

LICENSING COMMITTEE

WEDNESDAY, 2 OCTOBER 2019 - 1.30 PM



PRESENT: Councillor R Skoulding (Chairman), Councillor Miss S Hoy, Councillor M Humphrey, Councillor A Lynn, Councillor A Maul, Councillor Mrs K Mayor, Councillor N Meekins, Councillor W Rackley and Councillor D Topgood

APOLOGIES: Councillor D Connor, Councillor C Marks and Councillor M Tanfield

OFFICERS IN ATTENDANCE: Linda Albon (Member Services & Governance Officer), Michelle Bishop (Licensing Manager), Dan Horn (Head of Housing & Neighbourhood Services) and Colin Miles

OBSERVING: Councillor Sam Clark

LIC7/19 **PREVIOUS MINUTES.**

The minutes of the meeting of 23 July 2019 were agreed and signed.

LIC8/19 **REVIEW OF THE CUMULATIVE IMPACT ASSESSMENT POLICY (CIA)**

Members reviewed the Cumulative Impact Assessment (CIA) Policy report and results of the recent consultation presented by Michelle Bishop.

Michelle Bishop introduced PC Grahame Robinson from Cambs Police and Joe Keegan from Public Health.

Mr Keegan gave a short update to the submission from Public Health (Appendix D to the report) in support of keeping the policy. He stated that they are not anti-alcohol but the social impact of excessive use is well documented and seen in Wisbech, and drew Members' attention to the statistics showing the strong link with deprivation, alcohol outlet density and consumption. Mr Keegan pointed out that life expectancy in Wisbech is four years less for a man than in other parts of the county. Furthermore he had provided statistical data at ward level to support the view of Public Health that out of 17 current off-licences in the current CIA area, nine are located in an area which is in the 10% most deprived in the country. Mr Keegan further pointed out that of the seven wards in Wisbech, five have the worst hospital admission figures in England, with Medworth ward being five times higher than the rest of Fenland. Data from the primary care network showed that alcohol related liver disease in Wisbech is three times higher than the South Fens area, thereby showing the real impacts of alcohol in the population of Wisbech.

Michelle Bishop thanked Mr Keegan.

Councillor Maul asked Mr Keegan if he could check some of the statistics. He asked if the alcohol related figures in Medworth ward was based on people who actually lived in the ward. Mr Keegan replied that was the case. Councillor Maul stated that Medworth covers the town centre which is where the majority of outlets are so the higher figures would be expected. Mr Keegan said that people admitted to hospital stated that is where they reside, so these figures reflect the local population.

Councillor Hoy asked if the data was recent. Mr Keegan said that the data was four years old and although he had been unable to look at more recent figures in greater detail, he could not see there would be a massive difference. Mr Keegan added he has been involved in this area of public health for fifteen years and working on substance misuse for seven years, and the data trends have been similar in all that time. Councillor Hoy felt that the data should have been more recent and said that the policy does not work because the figures have got worse not better.

Michelle Bishop invited PC Robinson to give his representation. PC Robinson advised that he is not a statistician but the figures taken from police crime and incident data compared to previous assessments over the years do show a reduction. However there has been significant change to staff and resources and new software has been introduced and there are different ways of recording certain crimes on it. Also it should be noted that some people will not report certain incidents because they think the police will not do anything. However, he fully supports Mr Keegan in needing to look at Medworth as a priority.

Councillor Mrs Mayor said she was concerned that it sounded like PC Robinson had no confidence in the police IT system. PC Robinson stated that data has to be reported to the Home Office, it was not a priority to report alcohol data previously, now it is and he has ultimate confidence in the data.

Councillor Mrs Mayor asked if some of the data on the table provided is likely to be duplicated, for example more than one person reporting a crime. PC Robinson admitted that sometimes crime is over-reported and a qualified analyst would be need to look closely at the results; unfortunately the police do not have software that can do this. PC Robinson added that the issue is that data does show a problem in Medworth but this area is far too big an area.

Councillor Humphrey stated that the issues around the area we are looking at is about applications for new licences, not street drinking, but they will have to be dealt with whether inside or outside the CIA, and does not affect what the police have to do. PC Robinson agreed; they have had 23 applications in his 18 months in post, two of which were for major supermarkets where there was no issue.

PC Robinson added that in support of keeping the CIA, it makes applicants think about how they are not going to impact on the area and it gives police a starting block.

Councillor Meekins stated that as the representative for Peckover Ward, he found the table pleasing to look at. Looking at the statistics, Mr Keegan stated that the address of the person involved in an incident is recorded for public health statistics and asked PC Robinson if the police record where the person lives of where an incident occurs. PC Robinson confirmed that where a crime occurs it is linked to where it happens.

Councillor Meekins asked where there were no incidents of street drinking in Peckover, is that because it is has not been reported as street drinking. PC Robinson confirmed that it is down to the call operator as to how they classify or grade an incident. If alcohol is not related, then it will not be recorded as an alcohol recorded incident, however a street drinking incident may not be recorded as such but as an alcohol nuisance. He added that if alcohol is not mentioned to the call handler, or the attending officer does not mention alcohol, then the incident will not be reported as such and that is the issue that he is trying to change. He is trying to get officers to 'think alcohol'.

Councillor Humphrey said the policy that we are looking at is not about what we are policing but is about a policy that supports what we do as a licensing authority. We are here for a three-year review and we have evidence to support keeping it because it has not restricted any businesses coming forward. Applicants are more careful about the applications they put forward and we have only just had a hearing where the applicant changed what they were asking for in order to ensure their application was accepted. This clearly shows the policy to be working. Councillor Humphrey added that we once had no grounds to refuse any application and there was a public outcry and what seemed a 'free for all'. The CIA has had a positive effect and without a CIA, we will be a

licensing authority with no authority. He stated that we are not using the CIA for blanket refusal, and it does not penalise good businesses, therefore he cannot see a reason why we would not have this policy. It may not be ideal, but the committee would have no reason to refuse any application that it received.

PC Robinson added that the problem is in the evidence. If there is a review, an objection received and it goes to court, we need to be absolutely certain that the evidence we have is sound. The police will make a valid representation if they have that evidence.

Councillor Topgood queried Mr Keegan's public health figures. He asked that if someone from Medworth goes out in Kings Lynn and ends up in hospital due to an alcohol-related incident, their figures would be recorded under Medworth? Mr Keegan stated that was correct and Councillor Topgood said in that case surely the figures do not represent the true picture or the CIA area. Mr Keegan said that he could say with utmost confidence that local people are impacted by alcohol in the local area, and that is his concern.

Michelle Bishop circulated a new map, showing more of the town centre area covering Medworth and an area linked to the PSPO showing where the current licensed premises are. She agreed that the current circled area was too large but it was for the committee to decide which they preferred.

Councillor Hoy said that if the CIA works then it should be for the whole of Wisbech but in her opinion, it does not work. She does not dispute the street drinking, but this is not exclusive to Wisbech. However, problems have got worse not better despite this CIA and public health are always going to object. There is a lack of resources all round and as local authorities we are always firefighting deep social problems with policies that do not necessarily work with good will and intention. People will always buy alcohol, it does not matter how many places sell it. She is concerned about the policy because we are not allowing competition that could get rid of bad off-licences who are selling to street drinkers as they obviously get it from somewhere. Bad policy should not be made just to make us look like we are doing something.

Councillor Humphrey stated that you cannot blanket the whole area with a CIA. It has to be evidence-based. He responded to Councillor Hoy that it has worked as it has prevented some places opening and has also brought better applications forward. The Wisbech public wanted something doing, and yes although there was a low response to the consultation, those that did vote voted unanimously to keep it. Removing the policy altogether will make dealing with alcohol more difficult; if someone applies for licence and there is no representation then the licencing committee will have no reason to refuse it.

Councillor Topgood stated that he had voiced his concern at the last meeting of the committee that the public would not understand the consultation. Reading the responses, he felt that they still do not understand that the consultation was not in respect of street drinking as they have mentioned this in their responses. He said he had been assured that the consultation would make it clear it was about street drinking but he said it had not.

Councillor Maul disagreed, saying that the consultation was quite clear. He said his issue is that the policy should be made because it does allow us as an authority to examine and make people think about what they are doing before they make their applications. His biggest issue is the ongoing monitoring once people have their licence; the policy as it stands may have put off some good people from applying but it has also made others think more carefully. Monitoring must be done afterwards.

Councillor Meekins stated that it is a good idea in principle but unless this is policed properly in terms of the prevalence of street drinking in the area, he feels the policy has no teeth.

Colin Miles asked the Chairman if he could draw members' attention to the fact that the policy itself is not a total ban on licensed premises. At the moment there is a rebuttable presumption that premises must come up with a robust operating schedule to be allowed to operate in an area. The presumption applies to all types of alcohol premises in the area, for example hotels and restaurants, and can be restricted to on sales and off sales. The committee should consider if they want the policy to remain or not; considering the evidence heard today, or consider that they reduce the area. However, he asked the committee to bear in mind it is the only mechanism that they will have to restrict in a specific area if there is evidence to justify that restriction. It does not mean that the committee will say no to everything but will encourage more attention to due diligence. He stated he would be happy to answer any questions on law and policy. Councillor Skoulding thanked Colin Miles.

Councillor Humphrey said that this is a three-year review and evidence presented today shows that this policy is of benefit. He said that members that have sat on panels know that without it we have nothing and each application is looked at individually. He recommended options 3, 5 and 6 within the report recommendations be adopted, with the amendment to the CIA map, in terms of management, to coincide with the PSPO area as opposed to the circle.

Proposed by Councillor Humphrey, seconded by Councillor Mrs Mayor and AGREED to:

- **Retain the CIA policy and amend the CIA Map to reflect the area of concern in line with the evidence presented**
- **Authorise officers to update the Licensing Policy accordingly**
- **Recommend to Full Council the decision taken by the Licensing Committee.**

(Councillors Humphrey, Lynn and Rackley left the meeting at the end of this item).

LIC9/19 REVIEW OF GAMBLING STATEMENT OF POLICY DOCUMENT - GAMBLING ACT 2005

Members considered the Gambling Statement of Policy report presented by Michelle Bishop.

Proposed by Councillor Topgood, seconded by Councillor Meekins, it was AGREED to recommend to full Council that the draft Statement of Gambling Principles be approved for the period of 2019-2022.

2.41 pm

Chairman