

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Committee

10 November 2021

<b>Report title</b>	Cumulative Impact Policy Review	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Ross Cook, Director for City Housing and Environment	
<b>Originating service</b>	Licensing	
<b>Accountable employee</b>	Paul Dosanjh Tel Email	Service Manager: Trading Standards & Licensing Act 01902 556056 Paul.Dosanjh@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	None	

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## Recommendation for decision:

The Statutory Licensing Committee is recommended to:

1. Authorise the postponement of the review of the current Cumulative Impact Policy until 2023 to allow for sufficient time, after the pandemic, to collect meaningful evidence to enable an effective review of the policy.

## **1.0 Purpose**

- 1.1 To obtain the Statutory Licensing Committee's approval for a postponement to the review of the Cumulative Impact Policy under the Licensing Act 2003.

## **2.0 Background**

- 2.1 Cumulative Impact Policies (CIP) were introduced as a tool for licensing authorities to limit the growth of licensed premises in problem areas (Cumulative Impact Zones-CIZ). The policies do not arise directly out of the Act but from the statutory guidance issued under it by section 182.
- 2.2 The CIP policy, attached at Appendix 1, is revisited every three years and was last renewed in 2018 (until 2021) and is reviewable independently of the overarching Statement of Licensing Policy at Appendix 2.
- 2.3 The CIP is triggered when a responsible authority makes a representation in relation to a licensing application which then prompts a Licensing Committee hearing.
- 2.4 The effect of the CIP is to create a rebuttable presumption that applications in respect of the sale or supply of alcohol and/or Late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates where the premises are situated in the Cumulative Impact Zone will be refused.
- 2.5 To rebut this presumption the applicant would be expected to show through the operating schedule, and where appropriate with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced. Crucially this policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones and nor is it used to revoke an existing licence or certificate and will not be applicable to the review of existing licences.
- 2.6 At present, the policy of this authority identifies five cumulative impact zones: the City Centre, Bilston, Wednesfield, Dudley Road and the Avion Centre.
- 2.7 The Guidance specifies four steps to be followed in considering whether to adopt a Cumulative Impact Policy:
  - Identification of serious and chronic concern from a responsible Authority or representatives of residents about nuisance or disorder.
  - Assessment of causes.

- Where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area.
- Adopting a policy about future licence applications from that area.

### **3.0 Proposal**

- 3.1 Whilst the policy is due for renewal in 2021 the effect of pandemic on the hospitality trade generally and the night time economy in particular has posed a number of practical problems.
- 3.2 The pandemic has adversely affected both footfall and visitor numbers in both the City Centre and commercial areas in the cumulative impact zone areas. Business, shops and hospitality venues closed or restricted their customer numbers. This disruption has resulted in an atypical reduction in crime and anti-social behaviour and disorder.
- 3.3 The gradual easing of lockdown has led to a phased increase in visitor numbers with all licensed premises having a smaller number cap than is ordinarily required.
- 3.4 As the City emerges from the last lockdown our Police colleagues say that “..crime figures are now reaching those seen in 2019 and demand for service is at a sustained high level.”
- 3.5 It is the judgement of the Licensing Services and the Police that the disruption to ‘normal business’ during 2020 and 2021 affects our ability to analyse, review and predict future of the night time economy and the effect or not of licensed premises upon it. The Council and its partners require more time to establish whether the policy is needed or requires any amendments such as to the number and scope of the CIZ’s. This can be better established once the relevant information is available.
- 3.6 Additionally, the Statement of Licensing Policy (SoLP) is due for renewal in 2023. The authority is required to produce a SoLP and our current document, issued in 2020, makes reference to the current CIP.
- 3.7 By delaying the CIP until 2023 we will hopefully have a better evidential base in terms of crime, disorder, the number and type of licensed premises to produce a both considered CIP and the overarching SoLP that better reflects the actual situation in the City and our approach to it.
- 3.8 The existing CIP and SoLP would continue to effect until that date and there would no adverse effect on the administration and regulation of licensed premises

#### **4.0 Financial implications**

4.1 There are no financial implications arising from this recommendation.

[SB/01112021/R]

#### **5.0 Legal implications**

5.1 Advice has been sought from Legal Services and their view is that paragraph 13.31 of the s182 Guidance states that once adopted “special policies “should be reviewed regularly to assess whether they are needed. This leaves it open to each individual Council. Based upon this Legal services see no issue with delaying the review until 2023 as this would coincide with a review of the Statement of Licensing Policy which has to be undertaken every 3 years.

[ JB/26102021/D]

#### **6.0 Equalities implications**

6.1 The recommendation to postpone raises no equalities implications

#### **7.0 All other Implications**

7.1 The recommendation to postpone raises no climate change and environmental; Human Resources; Corporate Landlord; Health and Wellbeing or Covid-19 implications

#### **8.0 Background papers**

8.1 Statutory Licensing Committee 6 June 2018 – Review of Cumulative Impact Policy [<https://wolverhampton.moderngov.co.uk/documents/s75857/Review%20of%20Cumulative%20Impact%20Policy.pdf> ]

Licensing Committee 25 March 2015

Licensing Committee 12 November 2014

#### **9.0 Appendices**

9.1 Appendix 1 – Cumulative Impact Policy  
Appendix 2 – Statement of Licensing Policy