

# Wolverhampton City Council

## OPEN INFORMATION ITEM

Committee / Panel **LICENSING COMMITTEE**

Date **01/02/2012**

Originating Service Group(s) **ENTERPRISE & EDUCATION**

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Title/Subject Matter **LICENSING ACT 2003 – REVIEW OF CUMULATIVE IMPACT POLICY**

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### **Recommendation**

That Members note the content of this report and agree to receive an annual review report on the Cumulative Impact Policy.

## **LICENSING ACT 2003 – REVIEW OF CUMULATIVE IMPACT POLICY**

### **1.0 Purpose of Report**

1.1 To inform members of the Licensing Committee of the findings of the second annual review of the Cumulative Impact Policy, adopted on 4 November 2009.

### **2.0 Background**

2.1 Following consideration of police evidence relating to levels of crime and disorder in the City Centre the Council's Statement of Licensing Policy was revised on 4 November 2009 to give effect to a Cumulative Impact Policy (CIP). A further revision based on evidence relating to nuisance and disturbance was made on 28 April 2010 to amend the Cumulative Impact aspect of the policy to include reference to late night refreshment and change to the Cumulative Impact Zone.

2.2 The CIP area is shown as the highlighted area at Appendix 1 to this report.

2.3 At the Licensing Committee meeting of 22 September 2010 Members requested that an annual progress report be presented on the effects of the CIP, including recorded crimes relating to licensed premises in the City Centre. The first review was considered on 9 February 2011.

2.4 Section 182 of the Licensing Act 2003 guidance states that where a Cumulative Impact Policy exists; a regular review should take place to assess whether it is still required to form part of the Statement of Licensing Policy or if it needs expanding. It is therefore proposed that Members of this Committee receive annual review reports commencing January 2012.

2.5 The effect of a Cumulative Impact Policy is the rebuttable presumption that any application for a new or varied licence will be refused where premises are located within the area covered by the policy unless the applicant is able to demonstrate, through evidence, that the granting of a new or varied licence will not add to the cumulative effect currently experienced or undermine promotion of the licensing objectives. Clearly, for such a policy to have a marked effect, it would need to have been in place for a considerable period and applied to a variety of different situations and application types.

2.6 The data and findings in this report have been supplied by Wolverhampton City Council and West Midlands Police.

### **3.0 Crime and Disorder Statistics**

3.1 West Midlands Police have provided the Council with a report detailing the crime and disorder statistics that are referred to in this report. The statistics were requested for offences occurring within the Cumulative Impact Policy area during the hours of the 'Night time economy' (2100 hours – 0600 hours) for the periods;

- November 2007 to 3 November 2008,
- November 2008 to 3 November 2009,
- November 2009 to 3 November 2010.
- November 2010 to 3 November 2011.

3.2 A copy of the complete report from West Midlands Police is attached at Appendix 2

3.3 The number of recorded offences within the area covered by the CIP have been provided. These are reproduced in the table below:

	<b>Total crimes for the year</b>	<b>Total crimes during the night time economy (2100-0600 hrs)</b>	<b>% of total crime attributable to the night time economy</b>
<b>2007/08</b>	1062	409	39%
<b>2008/09</b>	877	331	38%
<b>2009/10</b>	904	378	42%
<b>2010/11</b>	883	342	39%

3.4 The number of recorded offences within the area covered by the CIP have been provided. These are reproduced in the table below:

3.5 With the exception of an increase during 2009/10, the proportion of total recorded crime committed within the Cumulative Impact Zone that is related to the night time economy has tended to remain stable across the years.

3.6 The peak times for recorded crime within the night time economy hours occurs between 0000 and 0400 hours.

3.7 The total recorded crime within the CIP area has reduced from 1062 offences in 2007/08 to 877 offences in 2008/09, after which they have remained steady with 883 crimes recorded in 2009/10.

3.8 Friday and Saturday have consistently remained the peak days for offending within the Cumulative Impact Zone since 2007. However, during 2010/11 offences were more scattered across the week, with no specific concentration around the weekend period.

3.9 West Midlands Police have advised that policing problems usually occur outside of licensed premises. Door supervisors act quickly when problems occur within the premises to prevent any incidents mainly resulting in the ejection of those patrons. However this may sometimes lead to incidents occurring outside the licensed premises which would lead the log to be recorded on the street rather than at a specific premise.

3.10 Should a specific premises cause a particular problem or a number of incidents can be identified to have arisen at a premise there are other tools available to deal with problem premises. A Responsible Authority may request a review of the Premises Licence in circumstances such as this. However, the general presumption of refusal could clearly not be applied in such cases.

#### 4.0 **Premises Licence Applications**

4.1 The table below identifies the number of various application types that were received by the Council within the CIP area for each of the time periods highlighted previously. Temporary Events Notices (TENs) have been included in the information as these may have had some effect on crime and disorder within the specified area.

	New applications received		Variation applications received		TENs received (not effected by Cumulative impact)
<b>2007/08</b>	6	5 granted 1 refused	5	5 granted	32
<b>2008/09</b>	4	4 granted	12	8 granted 4 refused	31
<b>2009/10</b>	1	1 granted	7	7 granted	33
<b>2010/11</b>	7	6 granted 1 refused	6	4 granted 2 refused	29
<b>Total</b>	18	16 granted 2 refused	30	24 granted 6 refused	125

4.2 Details of all applications and representations received for premises in the CIP area for the past year are attached at Appendix 3 to this report.

The table below identifies the number of premises licences in place for the specific periods.

	Premises Licences in place	Licences surrendered or lapsed within the period	Total in place for the full period
<b>2007/08</b>	88	2	86
<b>2008/09</b>	88	4	84
<b>2009/10</b>	86 4 premises are currently closed but still have a licence in place	2 surrendered 1 lapsed due to licence holder declared bankrupt	83
<b>2010/11</b>	94	Nil	94

4.3 Each period shows a slight increase in the number of premises licences in force within the Cumulative Impact Zone.

## 5.0 **City Centre Analysis**

5.1 A total of 94 premises are currently licensed within the CIP area. Of these 94 premises:

- 52 are authorised for the on-sale of alcohol;
- 16 are authorised for the off-sale of alcohol; and
- 26 premises are licensed for late night refreshment.

5.2 West Midlands Police have confirmed that they still strongly support the continued adoption of the Cumulative Impact Policy by the City Council.

- 5.3 The policy allows for greater control to ensure that the licensing objectives, particularly the prevention of crime and disorder and public nuisance, are upheld and promoted. The police support of the CIP is consistent with the original police request of 2008 to include cumulative impact in the Statement of Licensing Policy.
- 5.4 The reason for that initial request was that the area to which the CIP applies experiences a far higher level of crime and disorder than any other area of the City. This is largely due to the number of licensed premises concentrated within a small area. This formed part of the evidence base for the initial considerations by Members.
- 5.5 West Midlands Police have advised that they have witnessed reductions in violent crime and anti social behaviour in the CIP area. However these are still significantly in excess of other areas and the police would wish for the CIP to remain in place in order to encourage further reductions.
- 6.0 **Key conclusions**
- 6.1 Despite the observations from the police described in 5.5 within the first twelve months following implementation of the Cumulative Impact Policy, the data provided shows that there has been no significant change in overall crime and disorder.
- 6.2 The policy is still in its infancy and any notable reduction in crime and disorder or change in the nature of the premises operating in the area to which CIP applies could not be expected to have taken place in the time since the CIP was adopted.
- 6.3 Appendix 3 to this report shows that there has been one application received within the area where no representations have been received from the police; this application was for a supermarket, and was a premises to which the CIP could be applied.
- 6.4 There are some subtle but important benefits of the policy which have already been experienced. These have included requiring applicants to consider the impact their premises may have on the local amenity when submitting their applications. This concept has been supported by the Home Office in respect of changes to the application process contained in the Policing and Social Responsibility Bill Act 2011 which require applicants to give greater consideration to the local area when setting out the steps they will take to promote the licensing objectives.
- 6.5 Similarly, Members have been able to take into consideration the wider impact of a premises operation when determining applications within the CIP area. Again this approach is reflected in the Policing and Social Responsibility Act 2011 which seeks to support Licensing Authorities to make appropriate decisions for their specific local areas
- 6.6 The CIP remains an important tool for the Licensing Authority and Responsible Authorities that can be applied to tackle alcohol related crime and disorder within the City Centre
- 6.7 An Officer Working Group has been established to consider the implications of Police Reform and Social Responsibility Act 2011, which includes a revised approach to the delivery and evidential requirements for Cumulative Impact Zones. As such it is not proposed to make any changes to the current policy at this time, until the working group has considered those reforms and reported back to Members.
- 6.8 It is advised that further reviews and evaluations of the CIP continue to be on an annual basis presented to Members.

7.0 **Legal Implications**

7.1 There are no direct legal implications arising from this information report.  
[SH/19012012/W]

8.0 **Human Rights Implications**

8.1 There are no human rights implications arising from this information report.

9.0 **Financial Implications**

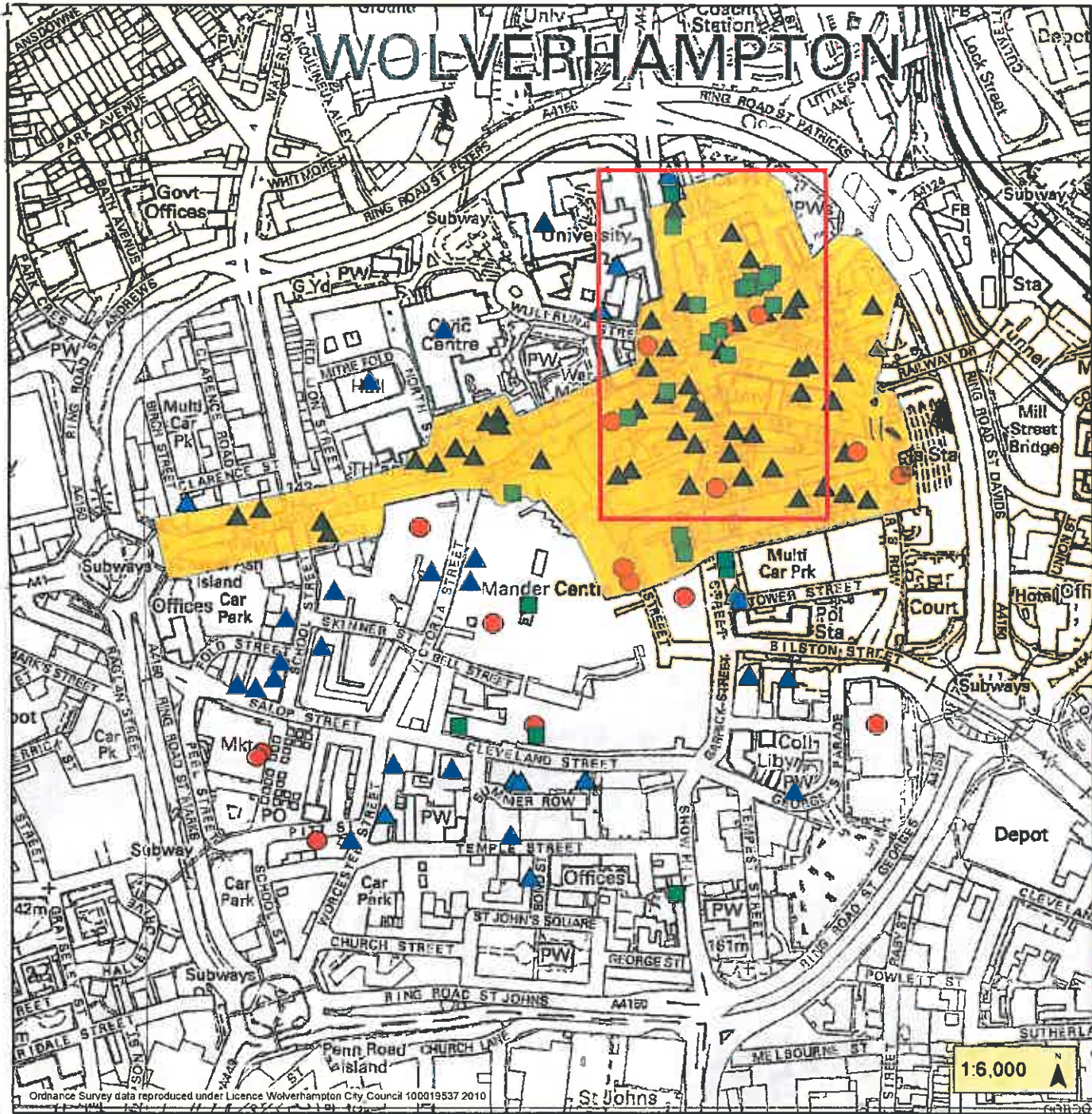
9.1 There are no financial implications arising from this report. [JJ/20012012/T]

10.0 **Equalities Implications**

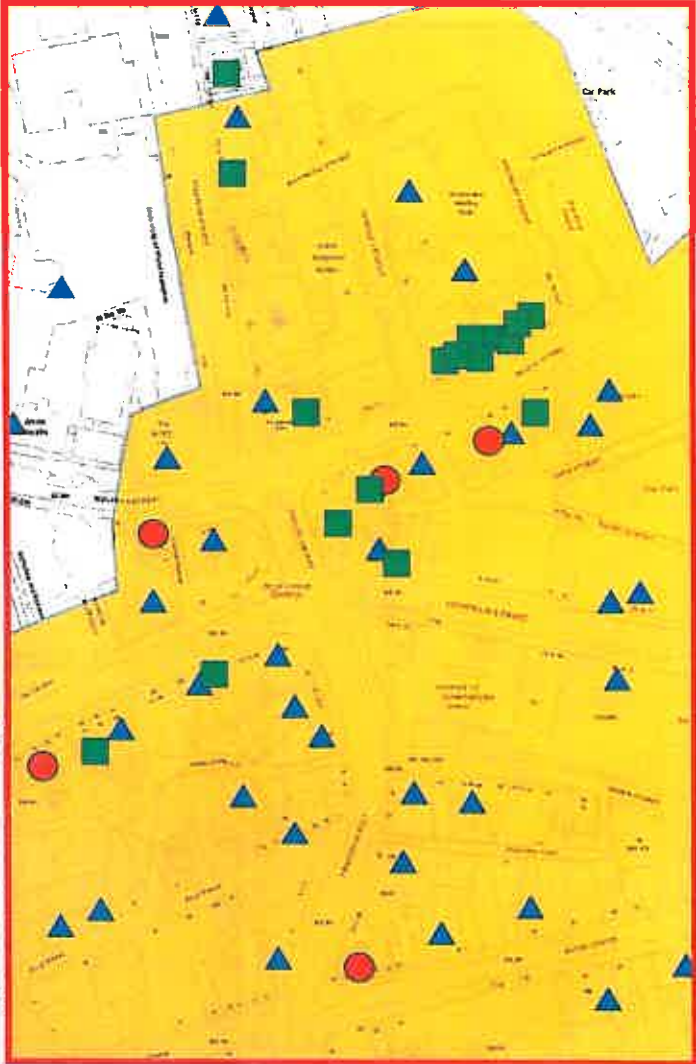
10.1 There are no equalities implications arising from this information report.

11.0 **Environmental Implications**

11.1 There are no environmental implications arising from this information report.



**City Centre Cumulative Impact Zone**



- CCCZ
- Licensed Premises 2009
- Alcohol licensed premises 'On sales'
- Non-Alcohol licensed premises
- Alcohol Licensed Premises for 'Off Sales'

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# Total Recorded Crime within the Cumulative Impact Area 4<sup>th</sup> November 2011



**Contents**

**1.0 Introduction ..... 3**  
**2.0 Offence Levels ..... 4**  
**3.0 Offences by Day of the Week ..... 5**  
**4.0 Offence by Time ..... 6**

**Document Control**

Version	Date	Author	Department	Comments
1.0	14/11/2011	SWP Analyst	WV Partnership	

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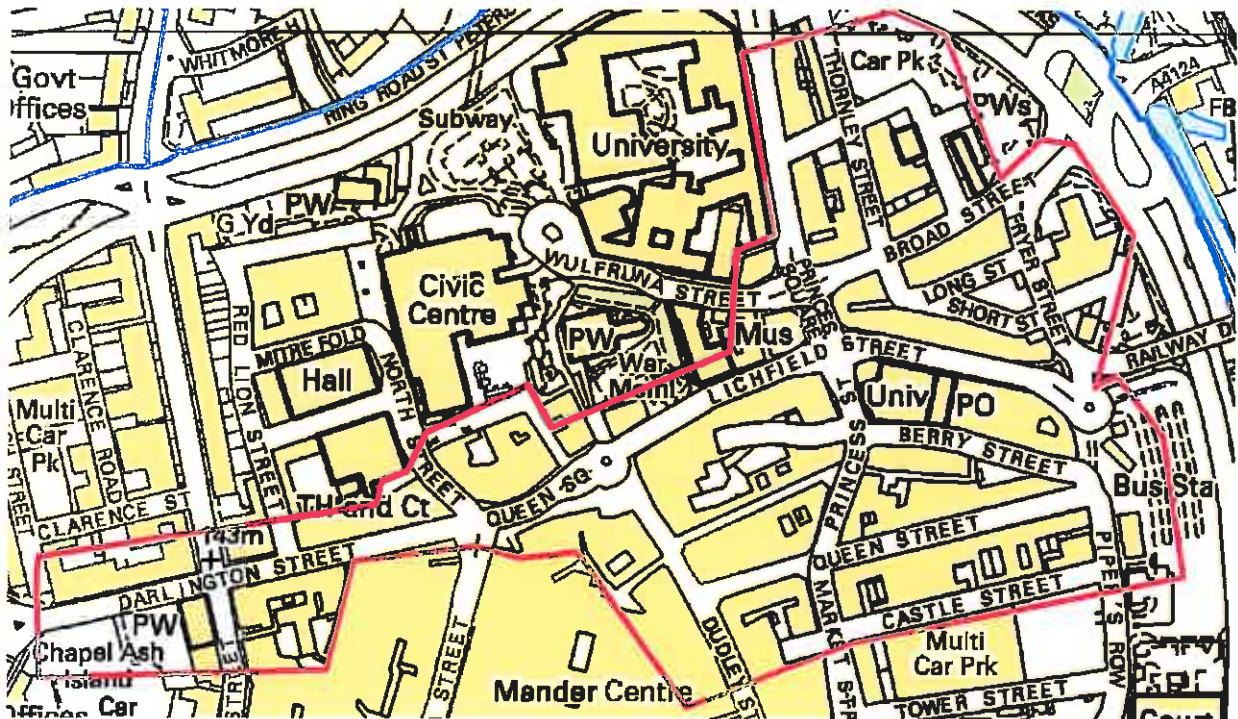
Any maps within this report are reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. West Midlands Police Licence No. 100022494 (2011)

## 1.0 Introduction

The purpose of this report is to review the effectiveness of the cumulative impact policy that was adopted into Wolverhampton City Council Statement of Licensing policy and to evaluate how effective the policy has been since its implementation. The licensing Act 2003 section 182 guidance states that where a cumulative impact policy is adopted by a licensing authority that this must be reviewed at a regular basis. Members of the licensing committee have requested that a report into the cumulative impact policy be presented to them.

Cumulative impact refers to the detrimental effect on the promotion of the licensing objectives when a significant number of licensed premises are concentrated in one area. For instance if there is a high volume of premises selling alcohol for consumption on the premises in a particular area then serious problems of nuisance and disorder may arise outside of some distance from licence premises in the form of queuing for food or public transport. The cumulative impact policy creates a rebuttable presumption that any application for a new or a variation to premises licence within the specified area will be refused. The aim of the review of the cumulative impact policy is to determine the effectiveness and to assess whether the policy has had a positive impact on the city centre night time economy.

The area outlined in red in the map below shows the Cumulative Impact Area:



## 2.0 Offence Levels

The table below shows levels of total recorded crime within the cumulative impact zone, broken down by year, since 2007:

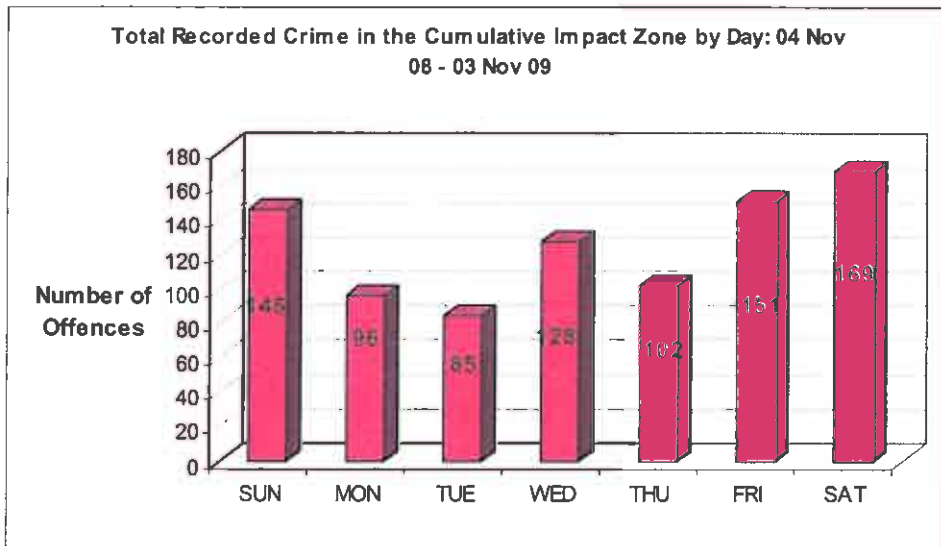
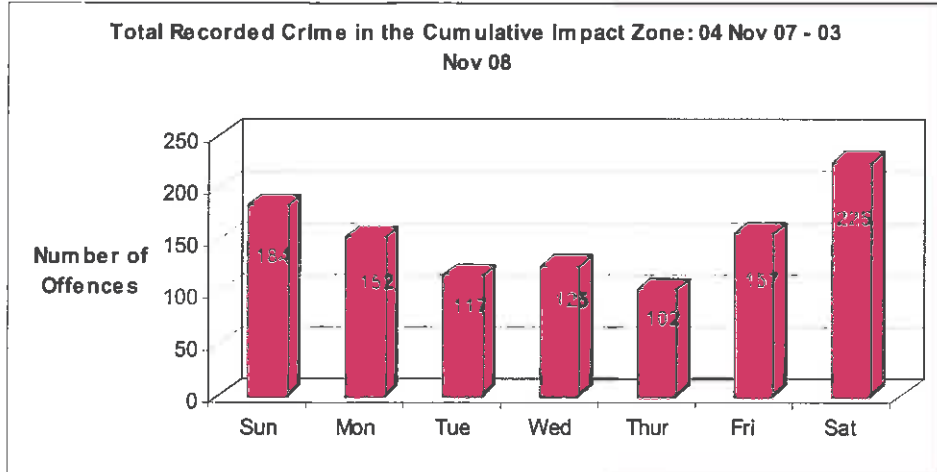
Year	Total Recorded Crime within Cumulative Impact Zone	Total Recorded Crime within Cumulative Impact Zone during the Night Time Economy (21:00 – 06:00)	% of TRC within Cumulative Impact Zone that can be attributed to the Night Time Economy
4 <sup>th</sup> November 2007 – 3 <sup>rd</sup> November 2008	1062	409	39%
4 <sup>th</sup> November 2008 – 3 <sup>rd</sup> November 2009	877	331	38%
4 <sup>th</sup> November 2009 – 3 <sup>rd</sup> November 2010	904	378	42%
4 <sup>th</sup> November 2010 – 3 <sup>rd</sup> November	883	342	39%

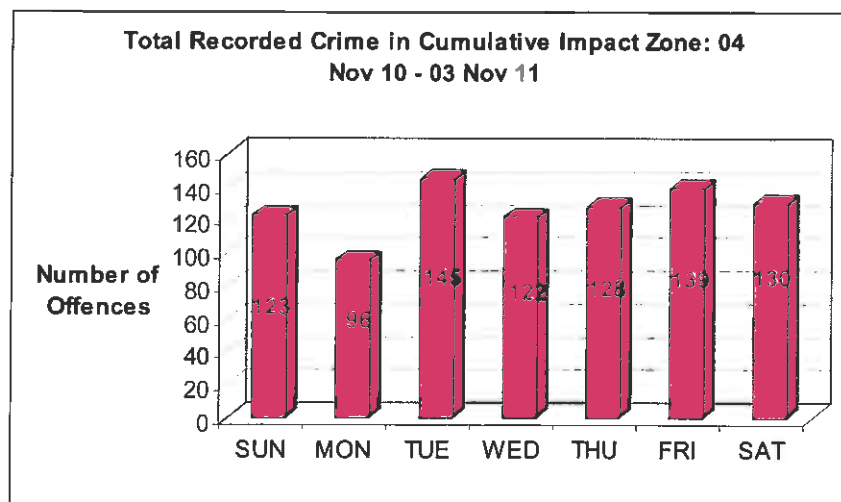
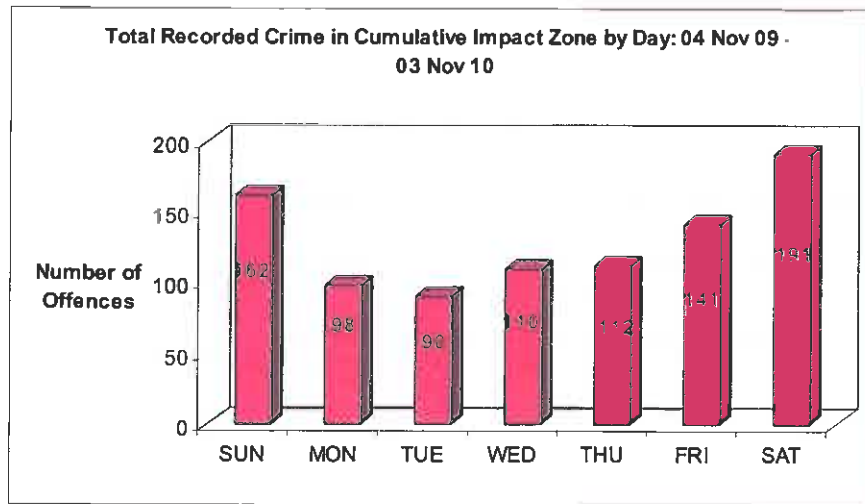
Total recorded crime within the cumulative impact zone reduced by 17 per cent (185 offences) between 07/08 and 08/09. Offence levels then increased by 3 per cent (27 offences) between 08/09 and 09/10 before decreasing again by 2 per cent (21 offences) between 09/10 and 10/11. When comparing 10/11 with 07/08, total recorded crime within the cumulative impact zone has seen an overall decrease of 17 per cent (179 offences).

With the exception of an increase during 2009/10, the proportion of total recorded crime committed within the cumulative impact zone that is related to the night time economy has tended to remain stable across the years.

### 3.0 Offences by Day of the Week

The charts below show a breakdown of total recorded crime within the cumulative impact zone broken down by day for each year since 2007:

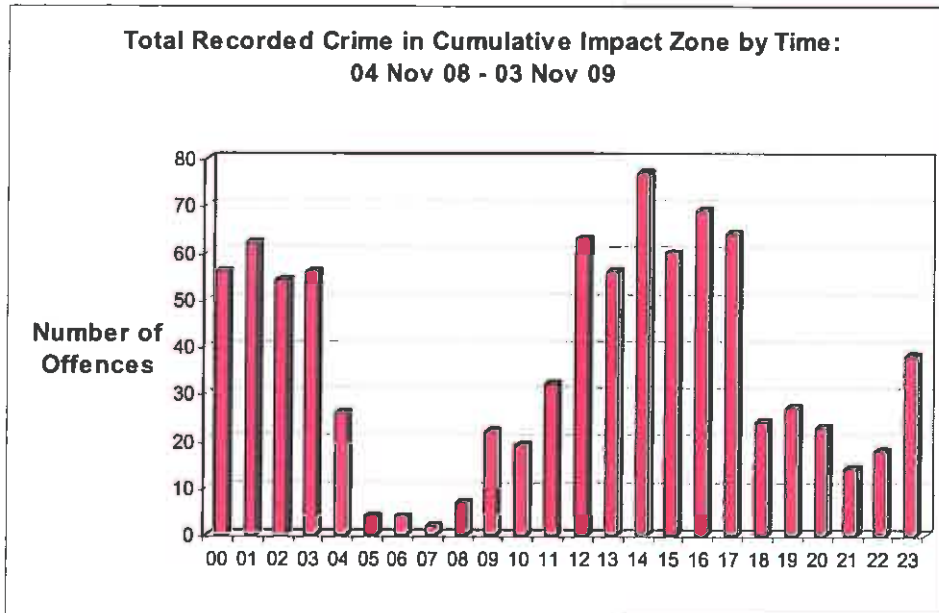


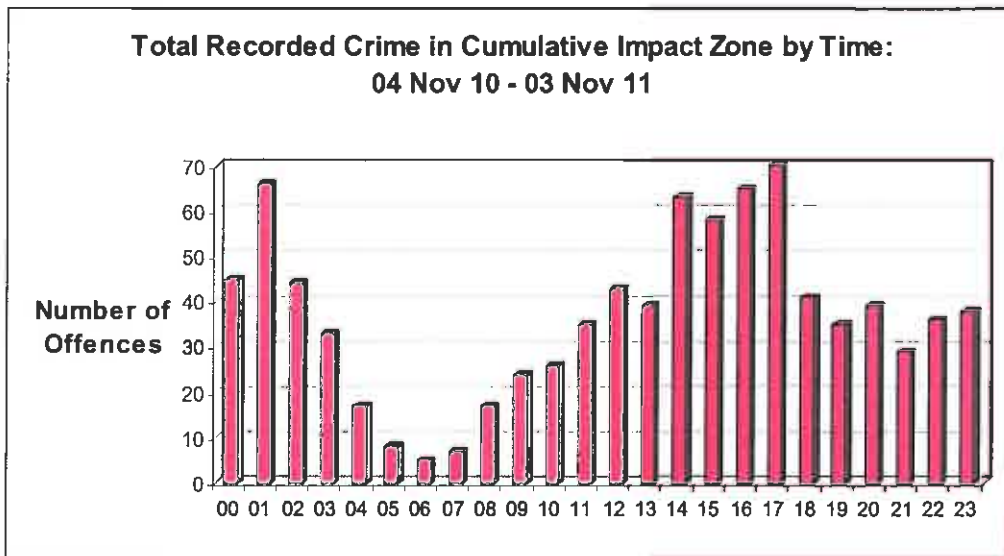
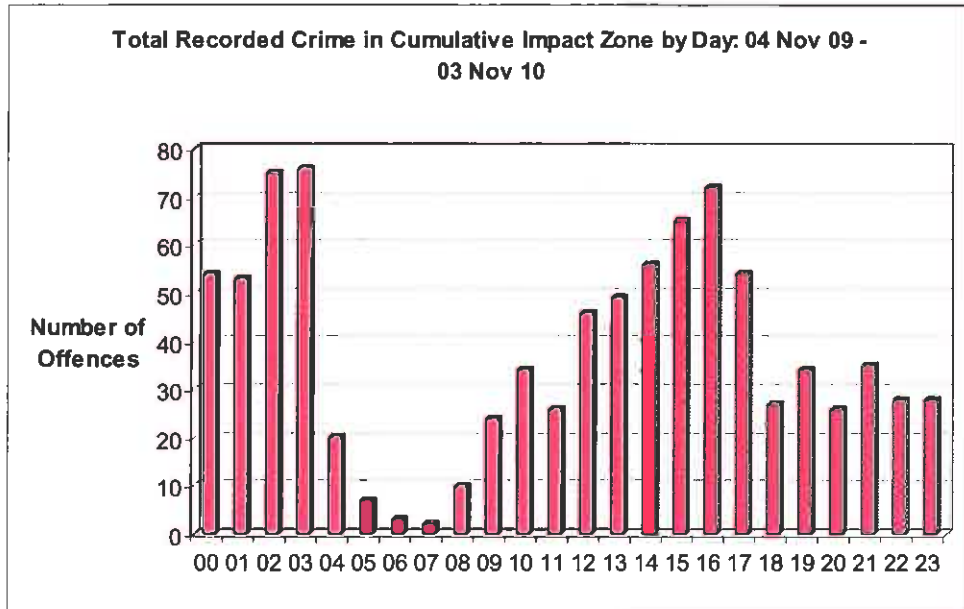


Friday and Saturday have consistently remained the peak days for offending within the Cumulative Impact Zone since 2007. However, during 2010/11 offences were more scattered across the week, with no specific concentration around the weekend period.

#### 4.0 Offence by Time

The charts below show a breakdown of total recorded crime within the cumulative impact zone broken down by time for each year since 2007:





There have been two distinct peak time periods for offences within the cumulative impact zone since 2007: 14:00 – 17:00 and the night time economy 00:00 – 04:00 time frame.

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**Premises Licence Applications in the Cumulative Impact Area**

(since November 2010)

Date of Hearing	Members	Date Parties Notified	Report Deadlines	Premises	Reason for Hearing	Licensing Objective	Rep's	Outcome of Hearing
18/01/12	Cllrs Claymore, Inston and Mrs Patten	15/12/11	Mailbox 5/01/2012 Final Report 9/01/12	<b>Singhfellows Lichfield Street</b>	<b>New Application</b>	Prevention of Crime & Disorder	WM Police	
05/01/12	Cllrs Davis, Inston & N Patten	13/12/11	Mailbox 16/12/2011 Final Report 20/12/11	<b>Prince Albert, Railway Street</b>	<b>Variation</b>	Prevention of Crime & Disorder	WM Police	Granted subject to conditions
05/01/12	Cllrs Davis, Inston & N Patten	02/12/11	Mailbox 16/12/2011 Final Report 20.12.11	<b>La Salsa Restaurant, Stafford Street</b>	<b>Variation</b>	Prevention of Crime & Disorder	WM Police	Refused to grant Licence
14/12/11	Cllrs Dass, Inston & N Patten	10/11/11	Mailbox 30/11/2011 Final Report 05/11/2011	<b>Super Stop</b>	<b>Variation</b>	Prevention of Crime & Disorder	WM Police	Refused to grant Licence
31/08/11	Cllrs Dass, John Rowley & Potter	15/08/11	Mailbox 17/08/2011 Final Report 22/08/2011	<b>Rocky's, Broad Street</b>	<b>Variation</b>	Prevention of Crime & Disorder Prevention of Public Nuisance	WM Police FESS	Granted subject to conditions
31/08/11	Cllrs Dass, J Rowley & Potter	15/08/11	Mailbox 17/08/2011 Final Report 22/08/2011	<b>Divine, Darlington Street</b>	<b>New Application</b>	Prevention of Crime & Disorder	WM Police FESS	Granted subject to conditions
22/07/11	Cllrs Inston, N Patten & Claymore	06/07/11	Mailbox 08/07/2011 Final Report 13/07/2011	<b>Lady Wulfrun, Lichfield Street</b>	<b>Variation</b>	Prevention of Crime & Disorder	WM Police	Granted as applied for
22/07/11	Cllrs Inston, N Patten & Claymore	06/07/11	Mailbox 08/07/2011 Final Report 13/07/2011	<b>Spar, Queen Street</b>	<b>New Application</b>	Prevention of Crime & Disorder Prevention of Public Nuisance	WM Police FESS	Granted subject to conditions
15/06/11	Cllrs Inston, Potter & Wilson	20/05/11	Mailbox 02/06/2011 Final Report 06/06/2011	<b>Varsity, Stafford Street</b>	<b>Variation</b>	Prevention of Crime & Disorder	WM Police	Granted subject to conditions



## Premises Licence Applications in the Cumulative Impact Area

(since November 2010)

11/05/11	Cllrs Inston, N Patten & Wilson	14/04/11	Mailbox 26/04/2011 Final Report 28/04/2011	<b>Spar, Queen Street</b>	<b>New Application</b>	Prevention of Crime & Disorder Prevention of Public Nuisance	WM Police FESS	Application refused
14/04/11	Cllrs Inston, Constable & Hall	28/03/11	Mailbox 31/03/2011 Final report 05/04/2011	<b>Mak's Fish Bar</b>	<b>New Application</b>		WM Police FESS	Cancelled - representations withdrawn
14/04/11	Cllrs Inston, Constable & Hall	28/03/11	Mailbox 31/03/2011 Final Report 05/04/2011	<b>La Salsa Restaurant, Stafford Street</b>	<b>New Application</b>	Prevention of Crime & Disorder Prevention of Public Nuisance	WM Police FESS	Granted subject to conditions
08/02/11	Cllrs Inston, Constable & P Singh	13/01/11	Mailbox 25/01/2011 Final Report 01/02/2011	<b>Coffee Bean, 3 Broad Street</b>	<b>New Application</b>	Prevention of Crime & Disorder Prevention of Public Nuisance	WM Police FESS	Granted subject to conditions
11/01/11	Cllrs Inston, V Evans & Mrs Patten	20/12/10	Mailbox asap Final Report 30/12/2010	<b>Foods 4 Thought, Broad Street</b>	<b>New Application</b>	Prevention of Crime & Disorder	Interested Party	Granted, subject to amendments to operating schedule agreed with RA