

CITY OF
WOLVERHAMPTON
C O U N C I L

Licensing Committee

6 June 2018

Report title	Licensing Act 2003 – Review of Cumulative Impact Policy	
Wards affected	All	
Accountable director	Ross Cook, Place	
Originating service	Licensing Services	
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Report to be/has been considered by	None	

Recommendations for noting:

The Licensing Committee is asked to note:

- The content of this report.

1.0 Purpose

- 1.1 To inform Councillors of the Licensing Committee of a review of the Cumulative Impact Policy.
- 1.2 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.

2.0 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.
- 2.2 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.
- 2.3 A further revision to the cumulative impact policy was made on 3 April 2015 following evidence submitted by West Midlands Police of additional areas that alcohol related crime was an issue. This revision included an addition of 4 areas; Avion Centre, Dudley Road, Bilston High Street & Wednesfield High Street.
- 2.4 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.

3.0 Review

3.1 Data

- 3.1.1 The report is based on the data supplied by Safer Wolverhampton Partnership and West Midlands Police. A copy of the complete report is attached at Appendix 1
- 3.1.2 Statistics were requested for offences occurring within the Cumulative Impact Policy areas. Due to the nature of the City Centre with its variety of visitors for work, shopping, visits to bars and restaurants the information collated has been separated to enable a clear view of recorded crime specifically during the Night Time Economy (NTE) (2100 hours – 0600 hours).

- 3.1.3 Since the initial introduction of the City Centre cumulative impact policy there has been a notable reduction in total recorded crime occurring within the NTE. The data has highlighted that the largest decrease is within the Violence crime within the NTE with a reduction of almost 13%.
- 3.1.4 Additional areas that the cumulative impact policy is applicable were introduced in April 2015 due to an increase in alcohol related crime particularly around anti-social behaviour of people congregating whilst consuming alcohol. The introduction of these cumulative impact areas enabled the Licensing Authority and Responsible Authorities a presumption that further applications relating to alcohol be refused. This presumption could be rebutted by the applicant if they identified measures that they have in place that wouldn't add to already existing issues.
- 3.1.5 The introduction of the additional areas of cumulative impact policy has not seen the anticipated reduction of recorded crime. This could be attributed to changes in the way that crime can be reported and is logged. The Office for National Statistics is clear that much of it can be explained by significant improvements in police recording practices.
- 3.1.6 There are some subtle but important benefits of the policy, these include requiring applicants to consider the impact their premises may have on the local amenity when considering the steps that they will take when setting out the measures they will apply to promote the licensing objectives when submitting their applications. This is supported by the Home Office in respect of changes to the application process contained in the Police and Social Responsibility Act 2011.
- 3.1.7 It should be noted that when specific premises 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 Cumulative Impact Policy presumption of refusal could clearly not be applied in such cases.
- 3.1.8 Applications within the cumulative impact policy zones are often subject to additional scrutiny by the Responsible Authorities (RA). RA's have advised that they see enhanced conditions attached to these applications that they do not see on those outside of the Cumulative Impact Policy areas.
- 3.1.9 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 support of the cumulative impact policy is consistent with the original police request of 2008 to include cumulative impact in the Statement of Licensing Policy.
- 3.2 Responsible Authorities
- 3.2.1 West Midlands Police, Public Health and Licensing Authority have confirmed that they still strongly support the continued adoption of the Cumulative Impact Policy by the City Council.

- 3.2.2 West Midlands Police have advised the Cumulative Impact Policy assists local police to tackle public nuisance, crime and disorder and issues of public safety that are attributable to the high concentrations of licensed premises. The rebuttable presumption that applications for licenses are likely to add to the existing cumulative impact puts the onus on the applicant to demonstrate, through their operating schedule and control measures, that it will not add to the existing issues. Whilst Wolverhampton police are only one of the Responsible Authorities that need to be satisfied that it will not have a detrimental impact, applicants affected by the zone actively engage with the police at an early stage to discuss their plans and where applications appear viable applicants are open to amending / adding license conditions. Wolverhampton police recognise that the Cumulative Impact policy should not be absolute and therefore each application is considered properly.
- 3.2.3 Public Health have advised that they are supportive of the inclusion of the cumulative impact policy as this facilitates a positive shift of greater onus on an applicant, to demonstrate how the application for a new licence would not further exacerbate problems within the boundary of the cumulative impact policy. For Public Health, this provides a critical evidence based foundation from which we can assess whether a representation should be submitted. As a Responsible Authority working with applicants to improve their trading practices, the cumulative impact policy aides the mediation process greatly and helps minimise health related harm. A cumulative impact policy means the applicant is required to be much more forthcoming in meeting their obligations under the licensing objectives and provide a robust proposal to rebut the presumption of refusal, therefore the starting point is an advantageous one in achieving our aim of promoting health and wellbeing of the residents of the City of Wolverhampton Council. Experience has shown that applicants are much more amenable to engage in dialogue when situated within a cumulative impact policy.
- 3.2.4 Licensing Authority have also advised that they support the inclusion of the cumulative impact policy as it facilitates inclusion of enhanced conditions. Without the inclusion of this policy it would be difficult to see conditions such as no single can sales, no sale of alcohol above 6.5% attached. The cumulative impact policy has been established in areas the City of Wolverhampton for the sale of alcohol and/or late-night refreshments as because the areas are causing problems of crime and disorder and public nuisance. As there is a rebuttable presumption that applications within these areas will be refused it is essential that applicants detail in full within their operating schedule how their application will have no negative impact on any of the licensing objective. Cumulative impact policies allow Responsible Authorities to work with the applicant by way of adding stronger conditions to address the Licensing objectives to rebut the refusal.

4.0 Conclusion

- 4.1 The cumulative impact policy remains an important tool for the Licensing Authority and Responsible Authorities. Policies can be applied to tackle alcohol related crime and disorder within the City Centre, with the onus on the applicant to ensure enhanced conditions are contained within the operating schedule.

- 4.2 The various cumulative impact policy's cover areas that are known to have issues with street drinkers. The cumulative impact policy allows RA's to consider if conditions such as, no single can sales, no sale of alcohol above 6.5%, are necessary for new applications.
- 4.3 There has been introductions of further controls around the consumption of alcohol such as a City Wide Designated Public Place Order (DPPO) and Public Space Protection order covering St Peters and Park wards. These controls create an offence for alcohol to be consumed and have provided the police with enforcement powers specifically targeting street drinkers.
- 4.4 A further review should be undertaken in accordance with the requirement of Section 182 of the Licensing Act 2003.

5.0 Financial implications

- 5.1 There are no financial implications associated with the recommendation in this report as Councillors are asked only to note the Cumulative Impact Policy review. The fees and charges relevant to these licensing functions were approved by the Licensing Committee on 24 January 2018. [GE/27022018/Y]

6.0 Legal implications

- 6.1 There are no direct legal implications arising from this information report. [SH/28022018/R]

7.0 Equalities implications

- 7.1 There are no direct Equalities implications arising from this information report.

8.0 Environmental implications

- 8.1 There are no direct Environmental implications arising from this information report.

9.0 Corporate landlord implications

- 9.1 There are no direct corporate landlord implications arising from this report.

10.0 Schedule of background papers

- 10.1 Licensing Committee 12 November 2014
Licensing Committee 25 March 2015