

LICENSING COMMITTEE	
Date	16 July 2019
Title	DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 – HERON FOODS, UNIT 9-10, HORSEFAIR SHOPPING CENTRE, WISBECH

1	PURPOSE/SUMMARY To consider an application for a premises licence in respect of Heron Foods, Unit 9-10, Horsefair Shopping Centre, Wisbech PE13 1AR
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2	KEY ISSUES <ul style="list-style-type: none"> • There has been an application submitted for the grant of a Premises Licence • It is the responsibility of all premises licence holders to demonstrate that suitable and sufficient measures are undertaken to uphold the four Licensing Objectives of the Licensing Act 2003; • Relevant representations have been received regarding this application from Public Health - CCC and Cambridgeshire Constabulary - Police. The Police representation has been rescinded due to an agreement between them and the applicant. • There is a requirement to hold a hearing to determine the application for the review of a premises licence. • The application is for a premises located within the Wisbech Cumulative Impact Zone.
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3	RECOMMENDATION(S) That the committee determines the application, having regard for the evidence presented by the parties to the hearing, the relevant legislation and guidance applicable to this process and the content of this report.
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Wards Affected	Medworth
Forward Plan Reference No. (if applicable)	N/A
Portfolio Holder(s)	Councillor Sam Clark, Portfolio Holder with responsibilities for Licensing.
Report Originator	Michelle Bishop, Licensing Manager, Tel: 01354 622542, Email: mbishop@fenland.gov.uk
Contact Officer(s)	Dan Horn, Head of Housing & Community Support, Tel: 01354 654321, Email: dhorn@fenland.gov.uk Carol Pilson, Corporate Director, Tel: 01354 622360, Email: cpilson@fenland.gov.uk

Background Paper(s)	Licensing Act 2003 Section 182 Guidance to the Licensing Act 2003 The Licensing Act (Hearings) Regulations 2005 Fenland District Council's Statement of Licensing Policy 2016 - 2021
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1 DETAILS OF APPLICATION

- 1.1 The application relates to the proposed premises licence in respect of Heron Foods, Unit 9-10, Horsefair Shopping Centre, Wisbech PE13 1AR
- 1.2 The applicant is Heron Foods Limited, registered address The Vault, Dakota Drive, Estuary Commerce Park, Speke, Liverpool. This is a Private Limited Company registration number 01392197.
The agent is Woods Whur 2014 Limited
- 1.3 A copy of the application including the consent form and the plan is at **APPENDIX B** to this report.

2 DETAILS OF THE PROPOSALS CONTAINED WITHIN THE APPLICATION

- 2.1 The Premises Licence Holder of Heron Foods, Unit 9-10 Horsefair Shopping Centre, Wisbech is Heron Foods Limited, The Vault, Dakota Drive, Estuary Commerce Park, Speke, Liverpool.

The Designated Premises Supervisor responsible for alcohol sales is Sarah Jane Taylor.

Personal Licence No. 32UFA05022 and has been issued by South Holland District Council

- 2.2 Within the application the premises are described as a convenience store selling frozen and convenience store goods.
- 2.3 The times and activities applied for are:

Licensed Activity	Days and Times
Sale by Retail of Alcohol (off sales)	Mon-Sat 08:00 – 20:00
Sale by Retail of Alcohol (off sales)	Sunday 10:00 – 16:00
Non – Standard Timings:	None applied for.

3 CONSULTATION/AWARENESS

- 3.1 In accordance with the provisions of the Licensing Act 2003, the applicant has completed the statutory 28 day consultation period by displaying a copy of the notice on blue coloured paper and an advert in the local newspaper.
- 3.2 The application was submitted electronically and therefore it was the responsibility of the Local Authority to serve this application to all the Responsible Authorities.

(a) Cambridgeshire Constabulary	Representation
(b) Cambridgeshire Fire & Rescue	No representation
(c) Public Health – CCC	Representation
(d) Environmental Health	No representation
(e) Health & Safety	No representation
(f) Safeguarding & Standards Unit – Children Services	No representation
(g) Development Services - Planning	No representation
(h) Licensing	No representation
(i) Trading Standards	No representation

- 3.3 The representation referred to at 3.2(a) is an objection from PC Grahame Robinson on behalf of Cambridgeshire Constabulary. This was a request for some formatting of the proposed conditions which have subsequently been agreed by both parties and will form part of the Licence conditions should the application be granted. A copy of these conditions can be seen at **APPENDIX C**.

- 3.4 The representation referred to at 3.2 (c) is an objection from Joe Keegan on Behalf of Public Health at Cambridgeshire County Council. A copy of the objection can be seen at **APPENDIX D**.

This representation relates to all four of the Licensing Objectives.

- 3.5 In accordance with the principle of seeking to “negotiate away” objections to this licensing application, officers forwarded details of the representations received to the applicants agent, Carole Collingwood – Woods Whur 2014 Limited
- 3.6 The Licensing Act 2003 encourages discussion between persons making the applications and those serving objections with the aim of resolving issues of concern, to strike the balance between enabling the applicant to operate his/her premises in a manner that meets his/her business needs/aspirations and the necessary protection of the community. Officers are aware of a discussion between the Police and the applicant, this objections has now been resolved and the conditions requested will be added to the licence should it be granted.

4 POLICY IMPLICATIONS

- 4.1 The Council’s Statement of Licensing Policy expects applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be maintained to:
- (1) reduce or prevent crime and disorder on, and in the vicinity of, their premises, relevant to the individual style and characteristics of their premises and events;
 - (2) ensure public safety, relevant to the individual style and characteristics of their premises and events;
 - (3) prevent public nuisance, relevant to the individual style and characteristics of their premises and events;
 - (4) protect children from harm, relevant to the individual style and characteristics of their premises and events.

- 4.2 Fenland District Council has a Cumulative Impact Policy in place for the area where the premise is located. **APPENDIX E** is a copy of the Cumulative Impact Policy together with a map of the designated area.

Applicants are asked to address the Cumulative Impact Policy and produce evidence to demonstrate how the application will:

- (a) Not add to cumulate impact, and challenges already being experienced in the area or;
- (b) Undermine the promotion of the licensing objectives.

- 4.3 The applicant must produce evidence to rebut the presumption to refuse an application within the Cumulative Impact Policy area. This Policy takes effect where a relevant representation is received.

- 4.4 It must be stressed that the presumption to refuse an application does not relieve Responsible Authorities or Other Persons of the need to provide supporting evidence in conjunction with a relevant representation.
This must be submitted before the Licensing Authority may lawfully consider giving effect to the Cumulative Impact Policy.

5 COMMUNITY IMPACT

- 5.1 The Act gives greater freedom to operators and users of premises, which is balanced by greater responsibilities for licensees and tempered by strengthened protection for the community.
- 5.2 The Licensing Act 2003 seeks to provide public protection by way of the four licensing objectives.

6 DETERMINATION OF THE APPLICATION

- 6.1 In undertaking its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.
- 6.2 When determining an application for a premises licence, due regard should be given to the Council's Licensing Policy including the Cumulative Impact Policy and the Secretary of State's Guidance.
- 6.3 The committee in its determination can take one or more of the following steps as it considers appropriate for the promotion of the licensing objectives :

- to grant the licence subject to:
 - I. such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers necessary for the promotion of the four licensing objectives, and
 - II. any mandatory condition which must be included in the licence
- to exclude from the scope of the licence any of the licensable activities to which the application relates.
- refuse to specify a person in the licence as the premises supervisor
- reject the application.

The hearing will be conducted in accordance with the approved Procedure and can be seen at **APPENDIX A** to this report.

PROCEDURE FOR DETERMINATION OF APPLICATIONS MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 FOR THE REVIEW OF A PREMISES LICENCE

INTRODUCTION

- Meetings of the Licensing Committee, whether the full committee of 11 members or panels of 3 members drawn from the full committee, shall be held in public unless the Licensing Authority deems that it is not in the public interest to do so. Reasons for exclusion of the public must be given at the hearing by the Chairman of the committee. Determinations will be made in private at conclusion of the hearing but announced in public thereafter.
- All hearings convened will be heard by a panel (but still referred to as the Licensing Committee) of 3 members drawn from the full committee of 11. The quorum of the committee/panel is 3 members. Therefore, 4 members of the Licensing Committee will usually be invited to attend each hearing (i.e. one as a reserve), in case of one of those invited subsequently needing to tender an apology for absence or, on being informed of the details of the application or meeting the applicant or objector (or for some other reason), deciding that s/he possesses a personal and prejudicial interest in the matter that prevents him/her participating in the hearing. At the beginning of each committee/hearing a Chairman will be appointed by those members present unless the Chairman of the whole committee is present.
- Members of the committee shall endeavor to be present throughout an individual hearing. If a member of the committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the member's absence. If a member is not present for the whole of an item of business they will not be able to debate or vote on that item of business.
- Where a committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he/she has not attended that site visit.
 - (a) To avoid taking into account "local" factors that could influence improperly his/her judgement, a member cannot serve on the committee undertaking a hearing at which a matter is being discussed that relates to a Premises Licence, Club Premises Certificate, Temporary Events Notice or Personal Licence where either the premises are or the person is resident in the ward which that member represents on Fenland District Council.,

When selecting members to participate in a hearing, the Member Services team will ensure there is compliance with this requirement.

NOTE: All questions and statements will be directed through the Chairman.

- (1) The Chairman will, at the beginning of the meeting, welcome all those present and explain both the reason for the hearing and the procedure to be followed. He/she will also inform

APPENDIX A – LICENSING PROCDEURES

attendees of any changes to committee membership (if any) since publication of the Notice of Meeting. He/she will also seek confirmation that everyone present has received this procedure and the “what you need to know” document.

- (2) The Chairman will introduce to all present the members of the committee.
- (3) The Chairman will then introduce and explain the respective roles of
 - (i) the Legal Adviser to the committee
 - (ii) the Clerk to the committee
 - (iii) the officer representing the Licensing Authority (“the Licensing Officer”).
- (4) The Chairman will invite those present to introduce themselves (i.e. to give name and address and explain whether applicant for the premises review, responsible authority representative, premises licence holder, witness or interested party such as a local resident or business owner) and ask them to indicate if they wish to speak during the hearing.
- (5) Each party will be asked by the Chairman for a time estimate for the presentation of his/her/body’s case. After hearing all estimates, the committee will allocate each party an equal amount of time to speak.
- (6) The Licensing Officer will outline the case, by presenting the report which refers to the application for the review of the premises licence and the licensable activities, days and hours of operation, granted on the existing licence.
- (7) The Chairman will invite members of the committee to ask relevant questions to clarify the content of the Licensing Officer’s report.
- (8) The Chairman invites the applicant (or his/her representative) to put the case in support of the application to review the premises licence.
- (9) The applicant to be invited to call any witness(es) (if any) to give evidence in support of his/her case.
- (10) Once the applicant has presented his/her case, the Chairman invites questions to the applicant or his/her representative from
 - (1) the premises licence holder(s) (or their representative);
 - (2) other responsible authorities (or their representatives);
 - (3) interested persons (or their representatives);
 - (4) members of the committee.
- (11) The Chairman will invite questions to the witnesses (if any) from
 - (1) the premises licence holder(s) (or their representative);
 - (2) responsible authorities (or their representatives);
 - (3) interested persons (or their representatives);
 - (4) members of the committee.
 - a. **questions must be relevant to the application and written representations already received;**
 - b. **no new objections may be raised;**
 - c. **repetition will be discouraged by the Chairman; and**

APPENDIX A – LICENSING PROCDEURES

d. no supporting evidence may be introduced unless agreed by the Chairman and all parties to the hearing.

- (12) Each of the interested persons (or their representatives) wishing to address the committee may do so in an order determined by the Chairman, which should **allow the responsible authorities before any local objectors**. They too must be willing to be questioned by other parties in the same order. Local objectors may not, however, question each other.

This will operate as follows:

- each party will present his/her/body's case.
 - each party's witnesses (if any) will give evidence in support of the party's case.
 - firstly, each party and, secondly, their witnesses may be questioned by the other interested parties, prior to questioning by members of the committee.
- (13) The premises licence holder(s) (or their representative) is invited to present his/her/their case and to ask relevant questions of those parties (or the parties' representatives).
- (14) The Chairman then invites the applicant for the review of the premises licence, responsible authorities and interested persons (or their representatives) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.
- (15) The Chairman then invites the premises licence holder(s) (or their representative) to sum up the case. He/she may comment upon what has been said but no new evidence should be introduced. He/she will be allowed 5 minutes to sum up.
- (16) The Chairman seeks confirmation from all parties that they are satisfied that they have said all that they wished to.
- (17) The Chairman will then thank all those who have spoken and invite the committee to retire in private to determine the application. The committee members will then debate the case presented to them at the hearing and seek to reach a determination. When the committee has reached a proposed determination with reasons or has decided to defer a determination, it shall call in the Legal Adviser to clarify the proposed determination/decision.
- (18) Once a determination/decision has been reached, the committee will return to the room and the Legal Adviser will announce in public any legal advice that he/she has given in private.
- (19) The Chairman will read out the determination and the reasons for such (unless the committee is unable to reach a determination at conclusion of the hearing).
- (20) If the committee is unable to reach a determination at that time, the Chairman will explain that all interested parties will be notified as soon as possible in writing (but within 5 working days) of the determination and the reasons for such.

NOTES

(A) A decision may be deferred to:

- receive further documentation referred to in the meeting
- enable a site visit to take place
- invite the applicant (or his/her representative) to appear if he/she had not done so at the meeting (only once).

APPENDIX A – LICENSING PROCDEURES

- (B)
 - No further debate may be heard on further documentation or at a site visit
 - Adjournments should generally be granted if to refuse would deny the applicant a fair hearing.

19/0414/LAPRE

22-05-19 →

19-06-19 ←



Fenland
Application for a premises licence
Licensing Act 2003

For help contact
licensing@fenland.gov.uk
Telephone: 01354 654 321

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

HER002-87-3

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Heron Foods Limited

* Family name

.

* E-mail

Amy@woodswhur.co.uk

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

01392197

Business name

Heron Foods Limited

If the applicant's business is registered, use its registered name.

VAT number

-

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable
value of premises (£)

84,500

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Heron Foods Limited

Details

0845 603 7300

Continued from previous page...

Registered number (where applicable)

01392197

Description of applicant (for example partnership, company, unincorporated association etc)

Private Limited Company

Address

Building number or name

Heron Foods Limited
The Vault

Street

Dakota Drive
Estuary Commerce Park

District

Speke

City or town

Liverpool

County or administrative area

Postcode

L24 8RJ

Country

United Kingdom

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

 / /
 dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21**OPERATING SCHEDULE**

When do you want the premises licence to start?

 / /
 dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

 / /
 dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Heron Foods is a convenience store selling frozen and convenience store goods.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes ☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes ☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Continued from previous page...

Will you be providing recorded music?

☐ Yes ☒ No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes ☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

FRIDAY

Start 08:00

End 20:00

Start

End

SATURDAY

Start 08:00

End 20:00

Start

End

SUNDAY

Start 10:00

End 16:00

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.




State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth




dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start 08:00

End 20:00

Start

End

WEDNESDAY

Start 08:00

End 20:00

Start

End

THURSDAY

Start 08:00

End 20:00

Start

End

FRIDAY

Start 08:00

End 20:00

Start

End

SATURDAY

Start 08:00

End 20:00

Start

End

SUNDAY

Start 10:00

End 16:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

See b), d) and e) below.

b) The prevention of crime and disorder

1. Suitable close circuit television system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
2. The CCTV system will be of satisfactory resolution quality which will enable the identification of persons and activities.
3. The CCTV system will have sufficient storage, retention and capacity for a minimum of 28 days continuous footage which will be of good quality.
4. A designated member of staff will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the licensing authority or a responsible authority, any CCTV footage as requested will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied on request to an authorised officer of the licensing authority or a responsible authority.
5. An incident report register will be maintained on the premises to record incidents such as anti-social behaviour, admissions, refusal and ejections from the premises.
6. The incident report register will be produced for inspection immediately on the request of an authorised officer.
7. All staff will receive training on the Licensing Act 2003 and training will be refreshed at regular intervals.

c) Public safety

See b), d) and e) above and below.

d) The prevention of public nuisance

1. Notices shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

e) The protection of children from harm

1. Challenge 25 will be in operation at the premises.
2. Signage will be displayed in the premises informing both staff and customers of the Challenge 25 policy.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

The fee will depend on the NDR (Non Domestic Rateable) value of the premises. Band A = £100 Band B = £190 Band C = £315 Band D = £450 Band E = £635

* Fee amount (£)

315.00

DECLARATION

Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Woods Whur 2014 Limited

* Capacity

Solicitors for the Applicant

* Date

22 / 05 / 2019
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/fenland/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Consent of individual to being specified as premises supervisor

I, [REDACTED]

DOB: [REDACTED]

Nationality: [REDACTED]

Place of Birth: [REDACTED]

Of [REDACTED]

hereby confirm that I give my consent to be specified as the designated premises supervisor

in relation to the application for

Variation of Designated Premises Supervisor

by Heron Foods Limited

relating to premises licence

for Heron Foods, [REDACTED] UNIT 9-10, THE HORSEFAIR SHOPPING CENTRE,
WISBECH, PE13 1AR

and any premises licence to be granted or varied in respect of this application made by

Heron Foods Limited

concerning the supply of alcohol at

Heron Foods, [REDACTED] UNIT 9-10, THE HORSEFAIR SHOPPING CENTRE,
WISBECH, PE13 1AR

I also confirm that I am entitled to work in the United Kingdom and am applying for,

intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number - 32UFA05022

Personal licence issuing authority - SOUTH HOLLAND DISTRICT COUNCIL

Signed

Name

Dated

APPENDIX C - POLICE CONDITIONS

Licensing Authority,

I have taken the opportunity to review the license application for Heron Foods located at 9 - 10 Horsefair, Wisbech. The applicant seeks to install a premises license for the off sale of alcohol between 08:00hrs and 20:00hrs Monday to Saturday and between 10:00hrs and 16:00hrs on a Sunday. The opening hours of the store will replicate those of the licensable hours. I understand that the consultation end date is 19th June 2019.

The premises location is situated centrally within the current Wisbech Cumulative Impact Area (CIA), which is due for review. I have given the application fair and relevant consideration despite the fact that the applicant has made no reference to the current CIA, and demonstrated how the operation of the premises will not add to the cumulative impact.

The applicant has listed a number of steps that they intend to take to promote all four of the licensing objectives. I would like to take this opportunity to translate those steps into clear understandable conditions that will assist the licensee in upholding the licensing objectives within the current CIA, and seek the applicants support in installing these conditions on the premises license.

Prevent of Crime and Disorder

1. The premises licence holder will ensure that a High definition digital CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises.
2. CCTV will be provided in the form of a recordable system, capable of providing pictures of High definition (HD) evidential quality in all lighting conditions in particular facial recognition. Cameras must cover the entire licensed area including the outside curtilage of the building.
3. CCTV equipment must be maintained in good working order, be correctly time and date stamped and must be retained for a minimum period of 31 consecutive days.
4. The premises licence holder must ensure at all times that an appointed member of staff is present when the premises is conducting a licensable activity, who is capable and competent at using the CCTV system and downloading CCTV footage on their own recordable media, and be able to hand this footage over to an authorised person on request.
5. All images downloaded must be provided in a format that can be viewed on readily available equipment without the need for specialist software.
6. Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
7. The premises license holder / designated premises supervisor, will maintain an 'Incident report / refusal register' in a bound book, in which full details of all incidents and refusals are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by

whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorized person on requested. The register will be retained for a minimum period of 12 months.

8. All employees will undergo comprehensive due diligence training prior to being given permission to sell alcohol. This will be documented on written staff training records and updated on a six monthly basis. These training records will be produced to an authorised officer on request.

Promote Public Safety

9. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
10. Valid public liability insurance must be kept in force and a copy of the schedule must be available for inspection by an authorised Officer.
11. A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

Prevent Public Nuisance

12. Prominent, clear notices shall be displayed at all exits and in the outdoor area requesting customers and staff to respect the needs of local residents and leave the premises and area quietly.
13. No person will be allowed to enter or leave the premises with an open vessel of alcohol and the licensee will proactively discourage persons from congregating at the front of the store.

Protect Children from Harm

14. The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises and signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative.

Please seek confirmation that the applicant is happy to implement the above conditions. Subject to confirmation of above there will be no further representation from the Constabulary.

Kind regards
Grahame

PC1572 Grahame Robinson

Police Licensing Officer | Partnership & Ops Support

APPENDIX D – PH OBJECTIONS

Licensing Act 2003 – Representation in respect of Premises Licence

Details of person or body making representation	
Your name:	Joseph Keegan
Your address:	Public Health Directorate Cambridgeshire County Council Shire Hall Castle Hill Cambridge CB3 0AP

Details of premises representation is about	
Name of premises:	Heron Foods Ltd
Address of premises:	Unit 9-10 The Horsefair Shopping Centre Wisbech PE13 1AR
Application no. (if known):	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	Yes
Public safety	Yes
Prevention of public nuisance	Yes
Protection of children from harm	Yes

Please summarise your concerns about this application:
<p>1. This representation is made on the basis that the above premises will sit within the Wisbech Cumulative Impact Zone (CIZ) 2016-2021.</p> <ul style="list-style-type: none">The policy states that the Cumulative Impact Policy creates ‘<i>a rebuttable presumption that applications for a new premises licence, club premises certificates or material variations to such will normally be refused if relevant representations are received.</i>’It states that ‘<i>the onus is on the person or organisation making representations to prove any assertion by way of evidence that the addition of the premises concerned and/or a variation to activities, hours or a change in nature of operation will undermine the promotion of the licensing objectives</i>’.The application does not produce evidence to demonstrate how the application will not add to cumulative impact and therefore does not meet the requirements of the policy. In my opinion, this does not therefore justify the licensing authority to grant the licence. <p>2. The role of the DPH is to help promote the health and wellbeing of the local populations they serve. Promotion of the licensing objectives, which collectively seek to protect the quality of life for those who live and work in the vicinity of licensed premises and those who socialise in licensed premises is an important contributor to this.</p> <ul style="list-style-type: none">A considerable body of research examines the relationship between alcohol outlet density (AOD) and alcohol-related harms; this shows that higher levels of AOD are associated with social disorder, greater alcohol consumption, alcohol related violence, injuries, alcohol-related road traffic crashes, sexually transmitted infections, child abuse and neglect, and suicides¹.

¹ Public Health England, 2016. The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies – an evidence review.

- The National Institute for Health and Care Excellence (NICE) recommends that reducing the number of outlets selling in a given area is an effective way of reducing alcohol-related harm².
- This evidence supports the restriction of the number of outlets within the Wisbech Cumulative Impact Area, within which this premises is located.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives.

Although the protection of public health is not a discrete licensing objective, it can be pertinent to each of the licensing objectives. This representation is made on the basis that this application will have an adverse effect on the following licensing objectives:

The prevention of crime and disorder:

- There is a high density of premises selling alcohol in the CIA there are 18 off sales premises in the CIZ. This application would further increase the density of premises selling alcohol in the area. As stated above there is a strong relationship between AOD and problems associated with social disorder which affects the health and wellbeing of the population.
- Antisocial behaviour related to street drinking in Wisbech remains a concern to the local community. The latest report on the Impact of Drugs and Alcohol in Fenland by the Fenland Community Safety Partnership (2018/19 Q3) shows that although there has been an overall decline in police-recorded anti-social behaviour incidents, the number of police recorded antisocial behaviour incidents with a street drinking key word has remained broadly stable over the last 5 years. The analysis also shows that these incidents are most common in the Wisbech wards Medworth, Clarkson and Peckover.

Prevention of public nuisance:

- The Cumulative Impact Policy states that *'where there is evidence that a particular area of the District is already suffering adverse effects arising from a concentration of licensed premises, and it can be demonstrated that communities are under pressure because of it, this will be taken into account in determining any further applications or material changes to licensed premises within the area identified'*.
- Street drinking remains a concern for the local community in Wisbech. This is demonstrated in the consultation review of the Wisbech PSPO during which a range of issues were raised by the public including incidents of street drinkers urinating and defecating in the street, litter due to street drinking and reports of individuals feeling intimidated by street drinkers gathering in groups.
- The impact on the community is further evidenced by the latest Fenland Community Safety survey (reponses from October to December 2018). Residents were asked if they had been directly affected by antisocial behaviour/crime in the past three months. In Wisbech, the highest impact upon those surveyed was street drinking at 36%.

Public safety:

- Alcohol-related hospital admissions are significantly higher (worse) in Fenland than the national average (see table 1 below) which demonstrates that alcohol is affecting the health and safety of Fenland residents.
- This application would increase the AOD within the CIA which is known to be associated with a number of alcohol-related harms including alcohol-related road traffic accidents, injuries and violence.

TABLE 1: Key Alcohol Indicators from Local Alcohol Profile, Fenland (Source: Local Alcohol Profiles, Public Health England)

Indicator	Time Period	Fenland	England	Fenland Status
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² National Institute for Health and Care Excellence, 2010. Public Health Guideline (PH24) – Alcohol-use disorders: prevention & National Institute for Health and Care Excellence 2014. Evidence update 54 – a summary of selected new evidence relevant to NICE public health guidance 24.

Hospital admission episodes for alcohol-related conditions (Narrow) Persons, directly age-standardised rate per 100,000	2017/18	726	632	Statistically significantly higher (worse) than England
Hospital admission episodes for alcohol-related conditions (Narrow) males, directly age-standardised rate per 100,000	2017/18	930	809	Statistically significantly higher (worse) than England
Hospital admission episodes for alcohol-related conditions (Narrow) females, directly age-standardised rate per 100,000	2017/18	539	473	Statistically significantly higher (worse) than England
Hospital admission episodes for alcohol-related conditions (broad) Persons, directly age-standardised rate per 100,000	2017/18	2515	2224	Statistically significantly higher (worse) than England
Hospital admission episodes for alcohol-related conditions (broad) males, directly age-standardised rate per 100,000	2017/18	3409	3051	Statistically significantly higher (worse) than England
Hospital admission episodes for alcohol-related conditions (broad) females, directly age-standardised rate per 100,000	2017/18	1725	1513	Statistically significantly higher (worse) than England
Hospital admission episodes for alcohol-related conditions (Narrow) under 40s, Persons, directly age-standardised rate per 100,000	2017/18	400	298	Statistically significantly higher (worse) than England
Hospital admission episodes for alcohol-related conditions (Narrow) under 40s, males, directly age-standardised rate per 100,000	2017/18	483	348	Statistically significantly higher (worse) than England
Hospital admission episodes for intentional self-poisoning by and exposure to alcohol conditions (Narrow) - Persons, directly age-standardised rate per 100,000	2017/18	63.6	46.2	Statistically significantly higher (worse) than England
Hospital admission episodes for intentional self-poisoning by and exposure to alcohol conditions (Narrow) - Males, directly age-standardised rate per 100,000	2017/18	61.8	39.5	Statistically significantly higher (worse) than England
Hospital admission episodes for alcohol-related cardiovascular disease conditions (Broad) - Persons, directly age-standardised rate per 100,000	2017/18	1364	1162	Statistically significantly higher (worse) than England
Hospital admission episodes for alcohol-related cardiovascular disease conditions (Broad) - Males, directly age-standardised rate per 100,000	2017/18	1948	1681	Statistically significantly higher (worse) than England
Hospital admission episodes for alcohol-related cardiovascular disease conditions (Broad) - Females, directly age-standardised rate per 100,000	2017/18	872	739	Statistically significantly higher (worse) than England
Hospital admission episodes for alcoholic liver disease (Broad) - Persons, directly age-standardised rate per 100,000	2017/18	150.5	120.6	Statistically significantly higher (worse) than England
Hospital admission episodes for alcoholic liver disease (Broad) - Females, directly age-standardised rate per 100,000	2017/18	105.0	76.7	Statistically significantly higher (worse) than England

The protection of children from harm:

- Children are more vulnerable to alcohol related harm and may be affected in a number of ways including violence, financial problems, absenteeism from school, disrupted relationships and child maltreatment.
- This application would increase the AOD within the CIA; there is evidence that higher levels of AOD are associated with greater alcohol-related harm including those that affect children such as violence.

The applicant has not made reference that the premises sits within a CIA or demonstrated why the operation of the premises involved will not add to the cumulative impact in relation to the above licensing objectives.

Cumulative Impact Zone Special Policy 2016 – 2021

Fenland District Council

Cumulative Impact Policy

1.0 Legislative Framework

1.1 Fenland District Council, as the Licensing Authority, has a duty to comply with its obligations under Section 17 of the Crime and Disorder Act 1998, and to promote the Licensing Objectives contained within the Licensing Act 2003, namely:

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

1.2 Due regard is had to Section 182 Guidance issued under Section 182 of the Licensing Act 2003, as revised in 2010 concerning the cumulative impact of licensed premises within an area, and the resultant impact on the promotion of the licensing objectives.

1.3 The cumulative impact of licensed premises on the promotion of the licensing objectives under the Licensing Act 2003 is a proper matter which the Licensing Authority can take into account.

1.4 This should not, however, be equated with the 'need' for a licensed premises. This relates to the commercial demand for a particular type of premises. The issue of 'need' is a matter for the market to decide, and does not form part of the Cumulative Impact Policy or wider Licensing Policy Statement.

2.0 Definition

2.1 For the purposes of the Fenland District Council Statement of Licensing Policy, cumulative impact is defined as:

'The potential impact on the promotion of the licensing objectives where there are a number of licensed premises concentrated in one area.'

2.2 Where the number, type and density of licensed premises are unusually high, serious problems of noise, nuisance and disorder can occur outside or some distance away from the licensed premises in question. This is described as the cumulative impact of all premises taken together.

2.3 It is recognised that the impact on surrounding areas in relation to the behaviour of patrons from a number of premises located in close proximity to one another is greater than the impact of individual premises.

2.4 The issue of cumulative impact is also linked to:

- Any material increase in the occupant capacity of the premises;
- Any change in the nature of the operation of the premises. This may include a change to layout, the provision of vertical drinking, * the inclusion of regulated entertainment, the addition of other licensable activities, extension to the times regulated entertainment and alcohol is sold or supplied, both on and off the premises;
- Consideration will also be given to applications for premises seeking to provide late night refreshment between the hours of 11.00pm -5.00am.

3.0 Context

3.1 The Licensing Authority may receive relevant representations from either a 'Responsible Authority' or an 'Interested Party,' that the cumulative impact of new premises licences, material changes and variations to existing permissions is leading to an area becoming saturated with licensed premises.

3.2 The issue of cumulative impact will be taken into account when considering the individual merits of an application. The onus is on the person or organisation making representations to prove any assertion by way of evidence, that the addition of the premises concerned and/or a variation to activities, hours or a change in nature of operation will undermine the promotion of the licensing objectives.

3.3 The Licensing Authority will not operate a quota of any kind which would pre-determine an application, nor will it seek to impose general limitations on trading hours in particular areas unless there are clear, evidence based reasons for doing so.

3.4 Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide regulated entertainment, but with contrasting styles and characteristics.

3.5 Proper regard will be made to those differences and the impact they are likely to have on the local community. It is recognised that it may not always be possible to attribute issues to a particular premise, or patrons from a particular premises, but that cumulatively; there can be a negative effect.

4.0 Adoption of Cumulative Impact Policy

4.1 Consideration will be given to the infrastructure in place to facilitate the dispersal of patrons from an area, including the availability of late night bus services, taxis and street cleansing services when establishments offering food, alcohol and regulated entertainment close.

Cumulative Impact Zone Special Policy 2016 – 2021

- 4.2 A major concern for the Council is the level of alcohol related violent crime and alcohol related Anti Social Behaviour. This is particularly apparent in the town centre and its impact on policing the evening and night time economy.
- 4.3 The Council have considered:
- Evidence of serious concern, regarding the concentration of licensed premises that is undermining the promotion of the licensing objectives from a Responsible Authority, namely Cambridgeshire Constabulary.
 - Evidence from 'Interested parties,' to include local businesses, residents and representatives groups regarding noise, nuisance and disorder where a particular concentration of licensed premises in an area of Fenland is considered to be causing a negative impact on one or more of the licensing objectives.
- 5.0 What Does The Policy Do?
- 5.1 The effect of adopting a Cumulative Impact Policy is to create a rebuttable presumption that applications for new premises licence, club premises certificates or material variations to such will normally be refused if relevant representations are received.
- 5.2 Applicants must address the Cumulative Impact Policy and produce evidence to demonstrate how the application will:
- (a) Not add to cumulate impact, and challenges already being experienced in the area or;
 - (b) Undermine the promotion of the licensing objectives.
- 5.3 The applicant must produce evidence to rebut the presumption to refuse an application within the Cumulative Impact Policy area. This Policy takes effect where a relevant representation is received.
- 5.4 It must be stressed that the presumption to refuse an application does not relieve Responsible Authorities of 'Interested Parties' of the need to provide supporting evidence in conjunction with a relevant representation. This must be submitted before the Licensing Authority may lawfully consider giving effect to the Cumulative Impact Policy.
- 5.5 Where there is evidence that a particular area of the District is already suffering adverse effects arising from a concentration of licensed premises, and it can be demonstrated that communities are under pressure because of it, this will be taken into account in determining any further applications or material changes to licensed premises within the area identified. This includes:
- The character of the surrounding area;

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- The impact of the licence on the surrounding area, both individually, and cumulatively with existing licences;
- The nature and character of the proposed operation;
- The availability of other support services at key times, for example street cleansing services;
- The impact upon the policing of an area.

6.0 Integration of Strategies

- 6.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the control of the licence holder but is still a key aspect of such control and will be part of a holistic approach to the management of the day and night time economy in the District.
- 6.2 The Licensing Authority recognises that as well as licensing legislation, there are a number of other mechanisms for addressing issues of noise, nuisance and anti social behaviour which occur in the vicinity of licensed premises. These include:
- Planning controls;
 - Ongoing measures to provide a safer and cleaner environment in partnership with residents, local businesses and others;
 - Powers to designate parts of the District which restricts the consumption of alcohol in designated public places;
 - Confiscation of alcohol in designated areas;
 - Police enforcement of the law with regard to disorder and anti-social behaviour;
 - Police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
 - The power of police, local businesses or residents to seek a review of the premises licence;
 - Enforcement action against those selling or supplying alcohol to people who are underage or already drunk.
- 6.3 The Licensing Authority may address a number of these issues through Community Safety Partnerships in line with the strategic objectives for crime and disorder reduction within the District.
- 6.4 The Licensing Authority and Cambridgeshire Police are aware of the problems associated with the town centre area in respect of alcohol related crime and disorder and have launched a number of initiatives to combat this including intelligence sharing about problem premises, joint licensing visits and targeted activity.
- 6.5 There is an established alcohol treatment referral scheme for those individuals who come into custody and investment in diversionary activities for young people.

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- 6.6 The Licensing Authority recognises that the Cumulative Impact Policy is one of a range of mechanisms to regulate activities of both premises and individuals, as part of a holistic approach which seeks to offer treatment to individuals and other interventions as appropriate.
- 6.7 Other measures include an established radio system to facilitate communication between licensed premises and exclude problem individuals from venues, CCTV coverage and monitoring of the centre, regular joint operations to monitor licensed premises, active use of dispersal orders.
- 7.0 Where Does The Cumulative Impact Policy Apply?
- 7.1 The Licensing Authority has applied a special Cumulative Impact Policy to an area around Wisbech Town Centre. This is identified on the map attached at Appendix A.
- 7.2 Police review of the Cumulative Impact Policy April 2016
- 7.3 Figures using the Police Recording system (CORA) show the number of incidents within the Wisbech Town Centre Wards. This system evidences the numbers reducing significantly since a partnership approach was adopted by Public Health, Trading Standards and Cambridgeshire Constabulary in preventing further proliferation of alcohol outlets within the CIZ area. Since the formation of the alcohol partnership agencies, health and mental health services have seen an increase in demand for support, as street drinkers are directly engaged and offered help.
- 7.4 Alcohol related incidents have moved away from a Night Time Economy issue to be one that currently involves the street drinking community. Increases in litter, public urination and defecation have been reported and these have mainly been in areas evidenced to be used by street drinkers. Some of the Town's historic areas have been targeted as they are out of sight of the CCTV cameras and the general public. Sugar Tub Lane and Ghost Lane are particularly impacted with Ghost Passage having seen large quantities of human excrement having to be cleared by the public health services.
- 7.5 Officers patrolling these areas have on occasions, been attacked by street drinkers and one PCSO has had a glass bottle thrown at him by an aggressive male who did not want to be moved on. Other areas of the CIZ and also in the town centre wards, including Tillery Park, Town Park and the St Peters Church gardens all suffer from street drinkers at various times throughout the day and often well into the early hours. Seven pre-planned dispersals have been utilised within the CIZ since 31/01/2014 within the CIZ targeting alcohol and or anti-social behaviours. These powers come under Section 35 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 7.6 It is worth noting that the Constabulary uses a Secure Information Recording System called SIRCS which is operated by Empowering Communities and from January 2015 to April 2016 281 pieces of information were placed onto the system – most of this from the town centre alone relating to alcohol. This information has come from the Wisbech Pub Watch Group,

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Police and Horsefair Security. It evidences the strong shift from night time pub related issues to street drinking becoming an increasing problem.

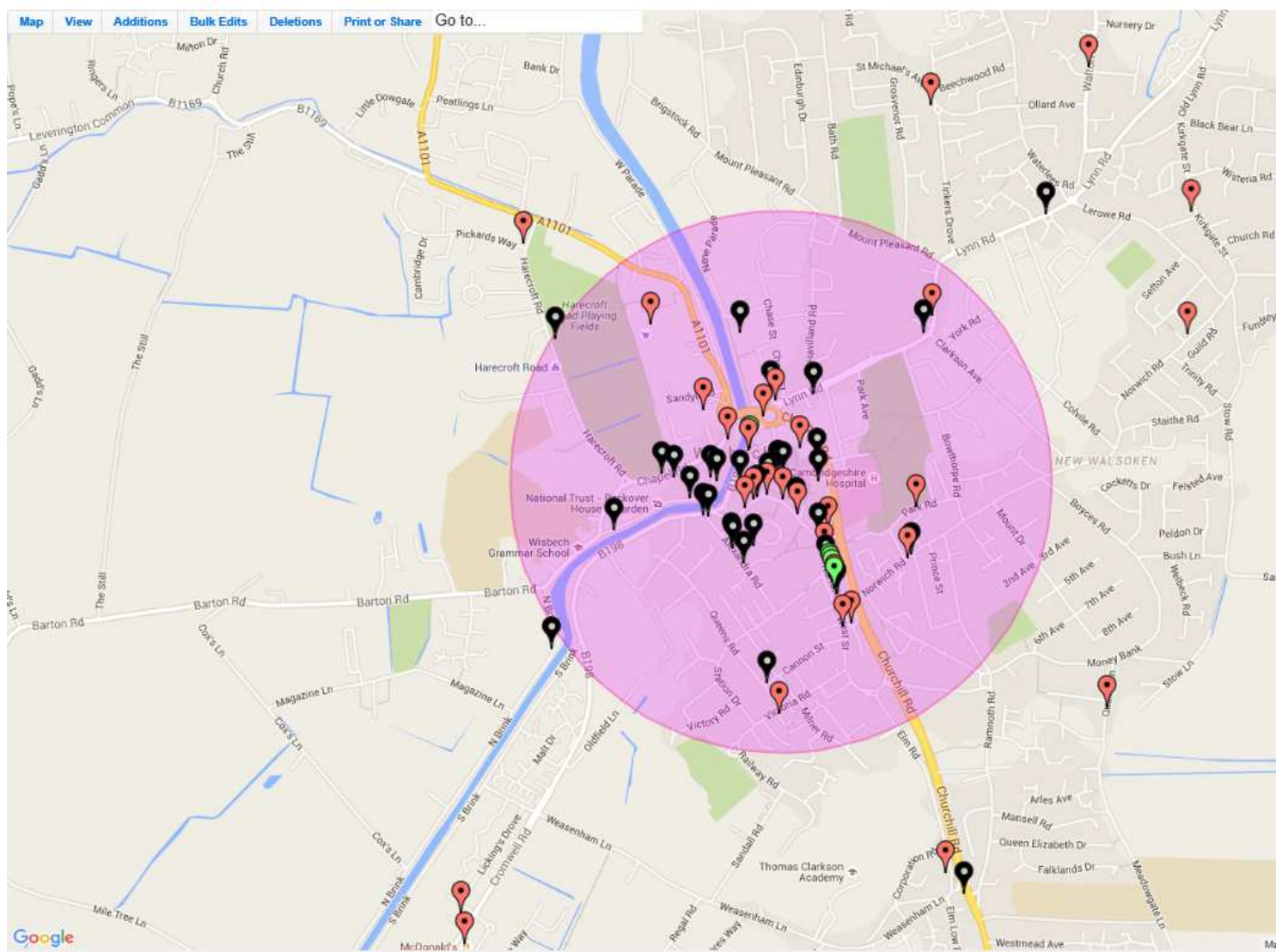
7.7 Offence/Incident Table

Offence/Incident	2012-2013	=+/-%	Offence/Incident	2014-2015	=+/-%
ASB	2,382 -2,159	-9.4%	ASB	1,881 -1,418	-24.8%
Alcohol Related Crime	970 -727	-25.1%	Alcohol related crime	786 – 781	-0.6%
Violence	721 – 662	-8.2%	Violence	231 – 151	-34.6%
Criminal Damage	580 – 502	-13.4%	Criminal Damage	497 - 483	-2.8%
Alc related Violence	30 - 23	-23.3%			
Historic Figures used for CIZ Policy					
Offence/Incident	2009	2010	2011	= + / - %	
Violent Crime	516	454	504	-2.3%	
Alcohol related Violent crime (% of total violent crime)	211 (40.9%)	188 (41.1%)	244 (48.4%)	+15.8% (+7.5%)	
Antisocial behaviour	1858	1543	1480	-20.3%	
Alcohol related ASB (% of total ASB)	508 (27.3%)	498 (32.3%)	533 (36.0%)	+4.9% (+8.7%)	
Criminal Damage	377	372	314	-16.7%	
Alcohol Related Criminal Damage (% of total criminal damage)	46 (12.2%)	58 (15.6%)	69 22.0%	+50% (+9.8)	

7.8 It is still evident that in areas of street drinking there is a high proportion of alcohol related ASB, urination and defecation, with the associated impact this has on public perception and fear of crime. The local community have made this one of their local priorities for the police to tackle and the ability to deliver on this priority has been facilitated through the benefits provided by the CIZ Policy.

7.9 As part of the CIZ review, incidents outside of the CIZ were considered and the decision has been that the current geographical limits of the CIZ area remain both appropriate and proportionate for the town at this time. Consideration was given to extending the area covered but it is believed that this would not significantly improve the current effectiveness of the CIZ area.

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Map key:

Red Markers – Off Sales Premises

Black Markers – On Sales Premises

Green Markers – Late Night Refreshment Premises (23:00hrs onwards)

Purple circle – indicates approximate area of current CIZ area

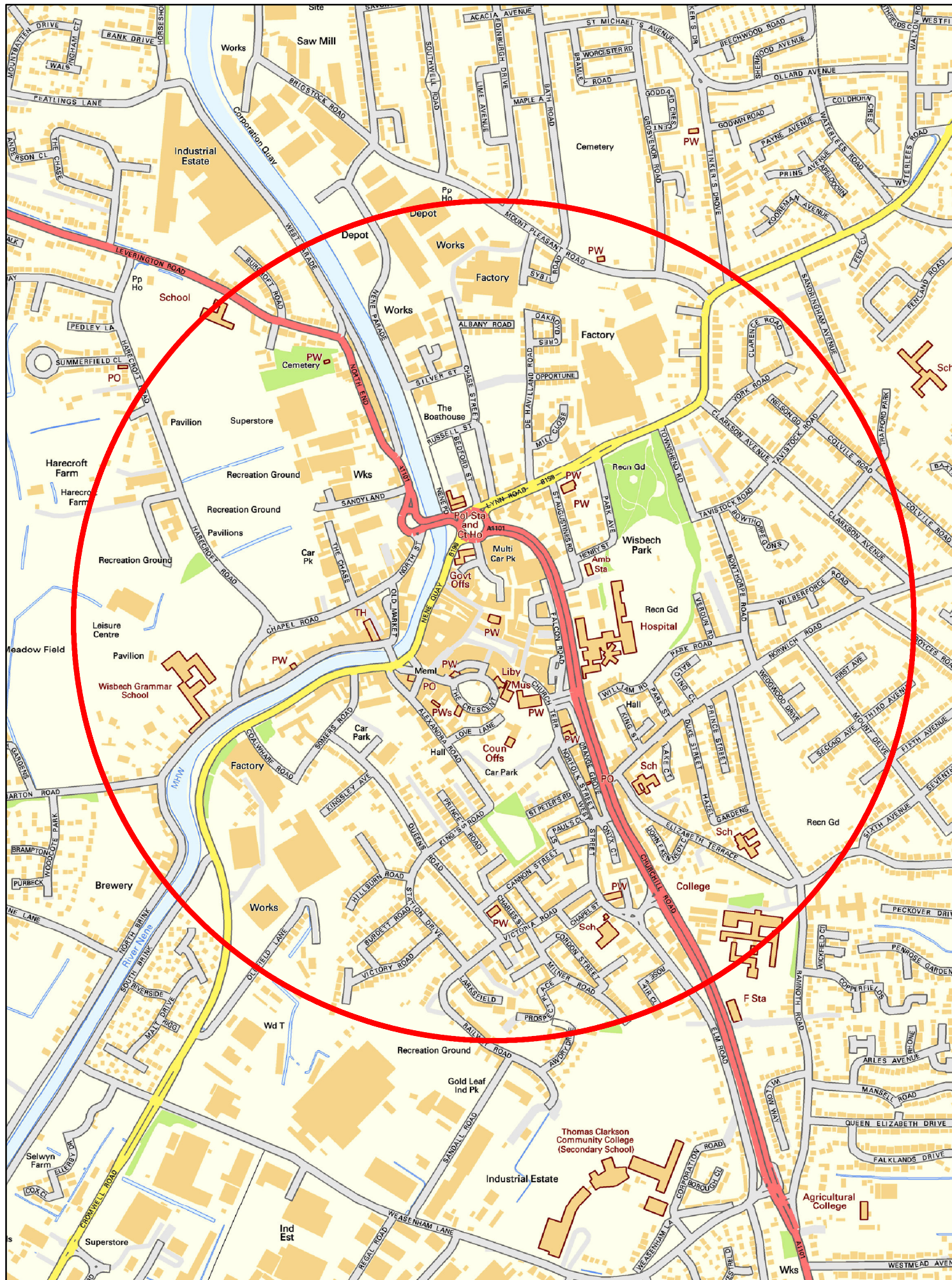
8.0 Conclusion

- 8.1 The conclusion drawn in respect of the evidence is that where relevant representations are submitted, the Cumulative Impact Policy should aim to limit the number of new or material variations to licensed premises. The rebuttable presumption to refuse such remains in place.
- 8.2 The Licensing Authority believes that the presence of a Cumulative Impact Policy in the designated area will support and assist the range of strategies in place to tackle alcohol related crime and disorder.
- 8.3 Accordingly, the Licensing Authority has resolved to maintain the Cumulative Impact Policy. The Policy will come into effect where relevant representations are received, will seek to prevent a further increase in the number of licensed premises and material changes to licences within that area.
- 8.4 The Licensing Authority wishes to encourage the provision of a range of entertainment in the area and to reduce the dominance of pubs, off licences, and take away premises with off licences. Any further expansion of licensed premises and the evening or night time economy should be consistent with the wider regeneration aspirations of the Council and its partners and should actively promote an inclusive town centre for all that is a safe and pleasant place to be in. This will be balanced against any likely negative impact on the licensing objectives.
- 8.5 The Licensing Authority has resolved that the Cumulative Impact Policy is one such measure to facilitate this, and ensure that the correct balance is sought.

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REVISION HISTORY

Version	Status	Date of Issue	Reason for Change	Sections
V 01	Draft – approved Licensing Committee	15/01/2016	First Draft	All
V 02	Approved – Licensing Committee	19/04/2016	Reviewed and final edits made	All
V 03	Final – Approved Full Council	12/05/2016		All



Created on: 19/12/2012

Wisbech Cumulative Impact Zone

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Scale = 1:10,000

