder or Public Nuisance.
- Consideration of whether it can be demonstrated that the Crime and Disorder and Public Nuisance are occurring and are caused by customers of licensed premises. If so, then identifying the area or areas from which those problems are arising and the boundaries of the area or areas, or that the risk factors are such that the area or areas are reaching such a point that cumulative impact is imminent.
- Consultation with other relevant bodies. Subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from within that area or areas within the terms of this Guidance in the statement of Licensing policy; resulting in,
- The publication of the CISP as part of the statement of the Licensing policy.

## **4. Identification of concern with regards to Crime and Disorder Problem Identification.**

### **4.1 Problem Identification.**

In considering whether a CISP is appropriate for the Victoria Square area, it needs to be shown that the Crime and Disorder problems are caused by the patrons of a number of premises rather than any one individual premise. It is not so much owing to the concentration of licensed premises in the affected areas, but rather the total impact of those combined licensed premises on Crime and Disorder.

Within the Victoria Square area the majority of the Crime and Disorder problems occur close to licensed premises, but because of their proximity it is often not possible to attach those incidents to the customers from any particular premises. Because of the proximity of the premises, there is a culture of circuit drinking, patrons are constantly visiting and then leaving numerous premises, at the same time making it almost impossible to identify

those premises they may have visited during the course of the evening. Once these venues have closed the associated problems simply transfer to the late night refreshment venues.

Although the current legislation allows the Police to deal with individual premises which may be poorly managed, it does not allow, other than by the introduction of a special policy, the Police to deal with the larger problem of the total impact of having too many licensed premises concentrated into small areas.

The area defined for inclusion in a CISP has been identified, through the use of crime analysis figures, as suffering from Crime and Disorder issues. The geographical analysis clearly shows a pattern of reported Crime and Disorder in the defined areas.

#### **4.2 Area to be covered.**

The attached map (Appendix A: Map 2 p10) delineates the proposed area.

##### **Victoria Square, Widnes.**

The Victoria Square area of Widnes, with its large number of licensed premises, has very high crime and disorder figures and is a heavy drain on police resources. Within the defined stress area there are currently 16 Pubs, bars and night clubs, 2 restaurant style premises and 5 late night refreshment premises. The overall potential capacity for the area is 4958. This reduces to 4570 between 12 midnight and 1am, reducing to 3920 between 2am and 3am, 1020 between 3am and 4am and finally reducing to 800 between 4am and 5am. These venues are concentrated in an area that is only 1.2 square kilometres in area and 560 meters in length at its longest point. Within this overall CISP area is a concentrated centre section that encompasses seven venues with a total capacity, up to 3am, of 2820. This reduces to 1,020 at 4am and 800 up to 5am. These venues are only **250 meters** apart at their furthest point and sit in an area of only **0.8 square km**.

The area proposed for the CISP amounts to only 16 roads compared to the 41 total roads of the wider Town Centre area. Thus the area of the CISP covers 39% of the roads in the town centre. At the same time 82% of all alcohol related violent crime and 63% of all alcohol related anti-social behaviour.

In August 2008 a new full time Licensing Enforcement police post was created, which was followed in September 2009 by the creation of a similar post within the local authority framework. More recently an Enforcement Officer has been employed to work in conjunction with Trading Standards in alcohol enforcement matters. Further, specific, licensing operations have been carried out, by both additional Government and Partnership funding, which has concentrated specifically within the area designated by this CISP, to police the night-time economy and maintain effective public safety. Since 2008 a specific Alcohol Enforcement Task Group has been set up in order to manage and police the night time economy, particularly in the area designated by this proposed CISP. This group has set out and is guided in its operations by a dynamic Action Plan that continually reviews alcohol related issues and identifies actions to reduce alcohol harm.

There have also been a number of directed operations and initiatives carried out, generated by the above Action Plan. Each quarter police and partner agencies now undertake around 30 one-day, weekend licensing operations, with a clear focus on the CISP area. These operations have included the use of mounted police and police dogs to address public disorder and drug concerns, whilst providing public reassurance. Owing to necessity, much of the licensing enforcement efforts centre on the CISP area. In the twelve month period between the 1<sup>st</sup> of April 2009 and the 31<sup>st</sup> of March 2010, there have been a total of 456 alcohol-related arrests in the area defined as Widnes Town Centre. Of these, 251 came from the CISP area. This means that a total of **56% of arrests** in the Town Centre come from within the CISP zone, an area of only 1.2 square kilometres.

Approximately £100,000 per annum of additional resourcing, above core agency resources, is the minimum figure that is needed to provide this high visibility Police/Partnership presence.

Even with this additional resource, this stress area currently accounts for **71.4% of the recorded violent crime** within the indicated Town Centre of Widnes.

Because so many of the bars are similar in what they provide, with very little in the way of differentiation, they currently tend to compete on price, a factor that may come under Government regulation. As the only other practical way that they can compete is by being open later than their competitors, we are now finding that premises are submitting variation applications to extend their hours in an attempt to capture a larger share of the

customer base. Many of the premises offer little in the way of seating and there is a strong culture of vertical drinking.

An additional problem is the number of licensed late night refreshment premises, which have proved to be a flash-point for crime and disorder. As applications have been made to extend the hours of licensed bars so have the applications to extend the hours of these premises as they rely on the custom of patrons from the bars to provide their customer base. Some level of control has been exercised on these refreshment venues but as the club venues start to operate beyond 5am they are no longer within the licensable times laid down in the Act and can therefore open without restriction and outside the terms of any Conditions on their Premises Licence.

Experience has shown that customers are arriving in the town centre much later than pre-Licensing Act 2003 with many of the bars being virtually empty until the early hours. Once they leave these customers then tend to hang around in the town centre, even in poor weather conditions, requiring policing of the area to continue well past the time that many of the bars have closed.

The policing of the night-time economy involves the use of all the 'tools' available, including Section 27 (Violent Reduction Act 2006) - Requirement to leave the area notices. This Section gives the police the power, where appropriate, to require an individual to leave a particular location or area for a specified period of time (up to 48 hours). If the individual does not comply or returns to the specified area within the time period they become liable to be arrested. This enables police officers to intervene at an early stage and before a minor case of disorder becomes a more serious incident.

Since the introduction of these S.27 notices two years ago there have been 202 notices issued within the Widnes Town Centre and CISP areas combined. Of these, 126 were issued to people within the Victoria Square area alone. This represents an average of **62.3% of S.27 notices** issued within the town centre are issued within the proposed CISP area.

The current average hour for closure of licensed premises is 3:00am; experience and analysis of incidents show that the demand on Police resources continues past this time to at least 4:00am during the weekend periods. In order to manage the night-time economy within the area of the proposed CISP, police resources are focused between midnight and 5am each weekend night. Despite this focused activity, violent crime and ASB has continued to rise. Current Partnership funding arrangements are unsustainable and, inevitably, the concentration of resources that will have to be maintained to manage the effect of the expanding and increasing impact of the night-time economy will adversely effect the remainder of Halton, increasing response times to incidents in the remainder of the NPU and wider borough.

## **5. Consultation with relevant other bodies.**

Section 5 (3) of the Licensing Act 2003 states that before determining that a Cumulative Impact Special Impact policy is appropriate and necessary, the Local Authority must consult with specific persons, including the Chief Officer of Police, for each area.

## **6. Conclusion.**

If a CISP for Victoria Square is included within the review of the Licensing Policy it will not change the robust, measured manner in which the Licensing team at Widnes deal with the current licensed premises or the limitations currently placed on any applications. The *status quo* will remain. Its primary value will be to prevent any additional premises being licensed or existing licensed premises extending their hours or applying for a change of use without first addressing the cumulative impact problems within those areas.

Without such a policy an applicant is only required to consider the four Licensing Objectives relating to their individual premises or it's very near vicinity. **They are not currently required to consider the negative impact their businesses may have on the town. No consideration or responsibility has to be given to**

**customer dispersal or any of the extra demands that would be placed on the limited resources or amenities in the area. Any responsibility or contribution ends at their front door.**

The proposed CISP will remain flexible, thus allowing those applicants who address the policy or are not deemed to create an increase in crime and disorder, to obtain licences, but it will greatly assist in preventing premises from opening where there would be a high probability of adding to Widnes' late night Crime and Disorder problems.

## **Appendix A**

**Widnes Town Centre Area**

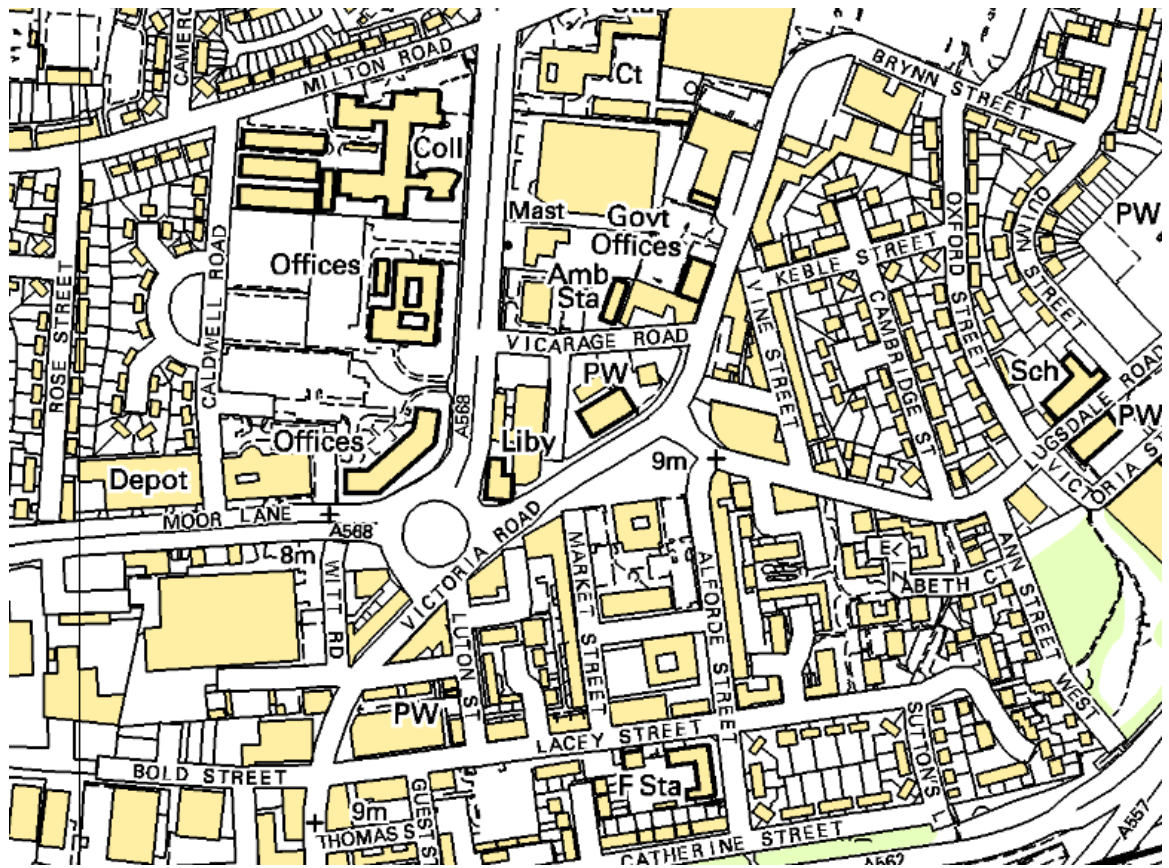
**Widnes CISP Area**



**Map 1 – Widnes Town Centre Area**



Map 2 – Widnes CISP Area



# Appendix B

Northern BCU  
Incidents Associated with  
Night Time Economy



## Incidents Associated with Victoria square area of Widnes. Night-Time Economy

### Key Findings

disclosed other than to the agreed readership/handling code recipient without prior reference to the document's owner or manager.

Within the United Kingdom, this report is subject to consideration for disclosure under the Freedom of Information Act. It may also be subject to consideration under the Environmental Information Regulations and the Data Protection Act 1988.

This report may contain 'Sensitive Material' as defined in the Attorney General's guidelines for the disclosure of 'Unused Material' to the defence, and is therefore subject to the concept of Public Interest Immunity. No part of this report should be disclosed to the defence without prior consultation with the originator.

**This sheet must not be detached from the report to which it refers.**

venues in the two town centres of the Borough of Halton.

- The most common streets where crime occurs within CISP area are Victoria Square, Victoria Road.
- If all licensed premises (directly within the CISP) reached capacity and closed between 2am and expect to have over 3,920 people travelling around the Town Centre at one time.
- Over a 12 month period Widnes Town Centre (within the 'selected' areas) has been the subject of service, an average of 95 offences per month.
- On average the 'selected' locations of the proposed CISP area (i.e. areas saturated with licensed premises) account for **64-71% of ALL VIOLENT CRIME** offences within Widnes Town Centre, showing **the last 12 months**.
- Peak hours for the arrest of offenders within Widnes town centre were 0:00 – 4:00am.
- The demand on police resources stretch to at least 4:00am during the weekend periods, with the demand at least 6am with the recent increase in operating hours for The Establishment.
- Of **ALL Violent Crime** offences across the whole of Widnes, Widnes Town Centre, and in particular the Victoria Square area, is highlighted as having the largest number of offences.

### Inference

Throughout this report Widnes town centre, and in particular the Victoria Square area, is continually highlighted as a peak area for violent crime, ASB and calls to police service, which is primarily owing to the large number of pubs and clubs within this area. The peak hours identified within this report (00:00 – 03:00am) show that police resources for Widnes are primarily directed to the 'selected' locations of the Town Centre (area saturated with licensed premises) to contain and control the levels of offences, leaving other areas potentially vulnerable to offences.

### Premises

- Widnes Town Centre is a peak area for violent crime, clubs and is the most common streets where crime occurs within the Borough of Halton.
- The most common streets where crime occurs within CISP area are Victoria Square, Victoria Road.
- If all licensed premises (directly within the CISP) reached capacity and closed between 2am and expect to have over 3,920 people travelling around the Town Centre at one time.
- Over a 12 month period Widnes Town Centre (within the 'selected' areas) has been the subject of service, an average of 95 offences per month.
- On average the 'selected' locations of the proposed CISP area (i.e. areas saturated with licensed premises) account for **64-71% of ALL VIOLENT CRIME** offences within Widnes Town Centre, showing **the last 12 months**.
- Peak hours for the arrest of offenders within Widnes town centre were 0:00 – 4:00am.
- The demand on police resources stretch to at least 4:00am during the weekend periods, with the demand at least 6am with the recent increase in operating hours for The Establishment.
- Of **ALL Violent Crime** offences across the whole of Widnes, Widnes Town Centre, and in particular the Victoria Square area, is highlighted as having the largest number of offences.

### Inference

Throughout this report Widnes town centre, and in particular the Victoria Square area, is continually highlighted as a peak area for violent crime, ASB and calls to police service, which is primarily owing to the large number of pubs and clubs within this area. The peak hours identified within this report (00:00 – 03:00am) show that police resources for Widnes are primarily directed to the 'selected' locations of the Town Centre (area saturated with licensed premises) to contain and control the levels of offences, leaving other areas potentially vulnerable to offences.

A Cumulative Impact Assessment (Widnes Town Centre Victoria Square area) has been completed, showing the impact of licences being extended to 03:00am on the levels of crime and ASB. The report shows that the existing premises within the Town Centre (area saturated with licensed premises) to contain and control the levels of offences, leaving other areas potentially vulnerable to offences.

A Cumulative Impact Policy is strongly recommended (within the selected locations of the Victoria Square area) to prevent any further licensed premises from opening up, or existing licences being extended, which will aid in preventing a further rise in alcohol related violent crime and ASB. The potential risk facing the Widnes NPU if more premises were to open, or the existing premises were to extend their hours, is huge in respect of police and ambulance resources having the capacity to deal with the increased numbers, and the risks posed to the public and public confidence.

## Objectives

This report is to confirm suggestion that Widnes Town Centre has reached saturation with licensed premises, and support an application for a Cumulative Impact Policy.

Basic volume Crime Pattern Analysis has been conducted on all calls to service and ASB for the period April 2009 – March 2010.

## Analytical Report – Victoria Square, Widnes.

Widnes town centre, in particular the Victoria Square area, is host to a wide selection of clubs, pubs and bars, the map in appendix A shows the area that has been analyzed for the purpose of this report and includes the majority of the Town Centre’s night-time economy, including the most common streets where crime occurs namely Victoria Sq, Victoria Road etc (specific roads shown in red below)

This area is also under consideration for becoming a Cumulative Impact Area, the ultimate aim being to reduce the risk of a potential increase in the number of violent offences, it is understood that whilst the night time economy in these areas cannot be forcibly reduced, it can be more effectively contained and further growth more effectively scrutinised.

**Table 1: Street names within the ‘Selected’ Town Centre location:**

| <b>Street names within Widnes Town Centre</b> |                 |                  |                 |
|-----------------------------------------------|-----------------|------------------|-----------------|
| Albert Road                                   | Emily Street    | Market Street    | Vicarage Road   |
| Albert Square                                 | Farrant Street  | Marzahn Way      | Victoria Road   |
| Alexandra Street                              | Fredrick Street | Miners Way       | Victoria Square |
| Alforde Street                                | Gerrard Street  | Moor Lane        | Vine Street     |
| Bradley Way                                   | Green Oaks Way  | Robert Street    | Widnes Road     |
| Cross Street                                  | Grenfell Street | Rylands Street   | Winfield Way    |
| Deacon Road                                   | Hibbert Street  | Salisbury Street | Witt Road       |
| Dickinson Street                              | Kent Street     | St Pauls Road    | Lacey Street    |
| Eleanor Street                                | Kingsway        | South Street     | Luton Street    |
| Elliot Street                                 | Lugsdale Road   | Travis Street    | Chapel Street   |
|                                               |                 |                  | Bold Street     |

The roads in red above are classified as the Cumulative Impact Special Policy area (CISP)  
For the remainder of this report the above will be classed as the ‘CISP’ area.

The following sections of this report will show peak times for service and the issues the Northern BCU face with the current number of licensed premises and the demand on already stretched resources.

**Table 2: Licensed Premises List, Capacity and Opening Times:**

**Licensed premises capacity at each hour (Bank Holidays normally extended by one hour)**

| Premises                                   | Address               | Midnight        | 1am         | 2am         | 3am         | 4am         | 5am          |
|--------------------------------------------|-----------------------|-----------------|-------------|-------------|-------------|-------------|--------------|
| Kellys                                     | 65 Victoria Road      | 238             |             |             |             |             |              |
| BBs                                        | 86 - 92 Victoria Road | 200             | 200         | 200         | 200         |             |              |
| Cornerhouse                                | 1 Alforde Street      | 350             | 350         | 350         | 350         |             |              |
| Doctors                                    | 67 Victoria Road      | 150             | 150         |             |             |             |              |
| Kingsway                                   | 66 - 70 Victoria Road | 100             | 100         |             |             |             |              |
| Bar Ha                                     | 5 Widnes Road         | 350             | 350         | 350         | 350         |             |              |
| Bar Fresh                                  | 72 - 74 Victoria Road | 220             | 220         | 220         | 220         | 220         |              |
| Beat                                       | 98 Victoria Road      | 500             | 500         | 500         | 500         |             |              |
| Rui's Bar                                  | 85-87 Victoiria Road  | 120             | 120         | 120         | 120         |             |              |
| The Square                                 | 2 Lugsdale Road       | 630             | 630         | 630         | 630         |             |              |
| Tilly Mints                                | Alforde Street        | 150             | 150         | 150         | 150         |             |              |
| Breezes/Level Bar                          | Widnes Road           | 400             | 400         | 400         | 400         |             |              |
| Seccombs Piano Bar                         | Victoria Road         | 200             | 200         | 200         | 200         |             |              |
| Establishment                              | Victoria Square       | 800             | 800         | 800         | 800         | 800         | 800          |
| Queens Hall Studio                         | Lacey Street          | 400             | 400         |             |             |             |              |
| Grapes Inn                                 | Widnes Road           | 150             |             |             |             |             |              |
|                                            | <b>Total</b>          | <b>4958</b>     | <b>4570</b> | <b>3920</b> | <b>3920</b> | <b>1020</b> | <b>800</b>   |
| <b>Late Night Refreshment in CISP area</b> |                       |                 |             |             |             |             |              |
|                                            |                       | <b>Midnight</b> | <b>1am</b>  | <b>2am</b>  | <b>3am</b>  | <b>4am</b>  | <b>Close</b> |
| Aladdin Pizza                              | Victoria Road         | Open            | Open        | Open        | Open        |             | 3am          |
| Miami Pizza                                | Victoria Road         | Open            | Open        | Open        | Open        | Open        | 4am          |
| Widnes Kebab                               | Victoria Road         | Open            | Open        | Open        | Open        | Open        | 4.15am       |
| Yummy Hut                                  | Victoria Road         | Open            | Open        | Open        | Open        | Open        | 4am          |
| Champions Pizza                            | Widnes Road           | Open            | Open        | Open        |             |             | 2am          |
| Desii Restaurant                           | Aldforde Street       | Open            | Open        |             |             |             | 1am          |
| Balti King                                 | Widnes Road           | Open            | Open        |             |             |             | 12.30am      |

The above tables show Widnes Town Centre licensed premises, capacity and opening times. There are a number of premises currently closed this is likely to change when new licensees revamp and take over running the premises. There are others that have secured licenses and are due to open in the near future. **Taking into account the capacity and closing times above if all licensed premises (directly within the Town Centre) reached capacity and closed between 2am and 3am we could expect to have over 3,920 people travelling around the Town Centre at one time**, this has huge implications in respect of the levels of violence and ASB and the police and ambulance services ability to respond.

**Table 3: CRIME: All Violent Crime Widnes Town Centre against 'CISP' areas**

| Crime<br><b>VIOLENT Crime</b> in Widnes Town Centre against Widnes 'selected area' |           |           |       |                          |
|------------------------------------------------------------------------------------|-----------|-----------|-------|--------------------------|
| Year                                                                               | Widnes TC | CISP Area | % of  | Yearly Increase/decrease |
| 2008/2009                                                                          | 250       | 161       | 64.4% | -1.6%                    |
| 2009/2010                                                                          | 196       | 140       | 71.4% | 7.0%                     |

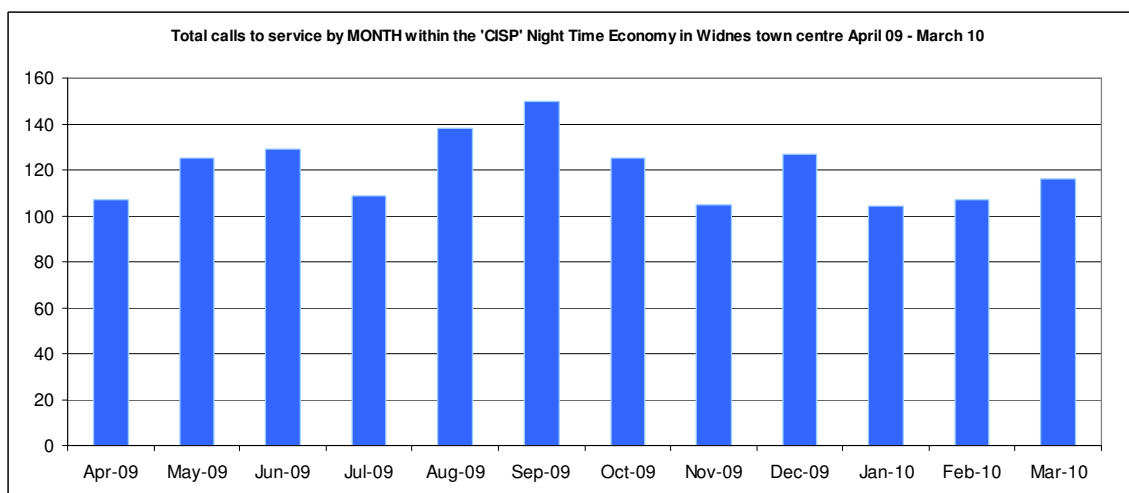
| Crime<br><b>ALCOHOL RELATED VIOLENT Crime</b> in Widnes Town Centre against Widnes 'selected area' |           |           |       |                          |
|----------------------------------------------------------------------------------------------------|-----------|-----------|-------|--------------------------|
| Year                                                                                               | Widnes TC | CISP Area | % of  | Yearly Increase/decrease |
| 2008/2009                                                                                          | 80        | 62        | 77.5% | 6.1%                     |
| 2009/2010                                                                                          | 81        | 66        | 81.5% | 4.0%                     |

| Anti Social Behaviour<br><b>ALCOHOL RELATED ASB</b> in Widnes Town Centre against Widnes 'selected area' |           |           |       |                          |
|----------------------------------------------------------------------------------------------------------|-----------|-----------|-------|--------------------------|
| Year                                                                                                     | Widnes TC | CISP Area | % of  | Yearly Increase/decrease |
| 2008/2009                                                                                                | 230       | 125       | 54.3% | -6.7%                    |
| 2009/2010                                                                                                | 219       | 138       | 63.0% | 13.0%                    |

The above table compares 2 fiscal years data. On average the 'CISP' area of Widnes Town Centre (i.e. areas saturated with licensed pubs and clubs) account for:-

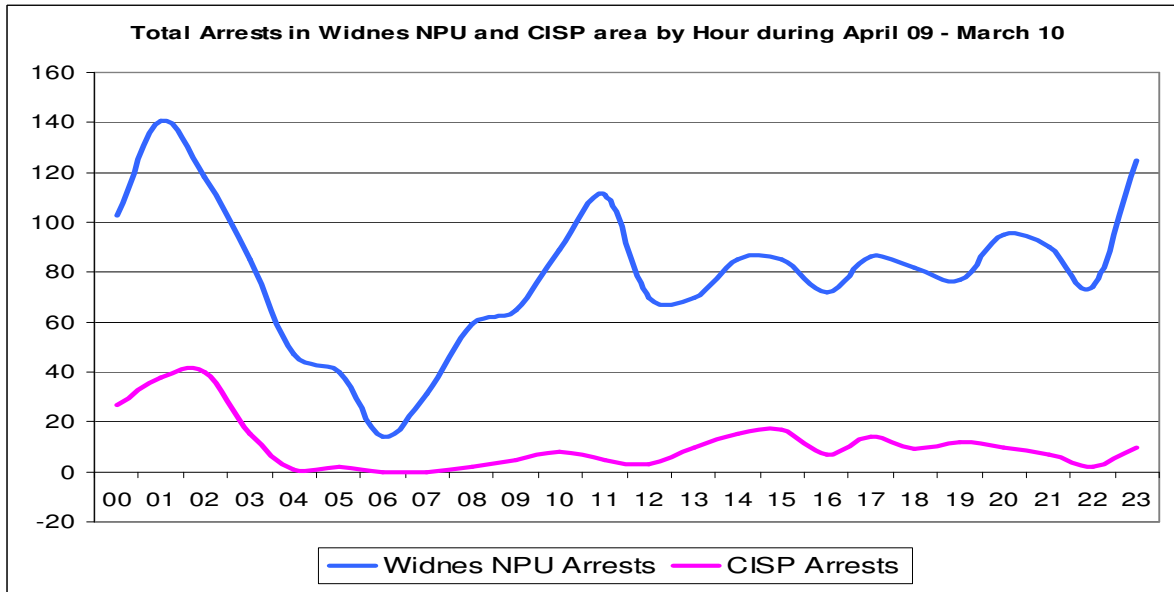
64-71% of ALL VIOLENT CRIME OFENCES,  
77- 82% of ALL ALCOHOL-RELATED VIOLENT CRIME and  
54-63% of ALL ALCOHOL-RELATED ANTI-SOCIAL BEHAVIOUR,  
within the Town Centre.

**Chart 1: Monthly calls to Service within the 'CISP' Night-Time Economy area of Widnes**



Over this 12 month period Widnes Town Centre (within the 'CISP' area) has been the subject of 1142 calls to service, an average of 95 offences per month. As can be seen from the above chart the demand on resources remains static across a 12 month period April 09 – March 10.

**Chart 2: Total Arrests within Widnes NPU and the CISP area April 09 – March 10**



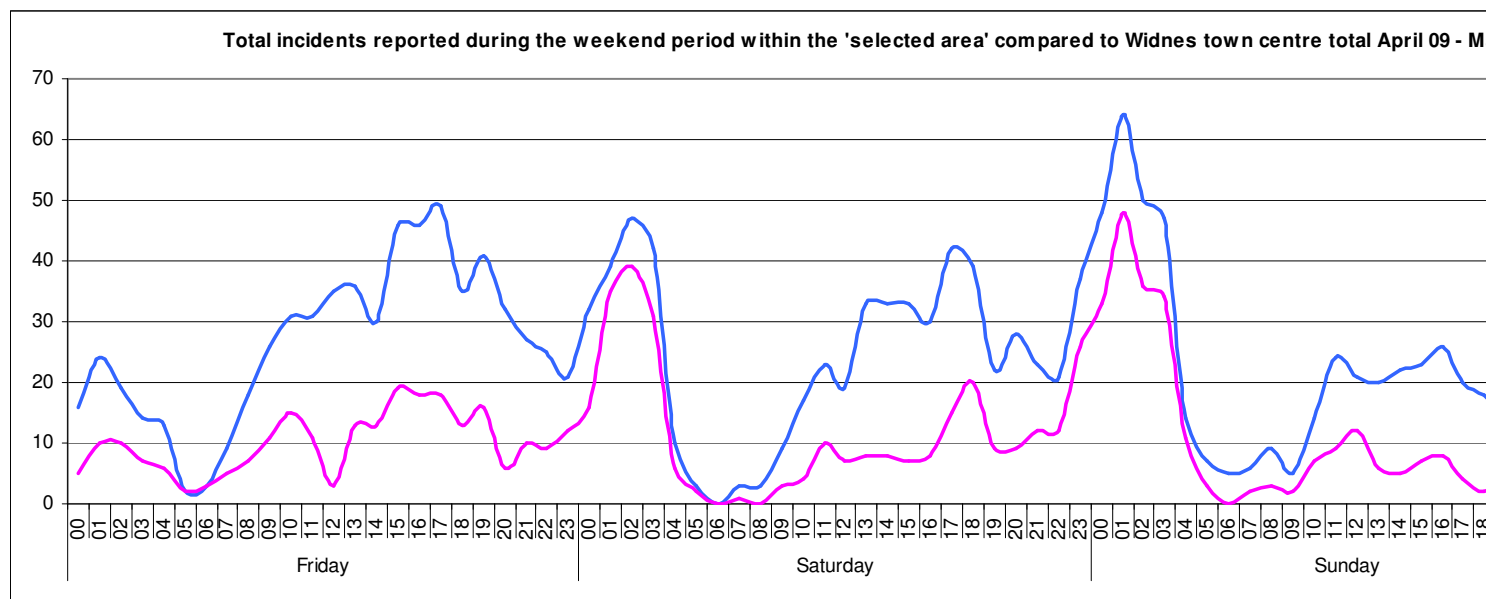
The chart above shows the most prominent hours offenders were arrested within Widnes during April 09 – March 10. The chart clearly identifies the problems associated with policing Widnes during the times 00:00 – 04:00am identifying the association with night-time economy and alcohol related offences, arrests are particularly high during 01:00am – 02:00am. **Table 4: Total incidents reported during APRIL 2009 to MARCH 2010 within WIDNES TOWN CENTRE - highlighting late night economy**

| Total Incidents reported within Widnes Town Centre area during 2009/10 by DAY and HOUR |            |            |            |            |            |            |            |             |
|----------------------------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| Incident Hour                                                                          | Monday     | Tuesday    | Wednesday  | Thursday   | Friday     | Saturday   | Sunday     | Grand Total |
| 0                                                                                      | 12         | 7          | 9          | 18         | 16         | 32         | 48         | 142         |
| 1                                                                                      | 12         | 6          | 4          | 15         | 24         | 39         | 64         | 164         |
| 2                                                                                      | 18         | 3          | 2          | 5          | 19         | 47         | 50         | 144         |
| 3                                                                                      | 10         | 3          | 1          | 6          | 14         | 42         | 47         | 123         |
| 4                                                                                      | 3          | 2          | 3          | 3          | 13         | 10         | 14         | 48          |
| 5                                                                                      |            | 3          | 1          | 1          | 2          | 3          | 7          | 17          |
| 6                                                                                      | 2          | 1          | 2          | 1          | 3          |            | 5          | 14          |
| 7                                                                                      | 4          | 4          | 3          | 4          | 9          | 3          | 6          | 33          |
| 8                                                                                      | 9          | 13         | 12         | 14         | 18         | 3          | 9          | 78          |
| 9                                                                                      | 11         | 16         | 15         | 14         | 26         | 9          | 5          | 96          |
| 10                                                                                     | 26         | 26         | 24         | 26         | 31         | 17         | 14         | 164         |
| 11                                                                                     | 33         | 40         | 18         | 22         | 31         | 23         | 24         | 191         |
| 12                                                                                     | 27         | 36         | 33         | 27         | 35         | 19         | 21         | 198         |
| 13                                                                                     | 38         | 41         | 34         | 28         | 36         | 33         | 20         | 230         |
| 14                                                                                     | 29         | 45         | 47         | 28         | 30         | 33         | 22         | 234         |
| 15                                                                                     | 47         | 45         | 41         | 26         | 46         | 33         | 23         | 261         |
| 16                                                                                     | 38         | 37         | 33         | 37         | 46         | 30         | 26         | 247         |
| 17                                                                                     | 36         | 33         | 35         | 35         | 49         | 42         | 20         | 250         |
| 18                                                                                     | 30         | 26         | 29         | 43         | 35         | 39         | 18         | 220         |
| 19                                                                                     | 26         | 31         | 29         | 33         | 41         | 22         | 16         | 198         |
| 20                                                                                     | 24         | 33         | 19         | 27         | 32         | 28         | 27         | 190         |
| 21                                                                                     | 18         | 14         | 19         | 19         | 27         | 23         | 20         | 140         |
| 22                                                                                     | 13         | 14         | 24         | 20         | 25         | 21         | 13         | 130         |
| 23                                                                                     | 16         | 10         | 12         | 19         | 21         | 37         | 11         | 126         |
| <b>Grand Total</b>                                                                     | <b>482</b> | <b>489</b> | <b>449</b> | <b>471</b> | <b>629</b> | <b>588</b> | <b>530</b> | <b>3638</b> |

| Total incidents reported within the Widnes CISP area by DAY and HOUR |            |            |            |            |            |           |           |
|----------------------------------------------------------------------|------------|------------|------------|------------|------------|-----------|-----------|
| Incident Hour                                                        | Monday     | Tuesday    | Wednesday  | Thursday   | Friday     | Saturday  | Sunday    |
| 0                                                                    | 8          | 3          | 2          | 8          | 5          | 1         | 1         |
| 1                                                                    | 8          | 1          | 1          | 6          | 10         | 3         | 3         |
| 2                                                                    | 7          | 1          | 0          | 3          | 10         | 3         | 3         |
| 3                                                                    | 6          | 0          | 0          | 2          | 7          | 3         | 3         |
| 4                                                                    | 3          | 1          | 0          | 0          | 6          | 6         | 6         |
| 5                                                                    | 0          | 3          | 0          | 1          | 2          | 2         | 2         |
| 6                                                                    | 1          | 1          | 1          | 0          | 3          | 0         | 0         |
| 7                                                                    | 1          | 1          | 0          | 0          | 5          | 1         | 1         |
| 8                                                                    | 3          | 9          | 1          | 4          | 7          | 0         | 0         |
| 9                                                                    | 3          | 10         | 7          | 5          | 11         | 3         | 3         |
| 10                                                                   | 12         | 16         | 5          | 4          | 15         | 4         | 4         |
| 11                                                                   | 10         | 19         | 5          | 5          | 11         | 1         | 1         |
| 12                                                                   | 10         | 10         | 10         | 8          | 3          | 7         | 7         |
| 13                                                                   | 14         | 14         | 6          | 8          | 13         | 8         | 8         |
| 14                                                                   | 12         | 15         | 16         | 10         | 13         | 8         | 8         |
| 15                                                                   | 15         | 15         | 10         | 4          | 19         | 7         | 7         |
| 16                                                                   | 12         | 11         | 18         | 13         | 18         | 8         | 8         |
| 17                                                                   | 10         | 8          | 8          | 13         | 18         | 1         | 1         |
| 18                                                                   | 11         | 6          | 12         | 8          | 13         | 2         | 2         |
| 19                                                                   | 14         | 9          | 15         | 12         | 16         | 9         | 9         |
| 20                                                                   | 7          | 9          | 5          | 8          | 6          | 9         | 9         |
| 21                                                                   | 4          | 3          | 8          | 7          | 10         | 1         | 1         |
| 22                                                                   | 6          | 5          | 8          | 11         | 9          | 1         | 1         |
| 23                                                                   | 6          | 2          | 7          | 10         | 12         | 2         | 2         |
| <b>Grand Total</b>                                                   | <b>183</b> | <b>172</b> | <b>145</b> | <b>150</b> | <b>242</b> | <b>28</b> | <b>28</b> |

If the current average hour for closure of licensed premises is 3:00am these tables highlight safe dispersal of our members of the public and demand on police resources stretches to at least 4:00am during weekends. We also need to consider the "knock on" effect of fast food take-away premises, taxi ranks and early morning opening hours of local business premises.

**Chart 3: Total Incidents Reported during Weekend Period within the 'CISP' area Compared to total for Widnes Town Centre April 09 – March 10**

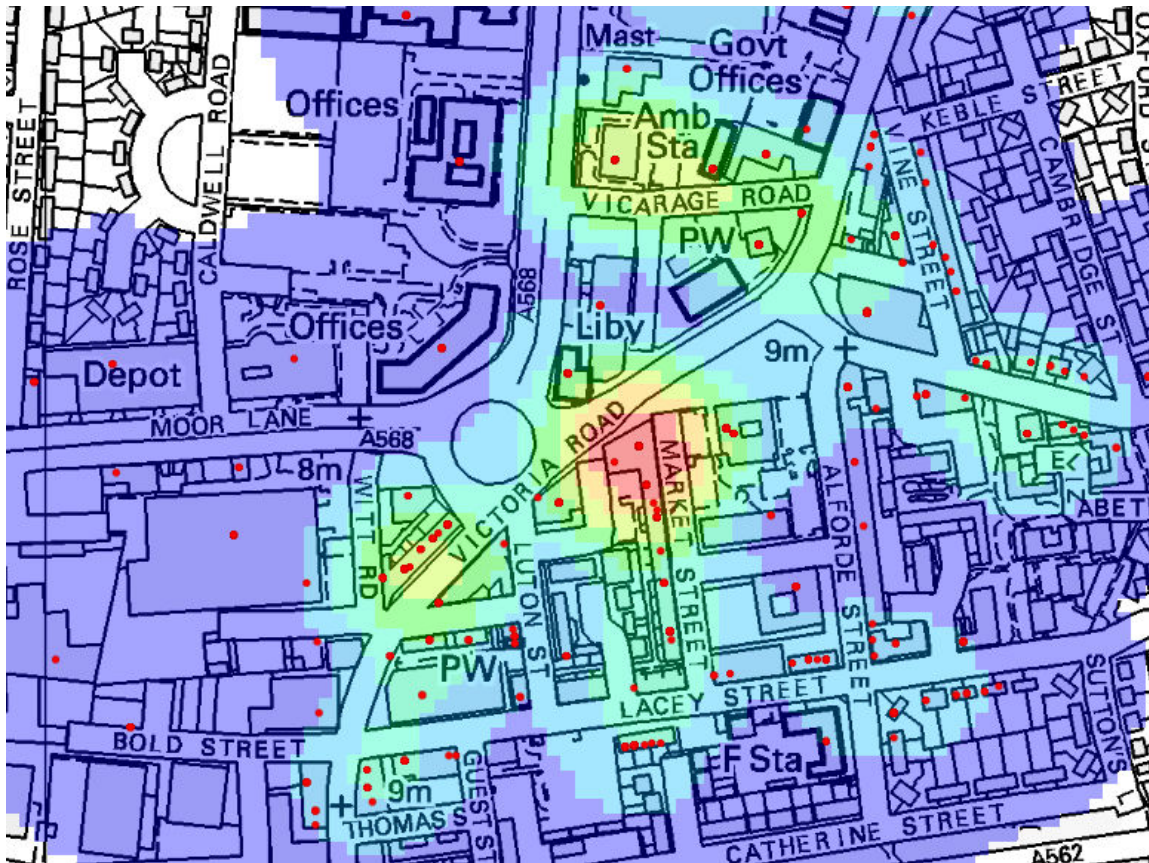


The above chart shows the peak weekend periods and times incidents are reported within the 'selected' locations of Widnes Town Centre (Blue line) against the total for the whole of the CISP area (Pink line). **During the peak periods highlighted above the gap between the 'CISP' areas (Pink line) and the whole of the Town Centre (Blue line) is minimal meaning that the majority of resources will be directed to the 'CISP' areas to enable officers to contain and control the levels of offences, potentially leaving other areas of Widnes at an increased risk.**

The current average hour for closure of licensed premises is 3:00 am, this table highlights the demand on police resources stretch to at least 4:00am during the weekend periods. With the extension of operating hours recently granted to The Establishment, this will stretch to 6:00am and beyond. It is justified in stating that the introduction of any further licensed premises within this location would have a huge impact upon the already demanding times identified above. In addition to this, should existing venues in the CISP area also be allowed to increase their opening hours until 5:00am we are likely to experience public disorder and alcohol related crime continuing for additional hours beyond the current peak, roughly estimated at 6:00am – 7:00am placing even more demand on police, ambulance services and Halton Borough Council.



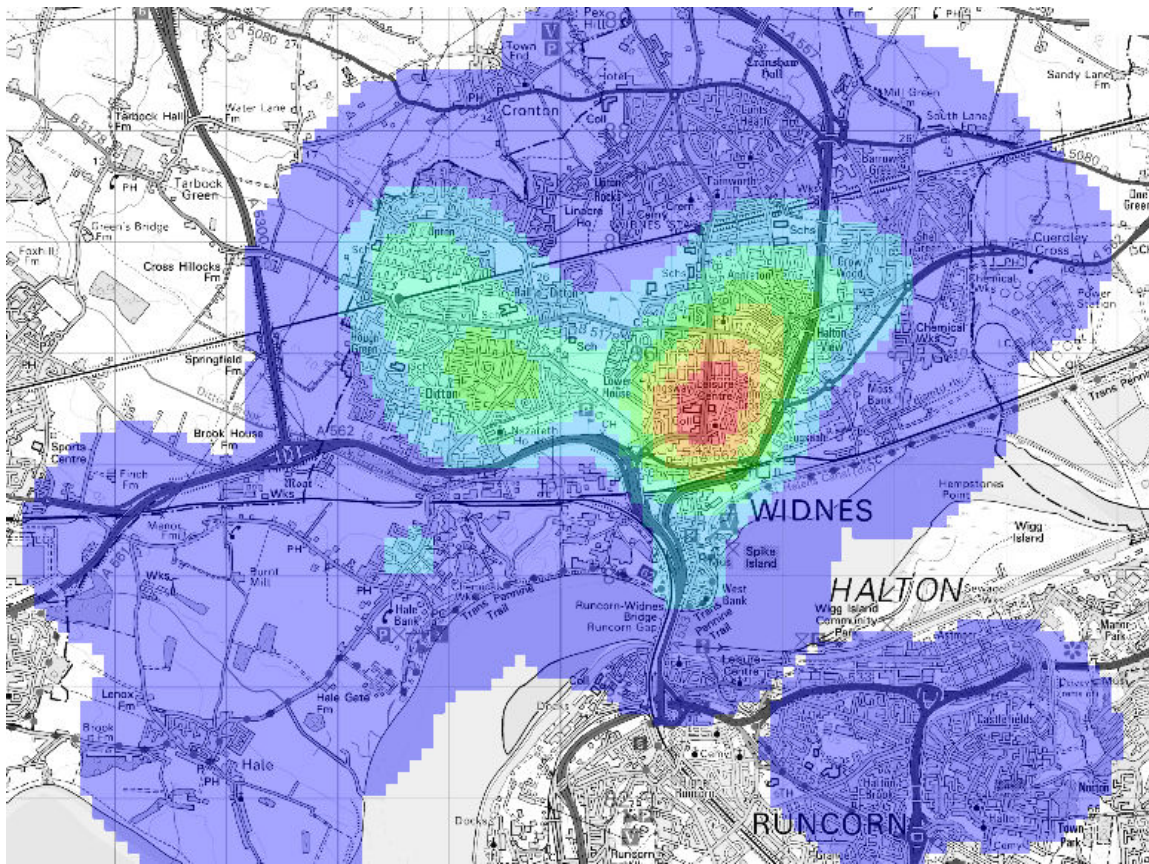
## Mapping



**Map 1: All incidents Hot spot mapping for 'CISP' areas of Widnes Town Centre**

Hotspot mapping has been completed for the 'selected' locations and clearly highlights the main problem area for the Town Centre. The small red dots replicate the location of each incident (some will be repeated but will still only appear as 1 dot, all dots are used within the hotspot analysis), these points show that whilst the main hotspot area is identified within the red/orange/yellow blocks there is still a large number of offences within the surrounding areas, this shows that it is imperative when requesting a Cumulative Impact Area it should also include these immediately surrounding areas to avoid displacement and creating a further problematic area.

**Map 2: All Violent Crime within Widnes April 2009 – March 2010**



The above map shows the location of **ALL Violent Crime** across the whole of Widnes. The density of crime is shown with hot spot mapping and highlights Widnes Town Centre as the pinnacle area affected by these offences.

It was identified that Widnes Town Centre was a hotspot area for these types of offences, the density of crime was identified as greater in a smaller location within the Town Centre. When reviewing serious violent offences it was identified that 'alcohol' affected 33% of the total.

#### **Risk Assessment:**

As identified within this report Victoria Square area of Widnes is already saturated with a large number of licensed pubs and clubs and late night refreshment premises with opening times having increased over the last few years making policing the town centre exceedingly more difficult. If opening hours are increased to later times (5.00am) policing these times will stretch to at least 6.30/7am, having a huge impact upon staffing and the ability to keep town centre violence and ASB under control, leading to a greater risk to the public and public confidence. Introducing further licensed premises will have a further more significant impact as the number of 'revellers' is likely to increase as will the risk of an increase in violence and disorder.

#### **Recommendations:**

- To reduce the risk of a potential rise in the number of violent offences and disorder within Widnes Town Centre it is strongly recommended that the 'selected' area of Victoria Square area (Map – Appendix A) becomes a Cumulative Impact Area, preventing any further licensed premises applications from opening in an area already saturated with pubs and clubs and late night refreshment premises.

### Extract from section 13 of the Statutory Guidance (October 2010)

#### THE CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES

##### What is cumulative impact?

13.24 “Cumulative impact” is not mentioned specifically in the 2003 Act but means in this Guidance the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.

13.25 In some areas, where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport. Queuing in turn may be leading to conflict, disorder and anti-social behaviour. While more flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises, it is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater in these cases than the impact of customers of individual premises. These conditions are more likely to occur in town and city centres, but may also arise in other urban centres and the suburbs.

##### Evidence of cumulative impact

13.26 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. For example, Crime and Disorder Reduction Partnerships will often have collated information which demonstrates cumulative impact as part of their general role on anti-social behaviour; and crime prevention strategies may have already identified cumulative impact as a local problem. Similarly, environmental health officers may be able to demonstrate concentrations of valid complaints relating to noise disturbance. The open meetings recommended at paragraph 1.22 of this Guidance should also assist licensing authorities in keeping the situation as to whether an area is nearing this point under review.

13.27 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate and necessary to include an approach to cumulative impact in the licensing policy statement. In this case, it should indicate in the statement that it is adopting a special policy of refusing new licences whenever it receives relevant representations about the cumulative impact on the licensing objectives which it concludes after hearing those representations should lead to refusal (see paragraphs 13.29 – 13.32 below).

13.28 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below.

##### Steps to a special policy

- Identify concern about crime and disorder or public nuisance
- Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent
- Identify the boundaries of the area where problems are occurring
- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation

- Include and publish details of special policy in licensing policy statement

## Effect of special policies

13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

13.30 However, a special policy must stress that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or need expanding.

13.32 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant, or variation, of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

## LIMITATIONS ON SPECIAL POLICIES RELATING TO CUMULATIVE IMPACT

13.33 It would normally not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. Special policies will usually address the impact of a concentration of licensed premises selling alcohol for consumption on the premises.

13.34 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved

13.35 Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises.

The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered.

A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.

13.36 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives.

13.37 A special policy relating to cumulative impact cannot justify and should not include provisions for a terminal hour in a particular area. For example, it would be wrong not to apply the special policy to applications

that include provision to open no later than, for example, midnight, but to apply the policy to any other premises that propose opening later. The effect would be to impose a fixed closing time akin to that under the “permitted hours” provisions of the Licensing Act 1964. Terminal hours dictated by the Licensing Act 1964 were abolished to avoid the serious problems that arise when customers exit licensed premises simultaneously. Attempting to fix a terminal hour in any area would therefore directly undermine a key purpose of the 2003 Act.

13.38 Special policies must not impose quotas – based on either the number of premises or the capacity of those premises – that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas that indirectly have the effect of pre-determining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard should be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

## OTHER MECHANISMS FOR CONTROLLING CUMULATIVE IMPACT

13.39 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. To enable the general public to appreciate the breadth of the strategy for addressing these problems, statements of policy should also indicate the other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

### Other measures to control cumulative impact

- Planning controls.
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- Other local initiatives that similarly address these problems.