

Wiltshire Council

Licensing Committee

2 June 2014

Cumulative Impact Area - Salisbury

Summary

To provide information following the recent Cumulative impact area survey carried for the Salisbury area and to consider the adoption of a special licensing policy.

Proposal(s)

It is recommended:

That a special policy relating to Cumulative impact in part of Salisbury town centre, as shown on Map 4 on page 6 of the Appendix be approved and recommended for adoption by the Council.

Reason for Proposal

At its meeting on 2 September 2013 the Licensing Committee resolved that "Further analysis of the available data and evidence in support of the adoption of a Special Policy for the Milford Street area of Salisbury needs to be carried out and a consultation process completed with all interested parties over a twelve week period".

Maggie Rae
Corporate Director

Wiltshire Council

Licensing Committee

2 June 2014

Cumulative Impact Area – Salisbury

Purpose of Report

1. To provide analysis of the results of the public consultation carried out between 27 January and 20 April 2014 on a possible cumulative impact area for Salisbury Town centre as defined by the Purple Flag area and as set out in the needs assessment paper attached as Appendix 1 to this report.
2. To recommend that the Licensing Committee consider the findings contained within the attached needs paper.
3. It is recommended that the Licensing Committee agree to adopt a special policy for Salisbury town centre for the reduced area as outlined on map 4 on page 6 of the Appendix to this report.
4. To inform the Licensing Committee that at its meeting in September 2014, the committee will be required to consider recommending the finalised Statement of Licensing Policy to Full Council for consideration. This will include any recommendation adopted today.

Relevance to the Council's Business Plan

The statement of Licensing Policy and any special Policy links to the council's business plan through:

5. "People in Wiltshire working together to solve problems locally and participate in decisions that affect them".

"People are protected from harm as possible and feel safe"

Main Considerations for the Council

6. It is a statutory requirement that the Statement of Licensing Policy must be approved by Council as this is not a function that can be delegated to the Licensing Committee. Any adoption of a special policy in relation to identified Cumulative Impact Areas will form an appendix to the main Statement of Licensing Policy.

Background

7. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Act with a view to promoting four licensing objectives, namely:

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

The Licensing Act 2003 was designed to be light touch legislation covering a number of “licensable activities”. Such activities are defined within the Act and broadly relate to the sale of alcohol, provision of regulated entertainment and provision of late night refreshment. There are close links to Wiltshire Alcohol strategy.

8. 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.

9. A cumulative impact policy creates a rebuttable presumption that any new application for a premises licence or major variation of such a licence within a specified area, likely to add to the existing cumulative impact, will be refused.

10. Licensed premises provide a key role as an employer, in hospitality, retail and, tourism in Salisbury. If the proposed Cumulative Impact Policy is adopted, it will play an essential role in establishing that only such premises that are able to demonstrate that they shall not add to existing cumulative impact shall be licensed in the special policy area, which will contribute positively to the economy of the area.

11. There should be an evidential basis for the decision to include a special policy within the statement of licensing policy.

Responses to the Consultation

12. In total 82 responses were received during the consultation period. No responses were received out of time.

13. The majority 66 of respondents were members of the public.

14. There were 2 responses from the licensed trade.

15. Other respondents were from Councillors 3, local businesses 4, Town/Parish councils 2 and agencies 3.

Conclusion

16. Pages 2 to 3 of Appendix 1, contains details of the actual responses to the consultation.
17. Page 4 contains the Police data in relation to the proposed Cumulative Impact area in the Salisbury.
18. In considering all the information available and the results of the consultations process, officers consider that it would be reasonable to adopt a cumulative impact area for Salisbury, but that the area to be covered should be smaller than that originally considered. The evidence suggests that an area such as that set out on map 4 on Page 5 of the Appendix 1 would be appropriate.

Safeguarding Implications

19. One of the key objectives of, the Licensing Act 2003 is 'The Protection of Children from Harm'. Wiltshire Council's Child Protection Team, are a Responsible Authority under the Licensing Act 2003. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health Implications

20. The inclusion of the health service as a responsible authority under the Licensing Act 2003, which occurred in 2012, enables health bodies to have a say in alcohol licensing. The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered.

Environmental and Climate Change Considerations

21. There is minimal environmental impact of these proposals. Successful application of the licensing functions should reduce the impact of licensable activities on local communities i.e. noise and public disorder

Equalities Impact of the Proposal

22. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Risk Assessment

23. Licensing is a statutory undertaking.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

24. There are no particular risks identified from any of the proposals.

Financial Implications

25. There are no additional financial implications arising from this report.

Legal Implications

26. As Licensing Authority, the Council is required to have a Statement of Licensing Policy, and to have regard to that Policy when exercising its licensing functions. If adopted, the cumulative impact policy for Salisbury will form part of the overall Statement. The Council will, therefore, be required to apply that policy when considering any new applications within the relevant area, unless there are good reasons in any particular case to depart from that policy.

Options Considered

27. That the Licensing Committee proposes the adoption of the special policy for Salisbury City centre as outlined on the attached map on page 1 of Appendix 1. (Original proposed area).
28. That the Licensing Committee proposes the adoption of the special policy for Salisbury City Centre as outlined on the attached map on page 4 of Appendix 1 (Reduced area).
29. Not to adopt the special policy at this time.

The Licensing Committee note that at its meeting in September 2014, the committee will be required to consider commending for approval the finalised Statement of Licensing Policy to Full Council which will include any recommendation made at the meeting on 2 June 2014.

Proposal

30. To adopt a cumulative impact policy for the reduced area within Salisbury city centre, as shown on map 4 at page 4 of the Appendix 1.

Maggie Rae
Corporate Director

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Background Papers

- Licensing Act 2003
- Secretary of States 182 Guidance
- Police and Social Responsibilities Act 2011

Appendix

1. Cumulative Impact Area (Salisbury) Needs Paper
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