

**Wolverhampton City Council****OPEN INFORMATION ITEM**

Committee / Panel

**LICENSING COMMITTEE**

Date

**13/03/2013**

Originating Service Group(s)

**ENTERPRISE & EDUCATION**

Contact Officer(s)/

**R V EDGE****C J PARR**

Telephone Number(s)

**0106****0105**

Title/Subject Matter

**LICENSING ACT 2003 – REVIEW OF CUMULATIVE IMPACT POLICY****1.0 Purpose of Report**

- 1.1 To inform Councillors of the Licensing Committee of the findings of the third 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 the public nuisance licensing objective.
- 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.
- 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.
- 2.6 Clearly, for such a policy to have a marked effect on the nature of licensed premises within the area, it would need to have been in place for a considerable period and applied to a variety of different situations and application types. However the less visible benefits of adopting the policy, in relation to premises management, derived from the above requirement for applicants to demonstrate a neutral or positive effect on the licensing objectives will have a more immediate impact.

2.7 The data and findings of this report have been supplied by Safer Wolverhampton Partnership's Analyst.

### 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' (NTE), 2100 hours – 0600 hours, for the periods;

- 4 November 2009 to 3 November 2010.
- 4 November 2010 to 3 November 2011.
- 4 November 2011 to 3 November 2012.

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 has been provided. These are reproduced in the table below:

Year	Within Cumulative Impact Zone	Within Cumulative Impact Zone during the NTE	Within Cumulative Impact Zone	Within Cumulative Impact Zone during the NTE
	Total Recorded Crime		All Violence	
4 <sup>th</sup> Nov 2009 – 3 <sup>rd</sup> Nov 2010	879	381	341	224
4 <sup>th</sup> Nov 2010 – 3 <sup>rd</sup> Nov 2011	861	351	320	204
4 <sup>th</sup> Nov 2011 – 3 <sup>rd</sup> Nov 2012	825	345	291	186

3.4 It can be seen that between the years 2009/10 to 2011/12, the proportion of total both all recorded and violent crime committed within the Cumulative Impact Area that is related to the night time economy has reduced

3.5 The peak times for recorded crime within the night time economy between 0000 and 0400 hours with Saturday and Sunday mornings being the most problematic days, Friday, Saturday and Sunday have consistently remained the peak days for offending within the Cumulative Impact Zone since 2009. However, during 2011/12 offences were more scattered across the week, with no specific concentration around the weekend period

3.6 It should be noted that when specific premises with pre-existing licences cause a particular problem or a number of incidents can be identified to have arisen at these premises, there are various 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 covered by Cumulative impact)
<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>2011/12</b>	4	3 granted	9	8 granted	30
		1 refused		1 refused	
<b>Total</b>	12	10 granted	22	19 granted	92
		2 refused		3 refused	

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.

4.3 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>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
<b>2011/12</b>	97	1	96

4.4 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 96 premises are currently licensed within the CIP area. Of these 96 premises:

- 55 are authorised for the on-sale of alcohol;
- 16 are authorised for the off-sale of alcohol; and
- 29 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 Councillors.
- 5.5 West Midlands Police have advised that they have witnessed reductions in violent crime and antisocial behaviour in the CIP area. However crime levels in these areas remain 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 The data provided shows that there has been a steady reduction in both overall and violent crime levels within the Cumulative Impact Zone.
- 6.2 The policy is still in its relative 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 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 Police and Social Responsibility 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.
- 6.4 Similarly, Councillors 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 Police and Social Responsibility Act 2011 which seeks to support Licensing Authorities to make appropriate decisions for their specific local areas
- 6.5 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

## 7.0 **Legal Implications**

- 7.1 There are no direct legal implications arising from this information report. [SH/21022013/O]

## 8.0 **Human Rights Implications**

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

## 9.0 **Financial Implications**

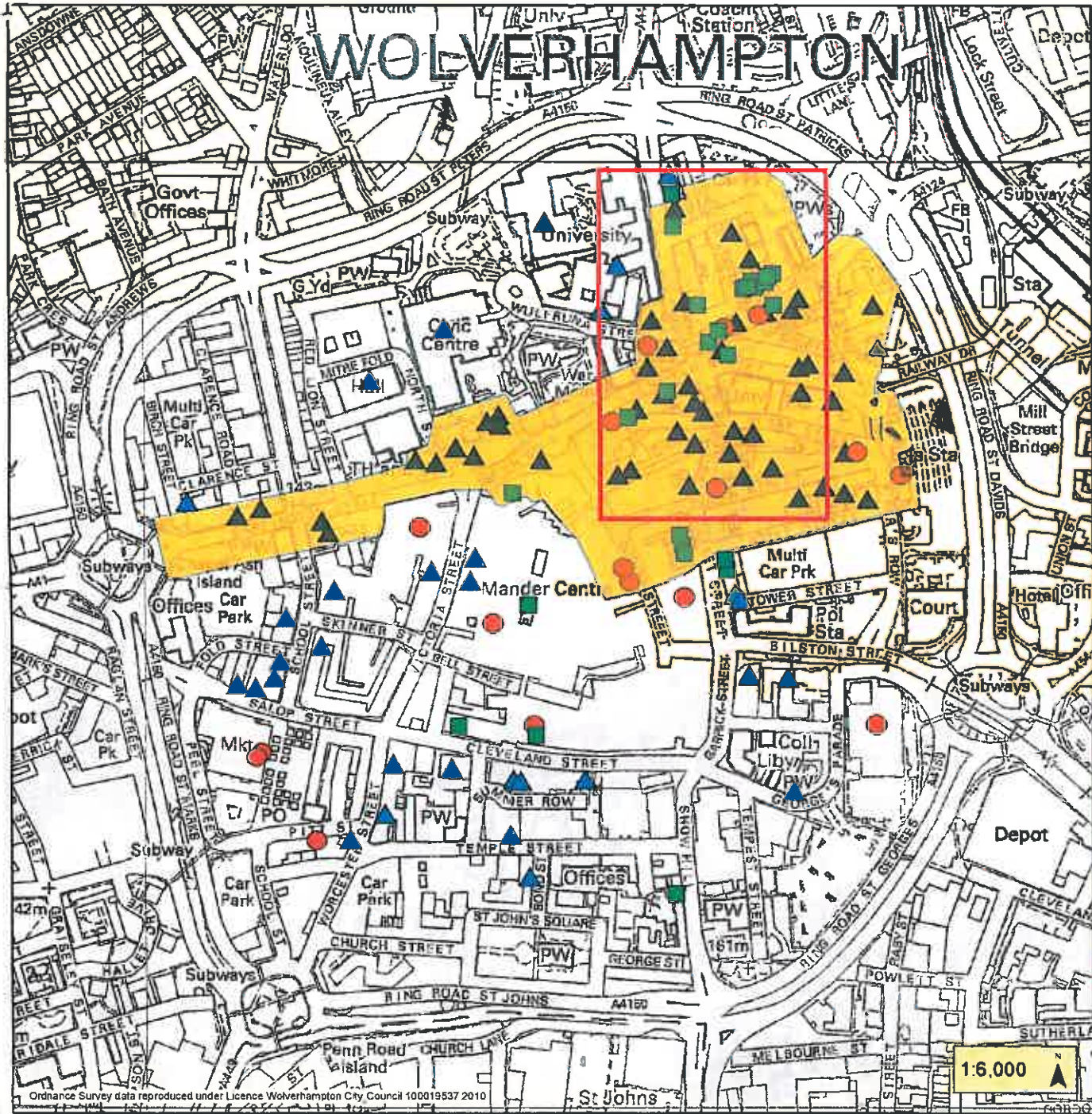
- 9.1 There are no financial implications arising from this report. [TK/25022013/D]

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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Restricted

# Total Recorded Crime within the Cumulative Impact Area

V2

06 February 2013



Restricted

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**Document Control**

Version	Date	Author	Department	Comments
1.0	15/01/2013	SWP Analyst	WV Partnership	
2.0	06/02/2013	SWP Analyst	WV Partnership	Added Violence figures

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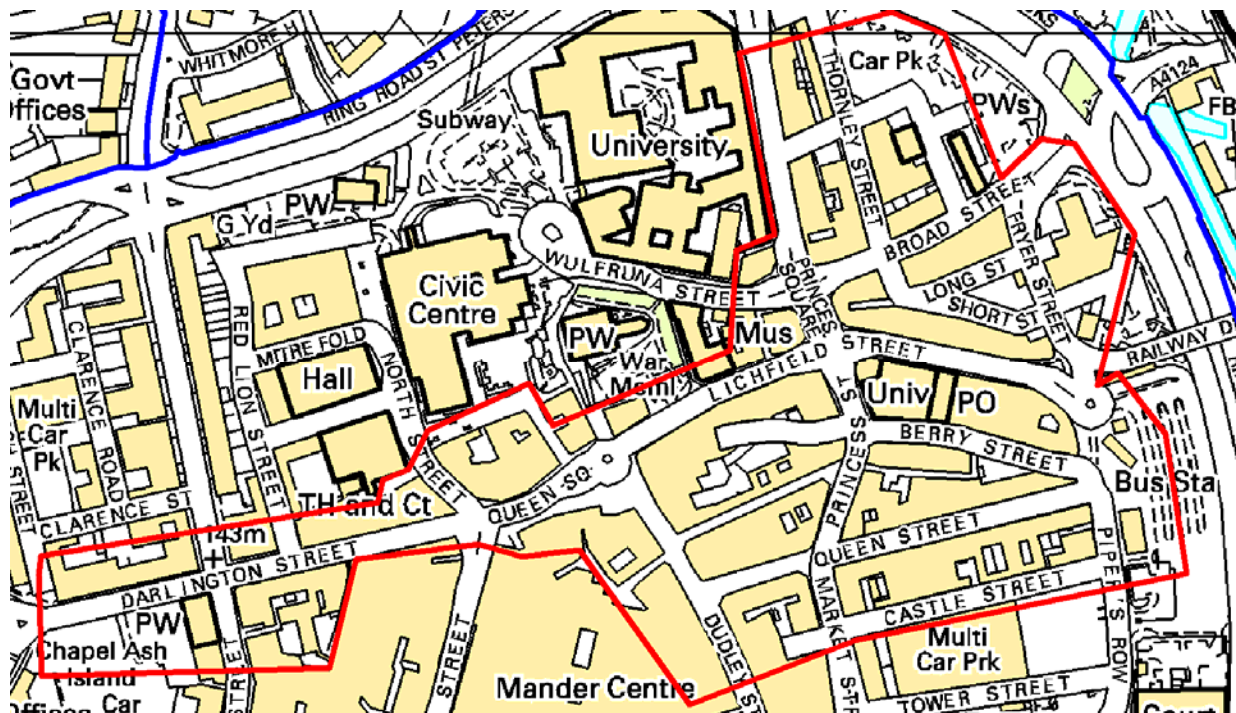


# 1.0 Introduction

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:



**Methodology**

Total Recorded Crime refers to the date offences were recorded. Offences occurring during the Night Time Economy were ascertained by examining the Date and Time First Committed in relation to the Date and Time Last Committed and where the majority of the gap between the two was during the hours of 21:00 and 06:00 hrs the following morning, the offence 'qualified' as a NTE offence.

Aoristic time and day analysis was conducted on Date and Time First Committed and Date and Time Last Committed.

Day/Time analysis was conducted on Date First Committed only.

## 2.0 Offence Levels

The table below shows levels of total recorded crime (TRC) and violent crime within the cumulative impact zone, broken down by year, since 2009:

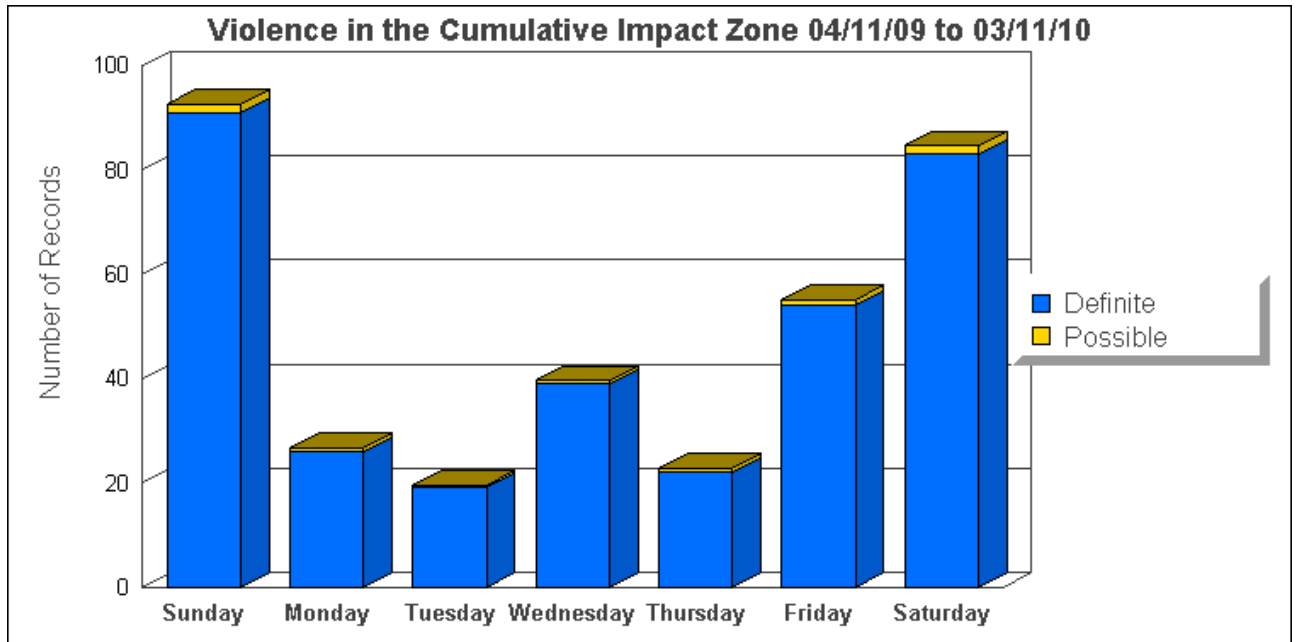
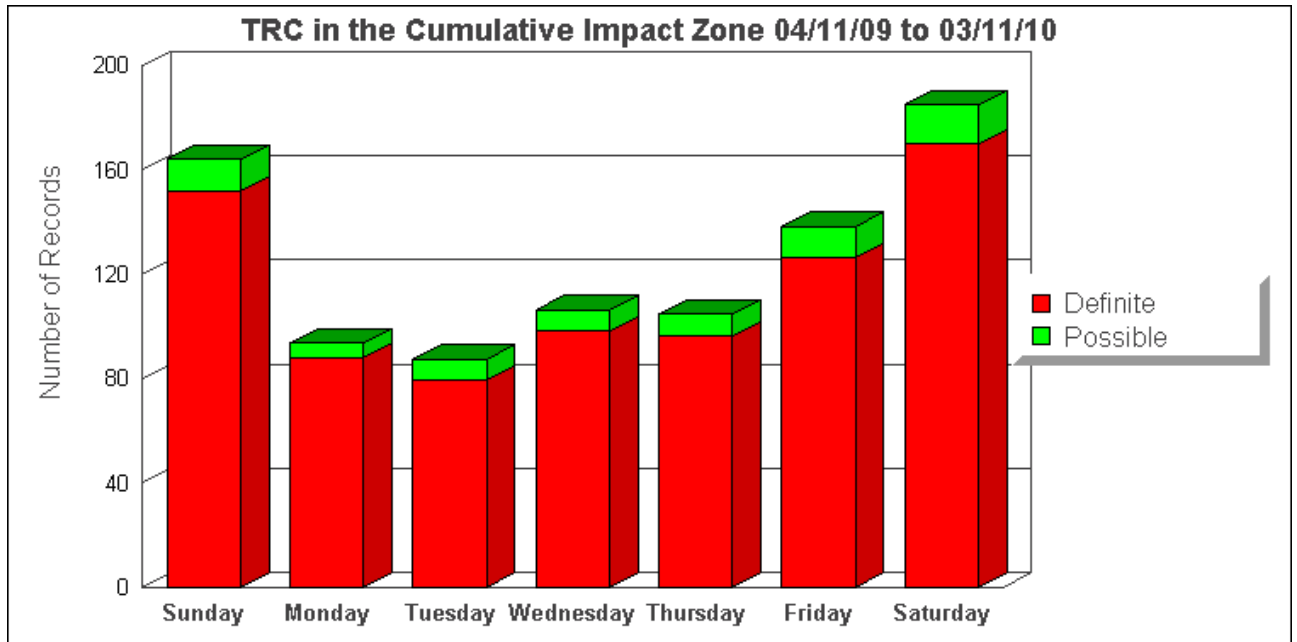
Year	Within Cumulative Impact Zone	Within Cumulative Impact Zone during the Night Time Economy (21:00 - 06:00)	% within Cumulative Impact Zone during the Night Time Economy	Within Cumulative Impact Zone	Within Cumulative Impact Zone during the Night Time Economy (21:00 - 06:00)	% within Cumulative Impact Zone during the Night Time Economy
	<b>Total Recorded Crime</b>			<b>All Violence</b>		
4th November 2009 - 3rd November 2010	879	381	43%	341	224	66%
4th November 2010 - 3rd November 2011	861	351	41%	320	204	64%
4th November 2011 - 3rd November 2012	825	345	42%	291	186	64%

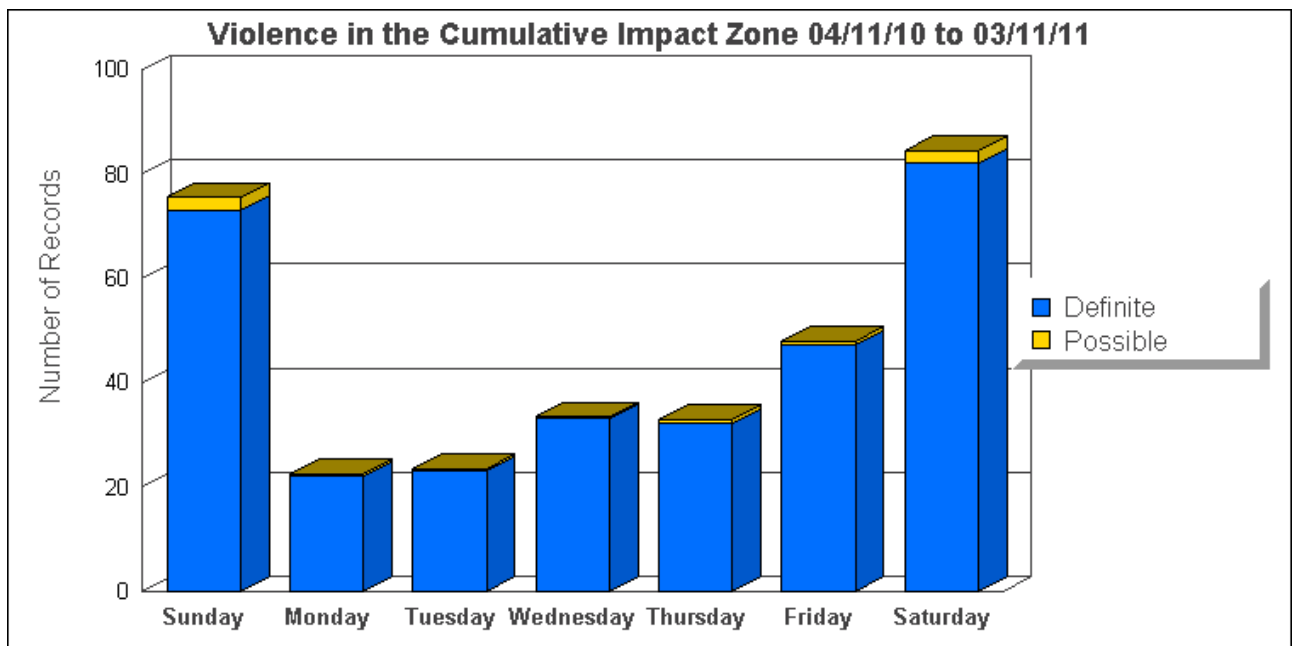
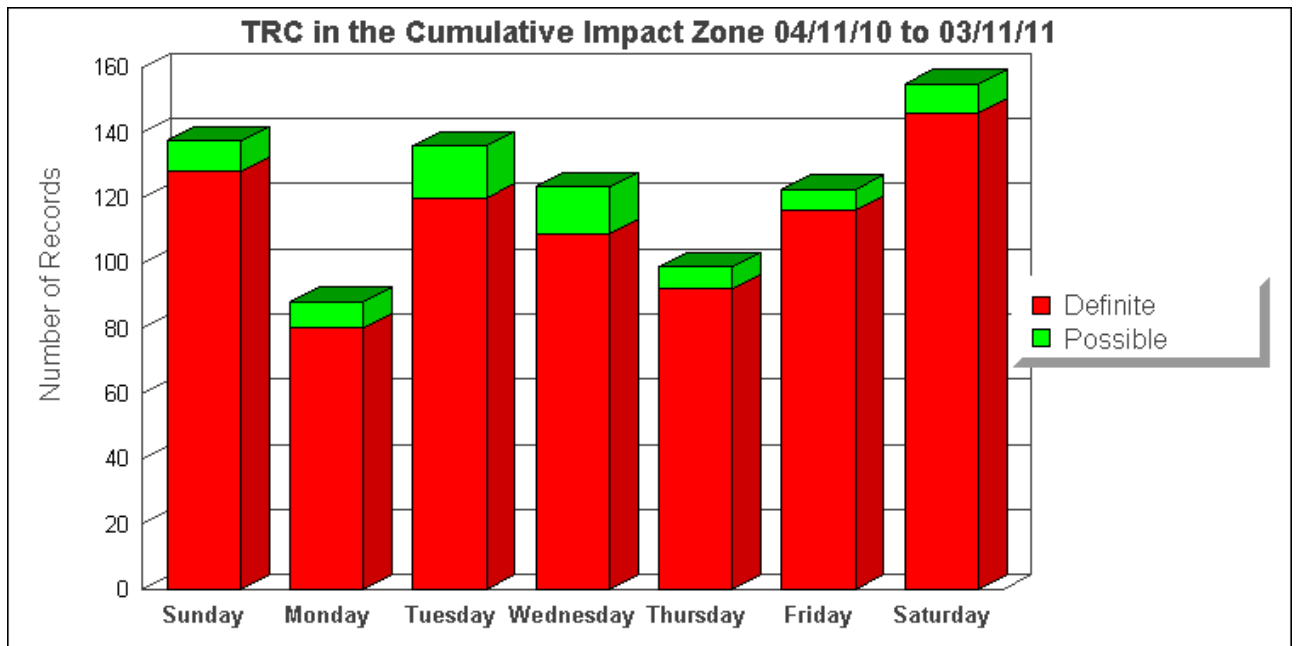
Total recorded crime and violence within the cumulative impact zone have fallen steadily since 2009. TRC has decreased by 6% (54 offences) over the three years and violent crime has decreased by 15% (50 offences) during the same period.

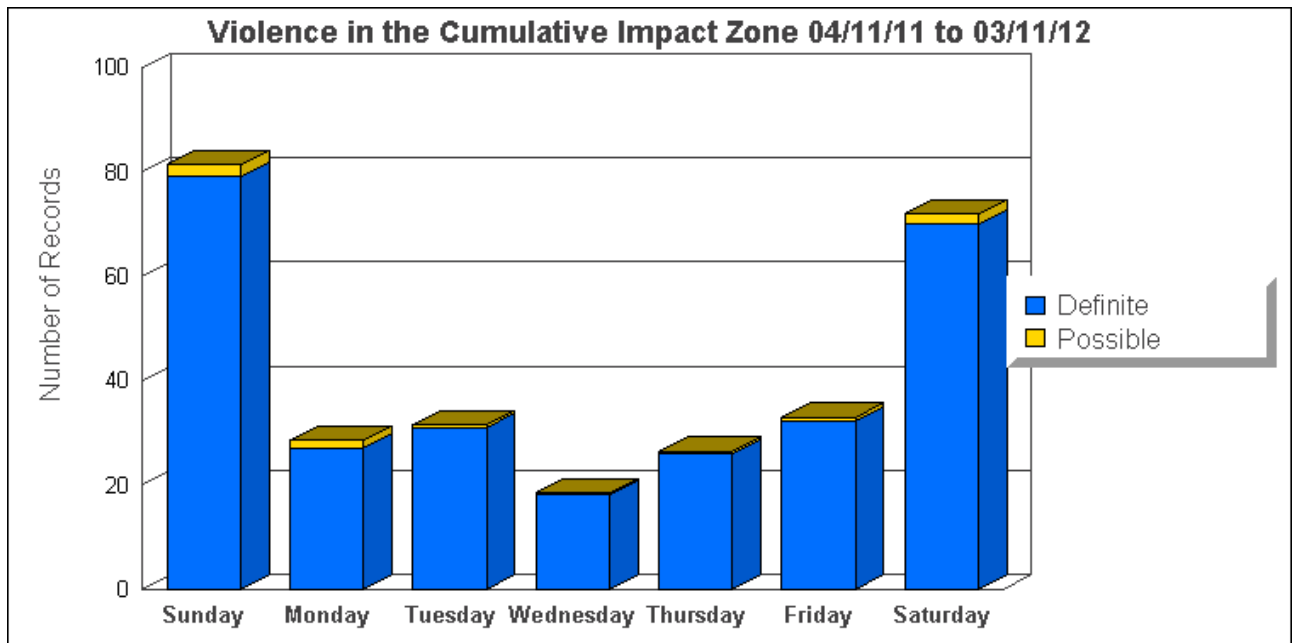
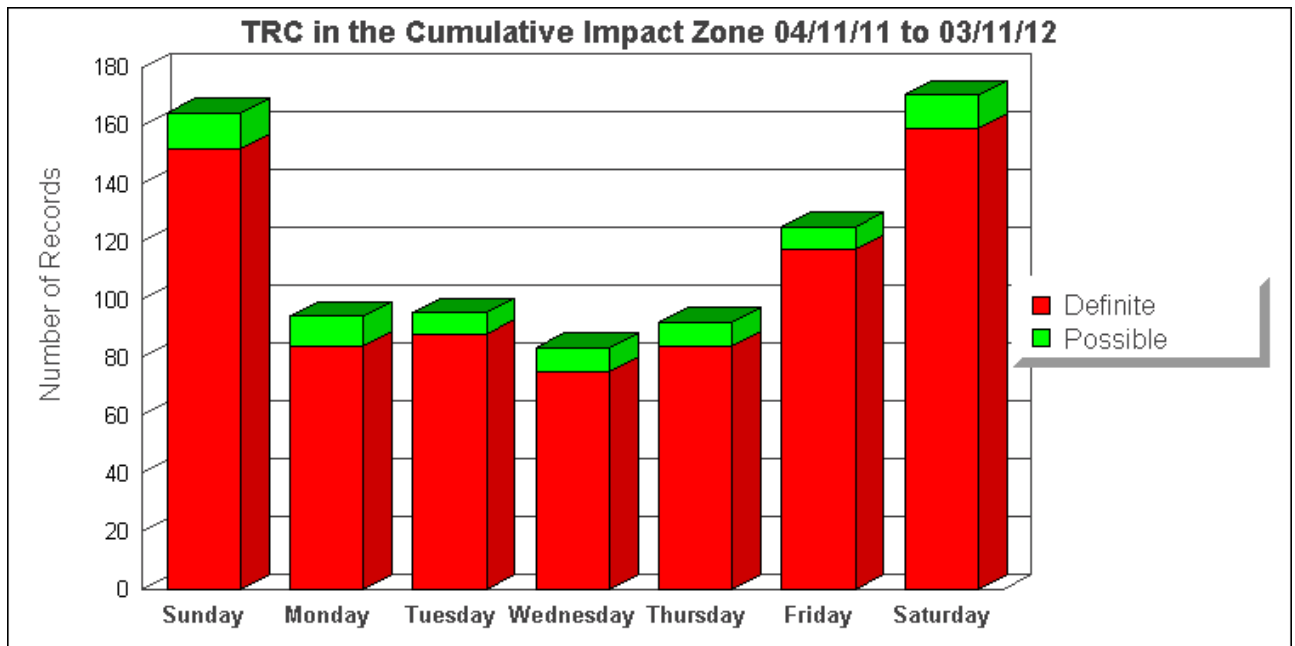
The proportion of total recorded crime and violent crime committed within the cumulative impact zone that is related to the night time economy (NTE) has tended to remain stable across the years, with an average of 41% of TRC and an average of 64% of violent offences attributable to the NTE.

### 3.0 Offences by Day of the Week

The charts below show a breakdown of total recorded crime (TRC) and violent crime within the cumulative impact zone broken down by day for each year since 2009:



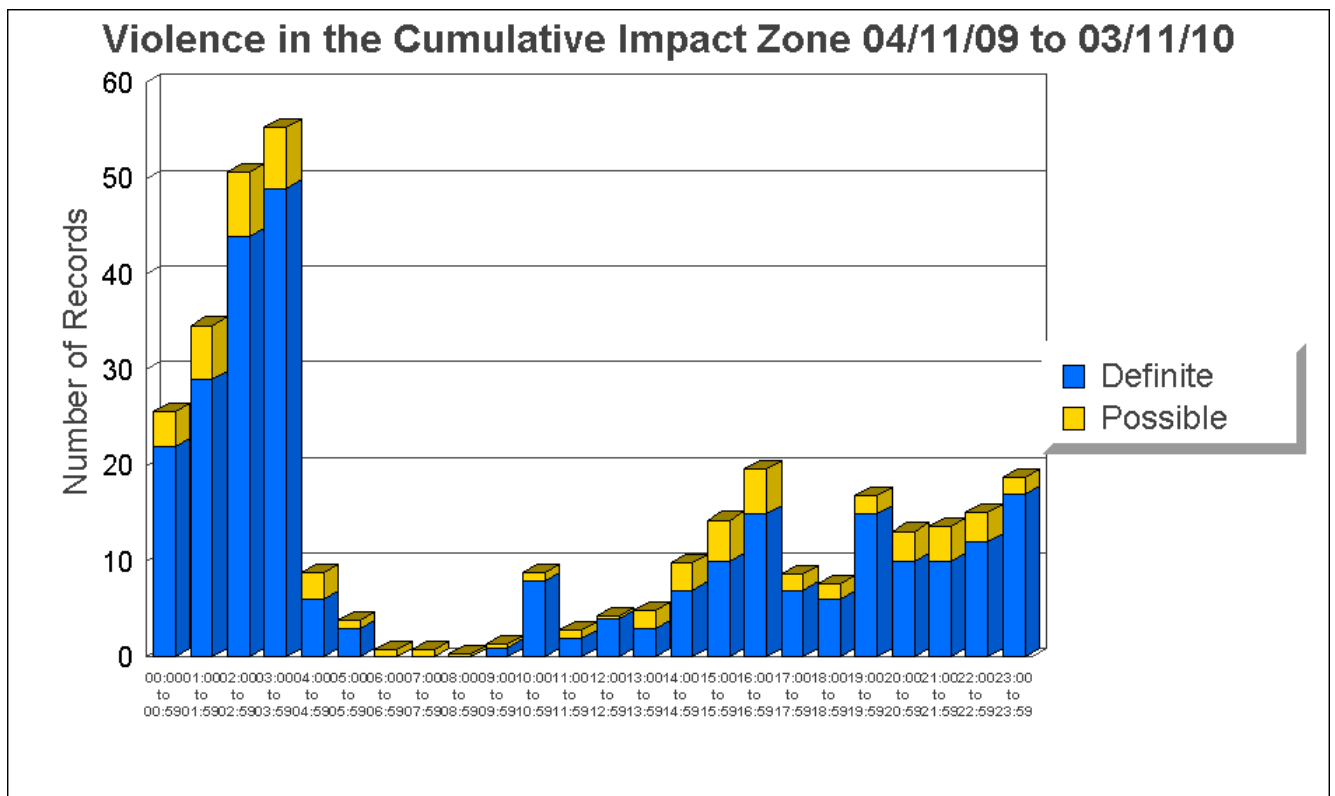
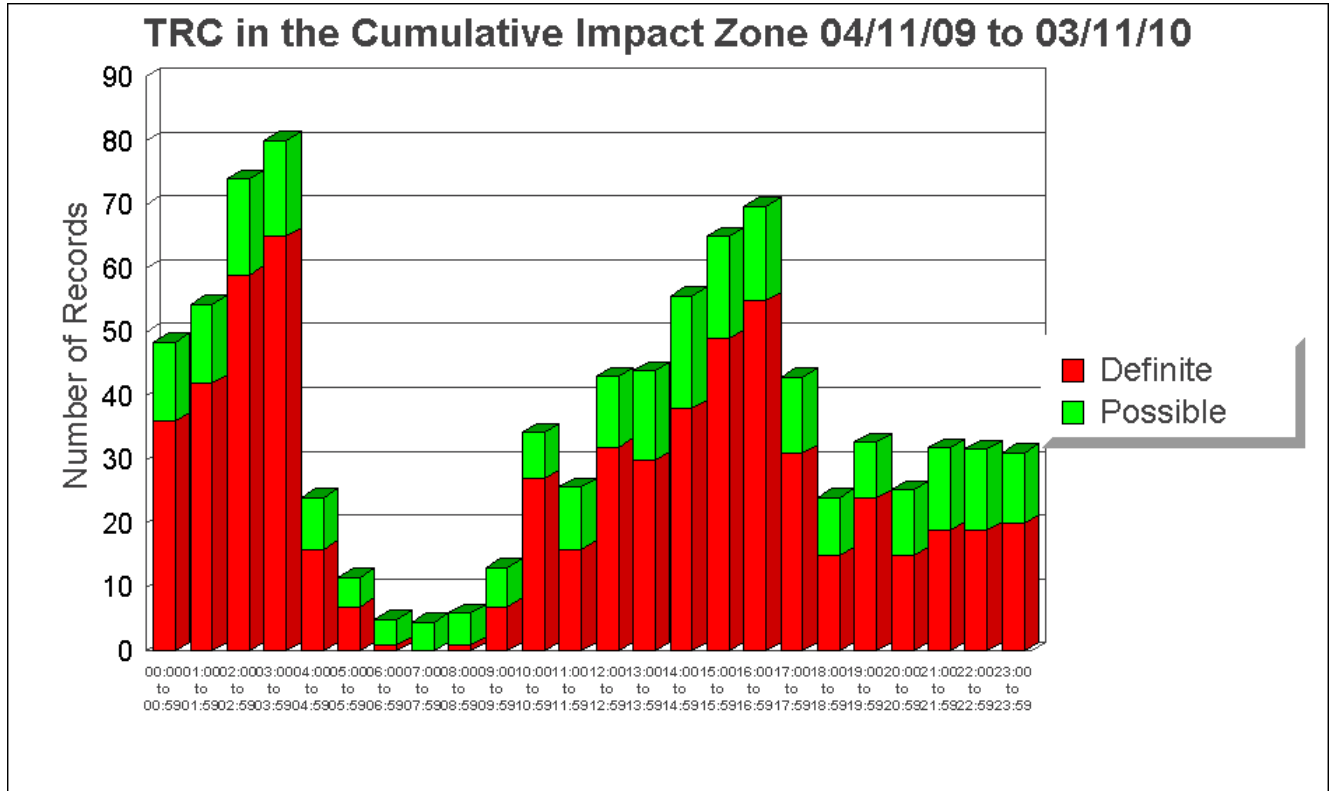


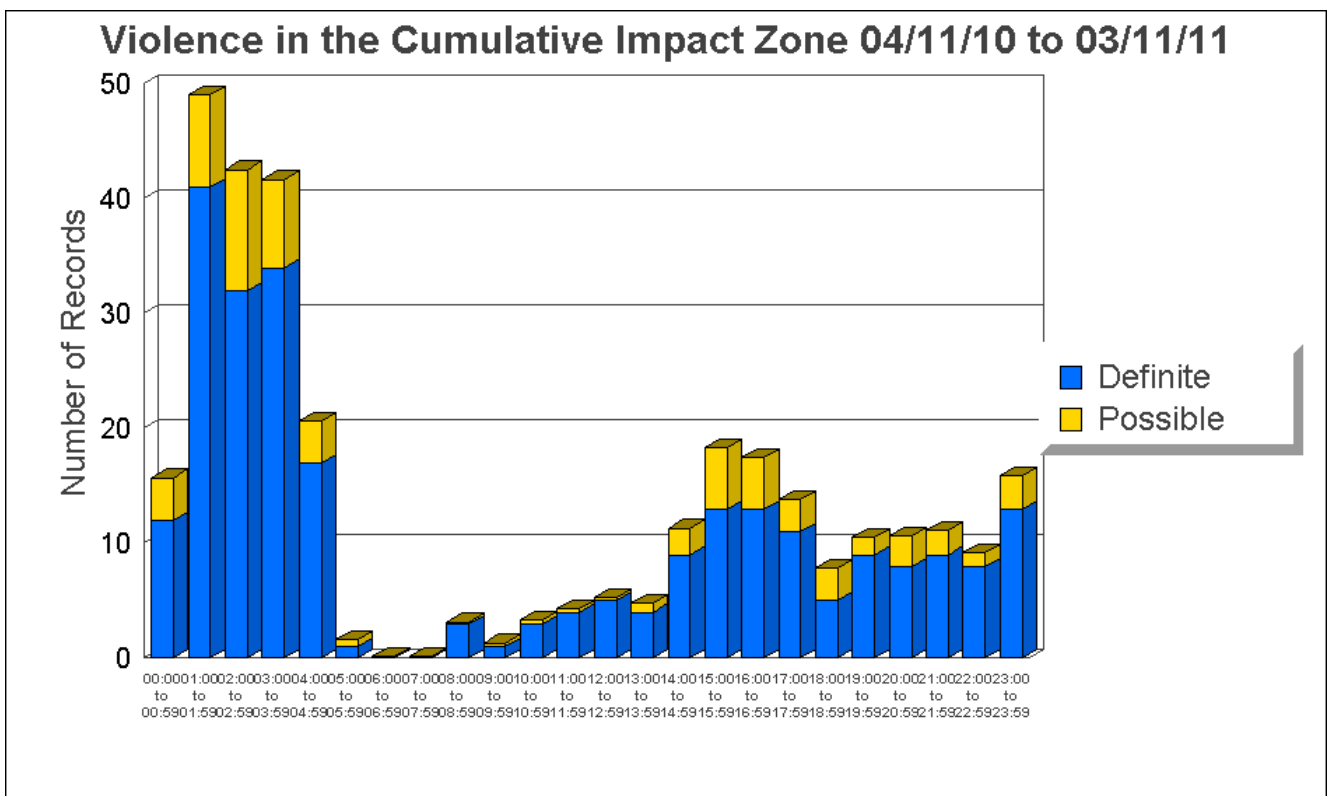
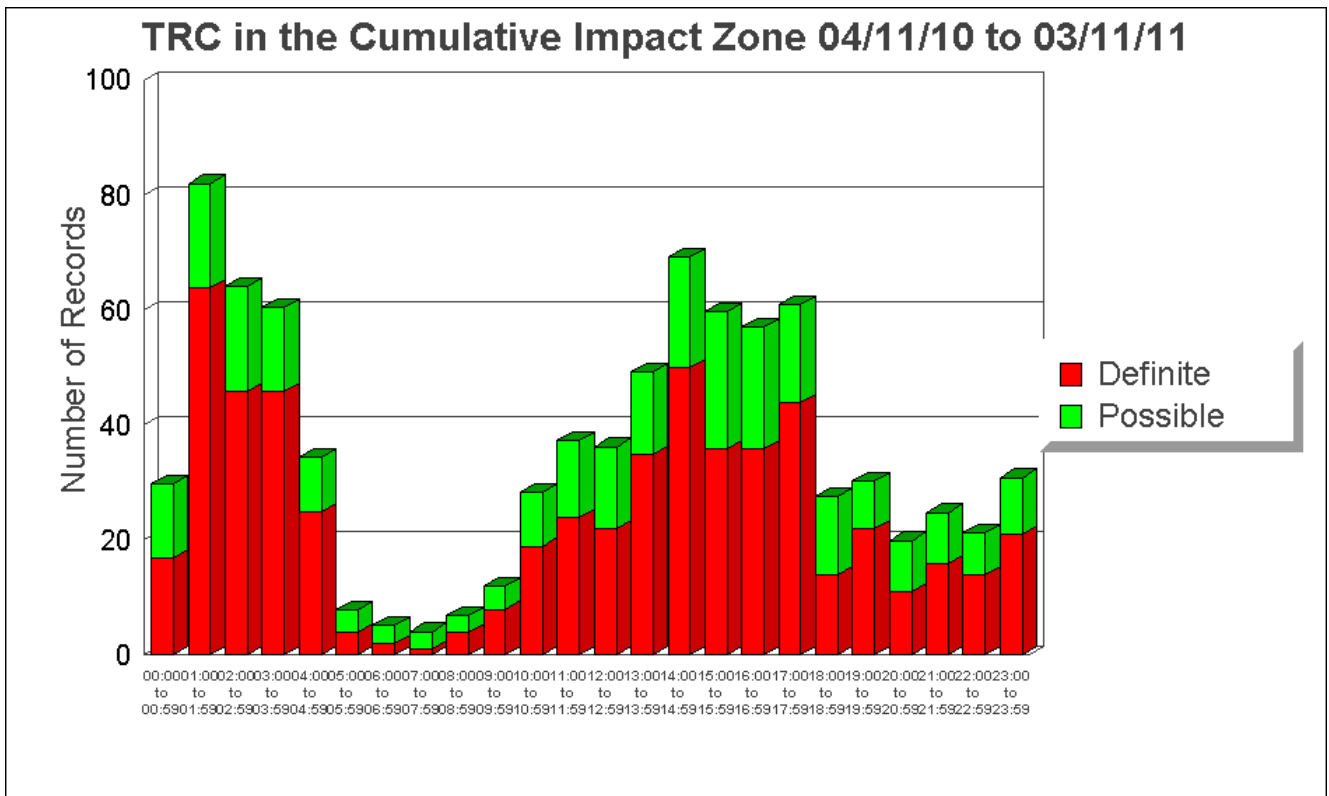


Friday to Sunday have consistently remained the peak days for offending within the Cumulative Impact Zone since 2009. However, during 2010/11 TRC was more scattered across the week, with a smaller concentration around the weekend period.

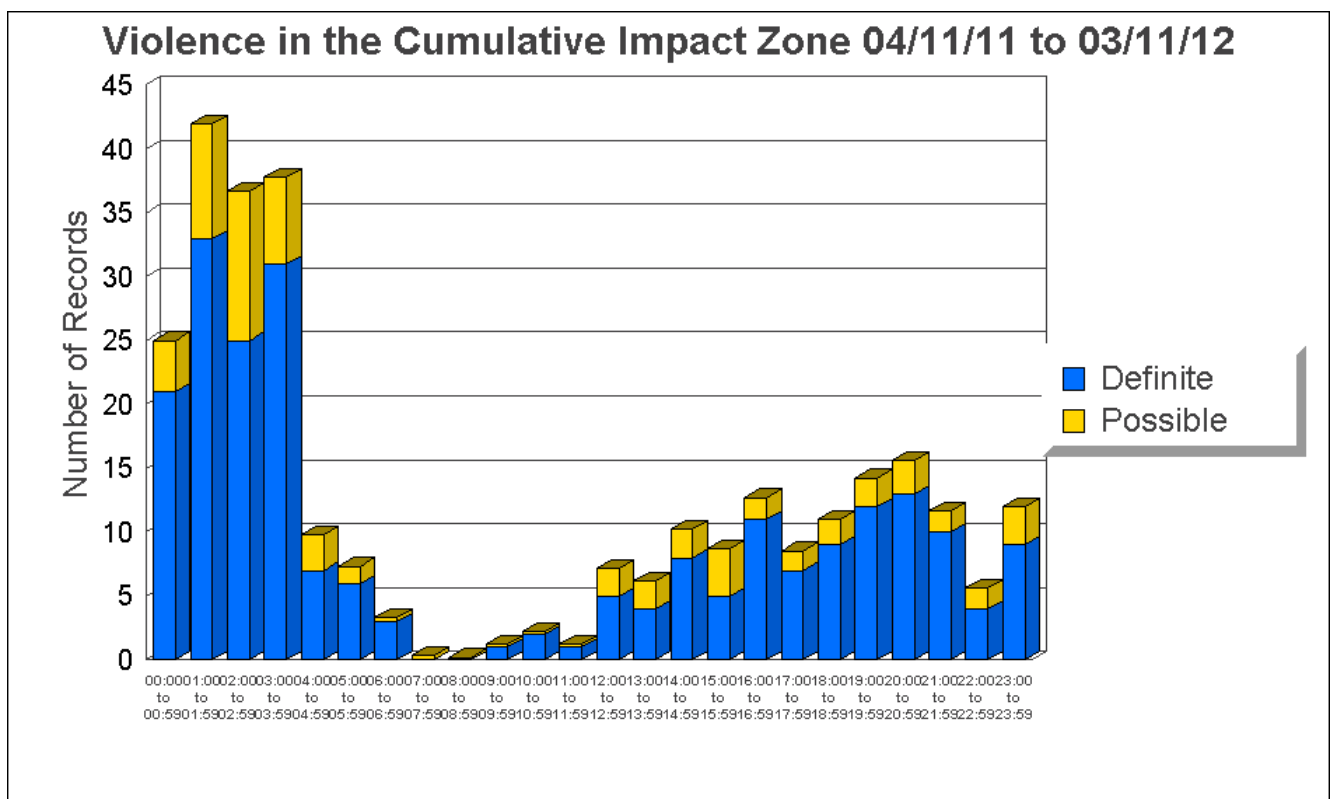
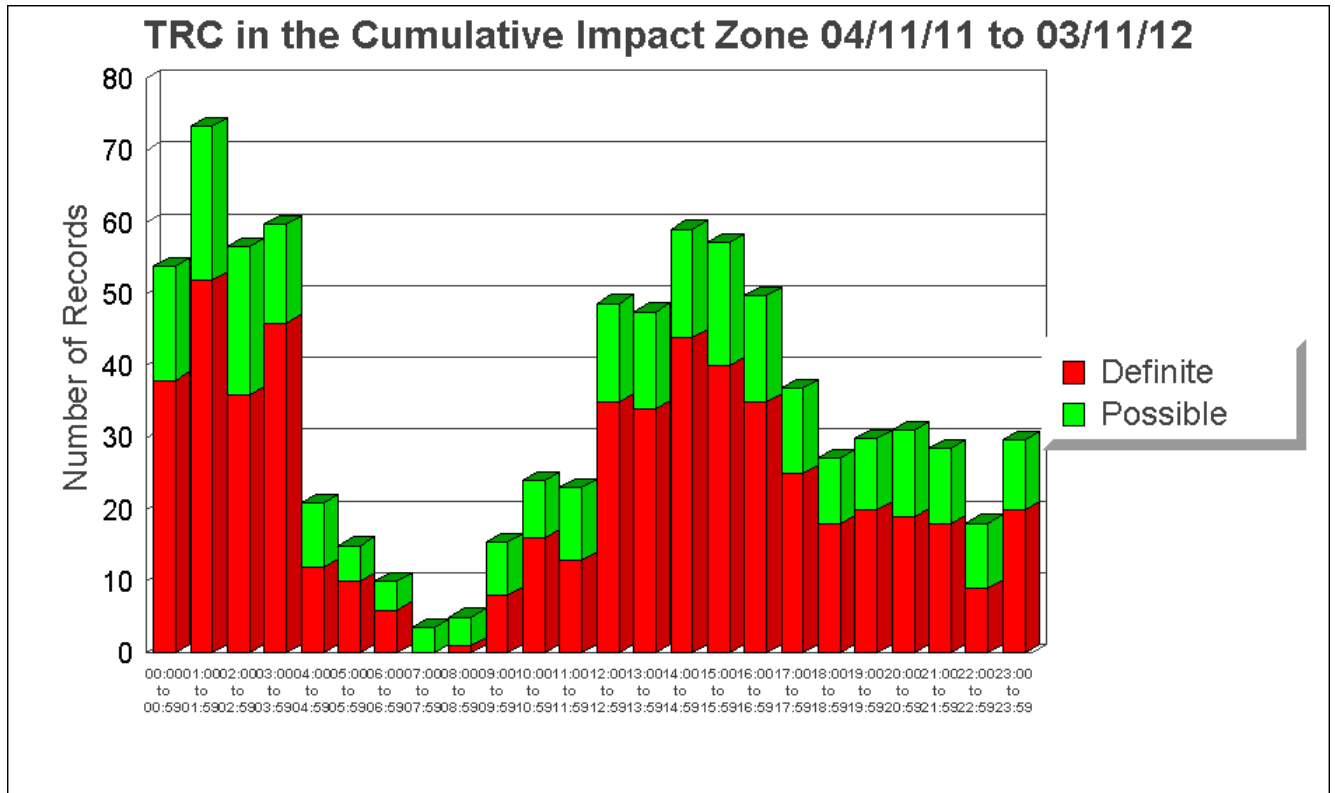
### 4.0 Offences by Time

The charts below show a breakdown of total recorded crime (TRC) and violent crime within the cumulative impact zone broken down by time for each year since 2009:









There have been two distinct peak time periods for TRC within the cumulative impact zone since 2009: 12:00 – 17:00 and the night time economy 23:00 – 04:00 time frame. The peak in TRC seen in the night time economy is echoed in violent offending.

### 5.0 Offence by Day and Time (Date offence First Committed)

The charts below show a breakdown of total recorded crime (TRC) and violent crime within the cumulative impact zone broken down by day of the week and time for each year since 2009:

**TRC in the Cumulative Impact Zone 04/11/09 to 03/11/10**

	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
<b>Sun</b>	16	29	33	28	6	3	1			1	2	4	3	2	6	5	5	1		5	3		2		<b>Sun</b>
<b>Mon</b>	3		1	2	1				2	3	11	4	3	8	7	11	5	6	4	10	3	3	3	4	<b>Mon</b>
<b>Tue</b>	1	2	2				1		1	3	5	3	9	8	11	8	10	7	4	2	3	4	3	1	<b>Tue</b>
<b>Wed</b>	3	5	8	7	2	1		1		3	4	2	7	7	6	12	11	3	4	3	4	4	6	1	<b>Wed</b>
<b>Thur</b>	6	2	3	4			1		4	7	5	6	8	6	7	7	12	12	10	1		6	2	2	<b>Thur</b>
<b>Fri</b>	10	2	5	11	5	2		1	2	4	3	6	9	7	3	7	16	8	2	9	10	5	5	7	<b>Fri</b>
<b>Sat</b>	15	12	23	22	6	1				2	3	1	4	9	13	12	11	16	3	4	3	10	7	11	<b>Sat</b>

**Violence in the Cumulative Impact Zone 04/11/09 to 03/11/10**

	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
<b>Sun</b>	11	22	21	20	3	2									3	2	2			2	2		1		<b>Sun</b>
<b>Mon</b>	1			1	1				1		4			1	1	2	2			5	1	2	2	3	<b>Mon</b>
<b>Tue</b>			1				1			1	2		2	1	1	2	1	1	1	1	2	2	1		<b>Tue</b>
<b>Wed</b>	2	1	7	6						1				1	1	6	3	1	3	1	3		4		<b>Wed</b>
<b>Thur</b>	3		1	3							3	1	2			1	4	1	1			2	1	1	<b>Thur</b>
<b>Fri</b>	6	1	4	8	2					1		1	1		1	2	4		1	7	5	2	3	6	<b>Fri</b>
<b>Sat</b>	7	9	18	17	1	1								3	2	1	2	4	2	1	2	4	3	7	<b>Sat</b>

**TRC in the Cumulative Impact Zone 04/11/10 to 03/11/11**

	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
<b>Sun</b>	8	36	19	16	10	3	1			2	4	1	1	3	6	4		4	2	5	2	5			<b>Sun</b>
<b>Mon</b>	1	2	1	2						2	6	9	5	7	10	6	13	5	5	7	2	3	3	2	<b>Mon</b>
<b>Tue</b>	2	1	1	2				1	3	3	3	7	5	13	14	14	25	22	10	3	3	2	5	2	<b>Tue</b>
<b>Wed</b>	6	4	8	6					1	2	6	4	10	5	15	9	6	14	8	4	3	1	2	2	<b>Wed</b>
<b>Thur</b>	3	1	3	4					1	1	8	5	10	10	10	8	8	9		2	5	4	3	6	<b>Thur</b>
<b>Fri</b>	7	14	14	8	7	1				3	3	7	6	5	8	12	2	3	3	4	5	3	2	6	<b>Fri</b>
<b>Sat</b>	6	24	13	21	9		1		2	1	4	2	4	6	12	7	7	10	1	5	2	2	3	15	<b>Sat</b>

**Violence in the Cumulative Impact Zone 04/11/10 to 03/11/11**

	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
<b>Sun</b>	5	22	12	11	9					1		1			3	2		1	1	1	1	3			<b>Sun</b>
<b>Mon</b>		1	1	1							1		2		1	2	2	3	1	3	1	1	2		<b>Mon</b>
<b>Tue</b>		1							1			1		3	1		7	1	1	1	2		3	1	<b>Tue</b>
<b>Wed</b>	3	4	4	3						1		1			2	6	1	2	2	1	2		1		<b>Wed</b>
<b>Thur</b>		1	3	2					1		2	1	2			3	5	4			3	2	2	3	<b>Thur</b>
<b>Fri</b>	3	6	10	6	4	1							3	1	1	4				2	2	1	1	3	<b>Fri</b>
<b>Sat</b>	5	18	11	17	5				1					1	4	3		4	1	3	1	2	1	10	<b>Sat</b>

TRC in the Cumulative Impact Zone 04/11/11 to 03/11/12

	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
Sun	28	25	29	26	3	5	1			1		3	4	1	3	9	3	1	2	6	4	1	3	7	Sun
Mon	2	4	4	3		2			2	5	1	3	8	9	6	13	4	6	3	7	5	1	3	1	Mon
Tue	2	2	2	4	1		1			3	5	4	5	6	10	10	14	6	10	1	6		1	1	Tue
Wed	5	3	3	1			1			3	4	7	10	6	4	3	7	6	4	4		6	4	2	Wed
Thur	3	7		1	2		2		2	3	1	5	5	8	8	6	8	6	6	2	5	3	1	5	Thur
Fri	7	11	4	4	4				1	6	8	5	5	8	14	10	7	7	3	4	6	7	1	6	Fri
Sat	17	22	9	15	6	3	3			3	3	1	12	7	12	8	11	7	5	6	3	7	7	7	Sat

Violence in the Cumulative Impact Zone 04/11/11 to 03/11/12

	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23		
Sun	11	18	18	17	2	3									1	1				3	1	1		5	Sun	
Mon		1	4	1		1							1	1	2	2		3		6	4		1		Mon	
Tue	1		1	3			1						1	1	2	1	6	2	7		4		1		Tue	
Wed	2	2	3	1							1	1	1			1		1		1		1	2	1	Wed	
Thur	3	5		1	1								2	1	1	2	3	2	1	1	2			1	Thur	
Fri	1	8	3	3	1					1	1		2		4	1	2			1	4	2		1	Fri	
Sat	9	11	6	9	5	2	2						3	1	2		2	2	2	2	3	1	7	2	4	Sat

The focus of offending is around the Night Time Economy, weekend evenings into the early hours, most noticeably the early hours of Sunday morning. There is also a smaller peak shown for TRC in the late afternoons on weekdays.

End of Document

## Premises Licence Applications in the Cumulative Impact Area

## APPENDIX 3

Date of Hearing	Members	Date Acknowledged to Parties	Report Deadlines	Premises	Reason for Hearing	Licensing Objective	Representations	Outcome of Hearing
29/06/2012	Cllrs Dass, Banger & Claymore	31/05/2012	Mailbox 15/06/2012 Final Report 20/06/2012	<b>Divine Bar</b>	<b>Variation</b>	CIP and Licensing Objectives	PCT/LA/WM Police	Granted subject to conditions
29/06/2012	Cllrs Dass, Banger & Claymore	31/05/2012	Mailbox 15/06/2012 Final Report 20/06/2012	<b>72 - 73 Darlington Street</b>	<b>Variation</b>	CIP and Licensing Objectives	PCT/LA/WM Police	Granted subject to conditions
09/05/2012	Cllrs Dass, Clarke & Inston	18/04/2012	N/A	<b>Pearl of India</b>	<b>New</b>	Prevention of Crime and Disorder	WM Police	Application refused. Applicant not in attendance
18/04/2012	Cllrs Dass, Clarke & Inston	03/04/2012	Mailbox 02/06/2012 Final Report 05/04/2012	<b>Lichfield Chambers</b>	<b>New</b>	Prevention of Crime & Disorder	WM Police	Granted subject to conditions
18/04/2012	Cllrs Dass, Clarke & Inston	03/04/2012	Mailbox 02/06/2012 Final Report 05/04/2012	<b>Pearl of India</b>	<b>New</b>	Prevention of Crime and Disorder	WM Police	Deferred to 9 May - applicant failed to attend
18/01/2012	Cllrs Claymore, Inston and Mrs Patten	15/12/2011	Mailbox 5/01/2012 Final Report 9/01/12	<b>Singhfellows Lichfield Street</b>	<b>New</b>	Prevention of Crime & Disorder	WM Police	Granted subject to conditions
05/01/2012	Cllrs Davis, Inston & N Patten	13/12/2011	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
05/01/2012	Cllrs Davis, Inston & N Patten	02/12/2011	Mailbox 16/12/2011 Final Report 20.12.11	<b>Fixxion, Skinner Street</b>	<b>New</b>	Prevention of Crime & Disorder	WM Police	Objections withdrawn - Hearing cancelled
05/01/2012	Cllrs Davis, Inston & N Patten	02/12/2011	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	Application refused