

Chris Hambly

From: chris.hambly@fylde.gov.uk
To: Ian Williamson
Subject: RE: Lytham Licensing

From: [REDACTED]
Sent: Wednesday, September 20, 2023 12:36 PM
To: Ian Williamson <ian.williamson@fylde.gov.uk>
Cc: Ian Curtis <ian.curtis@fylde.gov.uk>; Cllr Mark Bamforth <Mark.bamforth@fylde.gov.uk>; Cllr Kelly Farrington <Kelly.Farrington@fylde.gov.uk>
Subject: Lytham Licensing

External Email - Use Caution

Dear Mr Williamson,

I understand from Ian Curtis that he has copied you into the correspondence below. In case you have not received the attachments these are attached again with my CV.

A large number of Lytham residents are concerned in regard to FBC's policy regarding licensing in Lytham. Particularly the area commencing with the Henry Street/Queen Street Junction and ending at the Clifton Street/Station Road Junction (The Area). The Area merits a Cumulative Impact Policy in similar manner to other towns where there is an abundance of Licensing Premises. Blackpool and Preston among other towns (see Oxford attachment) have put in place 'The Cumulative Impact Policy' to restrict new Licensing applications and variations thereof.

I believe a consultation process should be started forthwith by the Council. There is already a substantial body of evidence to support a consultation.

We can assist in due course with encouraging residents to participate. This needs to start immediately as the overall licensing policy is under review and the Cumulative Impact Policy should be considered for the Area. Indeed Ian Curtis says below 'that the effect of the legislation and the relevant government guidance is that there needs to be a rigorous, evidence-based process, involving all relevant stakeholders to put one in place'

There has been an alleged murder in Clifton Square recently; Many residents believe there are:

- 1 breaches of planning law in or about the square;
- 2 an increase in crime and anti social behaviour in the area;
- 3 cocaine/ drug use in the area
- 4 breaches of the Licensing objectives;
- 5 live music is regularly played in public spaces ,conservation areas and residential areas causing a public nuisance;
- 6 illegal , unsafe, dangerous and unhealthy storage of waste.

The consultation should commence immediately.

I would appreciate your comments as soon as possible.

Kind regards,
John

[REDACTED]

From: Ian Curtis <ian.curtis@fylde.gov.uk>

Sent: Tuesday, September 19, 2023 9:27 AM

[REDACTED] Cllr Mark Bamforth <mark.bamforth@fylde.gov.uk>; Cllr Kelly Farrington <Kelly.Farrington@fylde.gov.uk>; Ian Williamson <ian.williamson@fylde.gov.uk>

Subject: RE: Meeting

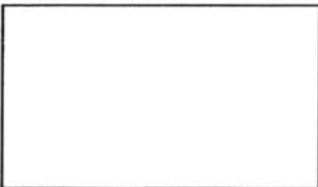
Dear John

I have copied my colleague Ian Williamson on this correspondence, as it is his team that have responsibility for consulting on and reviewing the council's licensing policy. I don't know whether a cumulative impact policy for Lytham has been actively considered at any time. But I can advise that the effect of the legislation and the relevant government guidance is that there needs to be a rigorous, evidence-based process, involving all relevant stakeholders to put one in place. The decision to put a cumulative impact policy in place is one that can be (and has been in other areas) challenged in law, so (rather like the local plan in relation to town and country planning), the council does not have a free hand to do just what the public or councillors may want it to do.

Ian: For background, John and his colleagues are residents of Lytham who, with community support, are advocating for the establishment of a parish council in Lytham.

Regards

Ian Curtis
Head of Governance



p. 01253 658506
m: ian.curtis@fylde.gov.uk

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From: [REDACTED]

Sent: 18 September 2023 10:43

To: Ian Curtis <ian.curtis@fylde.gov.uk>

Cc: [REDACTED] Cllr Mark Bamforth <mark.bamforth@fylde.gov.uk>; Cllr Kelly Farrington <Kelly.Farrington@fylde.gov.uk>

Subject: FW: Meeting

Dear Ian,

I thought you might like to see my email to Kelly Farrington re Lytham Licensing.

I anticipate you have already taken note of the Cumulative Impact Policy in your plans for Fylde (particularly Lytham).

There seems to be a general view by Lytham Residents that there are already sufficient licencing Premises in Lytham and hopefully this will be reflected in the 5 year Licencing Plan. The Cumulative Impact Policy seems to be an excellent way of dealing with Lytham.

I would appreciate your observations

Kind regards,

John

From [REDACTED]

Sent: Thursday, August 31, 2023 12:30 PM

To: 'Cllr Kelly Farrington' <Kelly.Farrington@fylde.gov.uk>; [REDACTED] 'Cllr Mark Bamforth' <Mark.bamforth@fylde.gov.uk>

Subject: RE: Meeting

Good morning Kelly,

We are not involved in any plans for St Annes except in any way that Lytham is effected until we have a Town Council for Lytham. We are keen to have the name 'Town' not 'Parish' as the latter seems for many to have religious leanings!

You indicated that you were on the Licensing committee/group at FBC. As discussed it would be very good if FBC could incorporate into their plan a 'Cumulative Impact Policy' (CIP) for areas such as Lytham Centre. Both Blackpool and Preston have one and I attach extract from Oxford City. The CIP has the effect of creating a rebuttable presumption that any licence or variation thereof will be refused. (see the extract attached).

Certainly Lytham centre has sufficient liquor licences and it makes it easier for the authorities to control alcohol abuse. Hope you can take this forward into the FBC 5 year licencing Plan.

Best regards,

John

From: Cllr Kelly Farrington <Kelly.Farrington@fylde.gov.uk>

Sent: Thursday, August 31, 2023 10:53 AM

To: [REDACTED] Cllr Mark Bamforth <Mark.bamforth@fylde.gov.uk>; [REDACTED]

Subject: Re: Meeting

Thanks Paul,

It was good to meet you both too. I am being won over on the idea of a Parish Council after talking to you both.

In terms of the St Annes plans, how are you both involved in that? I forgot to ask.

thanks,

Kelly

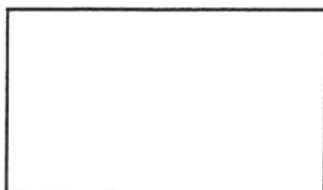
Cllr Kelly Farrington

Elected member for Lytham East

Fylde Borough Council

Kelly Farrington

**Elected Member
Lytham East Ward
Independent Group**



p:
m:
Kelly.Farrington@fylde.gov.uk

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[REDACTED]
Sent: 30 August 2023 09:42

To: Cllr Mark Bamforth <Mark.bamforth@fylde.gov.uk>; Cllr Kelly Farrington <Kelly.farrington@fylde.gov.uk> [REDACTED]

[REDACTED]
Subject: Meeting

External Email - Use Caution

Good Morning

Just a short note on behalf of John and I to thank you both for the time you gave us yesterday discussing the opportunities and benefits of a Town Council for Lytham.

The discussions were wide ranging and ,we hope,interesting and we look forward to further meetings with interested councillors.

We await your email Mark to assist us in setting up further meetings

Regards

Paul olive

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The **Cumulative Impact Policy** is a tool for licensing authorities to limit the growth of licensed premises in a problem area. It was introduced under section 182 of the Licensing Act 2003¹. The policy is used to control the density of licensed premises in a particular area and is set out in the statutory guidance issued under section 182 of the Licensing Act 2003¹.

The policy is applied when a licensing authority receives relevant representations from a responsible authority or interested party on the potential cumulative impact of the grant of an application for a license in question¹. Responsible authorities under the Licensing Act 2003 include (but are not limited to) police, fire authorities, health and safety authorities, local planning authorities, environmental health, bodies responsible for protecting children from harm and any licensing authorities (other than the relevant licensing authority) in whose area a premises is situated¹.

Before implementing a Cumulative Impact Policy, a licensing authority will usually conduct a consultation exercise and consider the effect that additional premises will have on the cumulative impact¹. The statutory guidance governing Cumulative Impact Policies will be more focused on local needs and easier for licensing authorities to implement. This will reduce the evidential requirement on licensing authorities and give greater weight to the view of local people as the licensing authority will not be constrained by the requirement to provide detailed additional evidence where such evidence is unavailable¹.

I hope this helps!

Council re-adopts Cumulative Impact Policy

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This decision follows on from a licensing policy and CIA consultation which took place at the end of last year

Published: 23 March 2022 by Associate Solicitor, Suraj Desor

Oxford City Council have re-adopted a Cumulative Impact policy following a recent statement of licensing policy and Cumulative Impact Assessment (CIA) consultation at the end of last year. The Cumulative Impact policy covers the area of Oxford city centre and east Oxford (around Cowley Road) and is now in effect.

As you may recall from our previous eNews, Oxford City Council's licensing policy was due for review and publication in February 2021, and the council took the pragmatic approach of re-adopting the existing licensing policy but removing the Cumulative Impact policy as no realistic assessment of cumulative impact was possible at that time due to the disruption as a result of the pandemic. Now that the CIA has been undertaken the Council is of the opinion that based on a review of the evidence, the cumulative effect of the number of licensed premises and club premises certificates within the city centre and the East Oxford area is such that is likely that the granting of further licences or material variations to licences (such as extension to hours for licensable activities permitted on licences) would be inconsistent with the authority's duty to promote the licensing objectives. A further CIA must be undertaken by the Council within three years to ensure the evidence and data still supports the retention of the Cumulative Impact policy.

The net effect of the reintroduction of the Cumulative Impact policy is that there is a rebuttable presumption that applications for new premises licenses or club premises certificates or material variations to these within these two areas will normally be refused, where valid relevant representations are received, unless an applicant can demonstrate that the operation of the premises will not add to the existing cumulative impact already being experienced within the area – which is an additional, at times challenging, hurdle for applicants to overcome.

Visit our Cizapp function here <https://www.cizapp.co.uk/> (<https://www.cizapp.co.uk/>) to see if your premises falls within one of the areas covered by the Cumulative Impact Policy or alternatively you can view the full updated Statement of Licensing Policy and maps on the Council's website.

Chris Hambly

From: [REDACTED]
Sent: 26 September 2023 11:22
To: Chris Hambly
Cc: [REDACTED]
Subject: RE: Cumulative Impact Policy

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Dear Chris,
Thank you for your email.

[REDACTED] will represent a number of residents at the Licensing Committee and hopefully you will let Simon and me know in due course, and with plenty of notice, the date of the proposed meeting.

Kind regards,
John

From: Chris Hambly <chris.hambly@fylde.gov.uk>
Sent: Thursday, September 21, 2023 2:51 PM
To: [REDACTED]
Subject: Cumulative Impact Policy

Good afternoon, I have been forwarded your request in relation to a Cumulative Impact Policy (CIP's) for an area of Lytham.

S5A of the Licensing Act 2003 introduced CIP's and chapter 14 of the Guidance Issued under S182 of the Licensing provides further information and the process to be followed when considering one. As such I propose to submit a report to the Licensing Committee informing them of the request and then progress as per their instruction. The Licensing Committee meets on an ad hoc basis so I will make a request and inform you when the date has been arranged.

For the purposes of my report, please could you provide some information as to who you are representing? Is it a number of residents or a more formal arrangement?

Thanks
Chris

Chris Hambly
Principal Officer (Health and Safety/Licensing)



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