

CUMULATIVE IMPACT POLICY

It is not proposed to set quotas for particular types of licences. Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensed activity are fully considered. If crime and disorder or general disturbance/nuisance does prove to be linked to the concentration of customers of licensed premises or activities in these or any other particular areas, then it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.

It would first be necessary to establish that, because of the number and density of licensed premises in a particular area, there are exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identifiable as being responsible for the problems, action will be taken against them.

Before deciding whether to adopt a Cumulative Impact Policy, the Council must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder.

In the Guidance issued under the Act there are four steps specified 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.

The Licensing Committee will keep any Cumulative Impact Policy under review and modify or remove it, as considered appropriate.

As detailed above the Council recognises that because of the number of and density of licensed premises selling alcohol and/or Late Night Refreshment in particular areas there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. In these cases it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.

The Licensing Authority is now of the view that in these areas this is causing cumulative impact and designates these areas as Cumulative Impact Zones. The details of the policy specific to each area are described below.

The effect of the Cumulative Impact Policy is to create a **rebuttable** presumption that applications in respect the licensable activities detailed below for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity) where the premises are situated in one of the Cumulative Impact Zones will be refused.

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. This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones.

The Cumulative Impact Policy will not be used to revoke an existing licence or certificate and will not be applicable to the review of existing licences.

PUBLIC NOTICE

WOLVERHAMPTON CITY COUNCIL PUBLIC SPACES PROTECTION ORDER

WOLVERHAMPTON CITY COUNCIL (PUBLIC ALCOHOL CONSUMPTION AND ALCOHOL-RELATED ANTI-SOCIAL BEHAVIOUR) ORDER 2020

NOTICE IS HEREBY GIVEN THAT pursuant to section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, further to the consultation exercise (from 27 May 2020 to 29 June 2020) and further to the decision of Wolverhampton City Council's Cabinet of 29 July 2020

WOLVERHAMPTON CITY COUNCIL MAKES THE FOLLOWING ORDER:

1. Anywhere within the boundaries of the Wolverhampton City Council local authority area, Police Officers (including Police Community Support Officers) are hereby authorised to require a person to stop drinking alcohol and surrender any alcohol in their possession, where anti-social behaviour is occurring, or in the reasonable belief of a police officer, likely to occur. Any person who, without reasonable excuse, fails to comply with a police officer's request commits an offence and may be liable to prosecution.
2. The following exclusions apply to clause 1 above. This public spaces protection order cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol. This is made without prejudice to either Part V of the Licensing Act 2003 or section 115E of the Highways Act 1980 apply as such legislative provisions provide safeguards against anti-social behaviour.
3. It is prohibited to consume alcohol in any public place anywhere within the entirety of St Peter's and Park Ward areas of the Wolverhampton City Council local authority area. For the avoidance of doubt, these areas include the City Centre. This prohibition is subject to the limitations of clause 2 above.
4. Clause 3 above includes a waiving option to allow for public drinking at organised events within the St Peter's and Park Ward areas of the Wolverhampton City Council local authority area where applications for temporary event notices have been made to, and approved by, the Licensing Team of Wolverhampton City Council.
5. Failure to comply with the provisions set out above, without reasonable excuse, may result in fixed penalty notices being issued by authorised officers of Wolverhampton City Council or other persons designated by Wolverhampton City Council.
6. This order may be cited as the Wolverhampton City Council (Public Alcohol Consumption and Alcohol-Related Anti-Social Behaviour) Order 2020 and shall come into force from 06:00 hours on 10 September 2020.

Dated 9 September 2020

David Pattison
Director of Governance
and Solicitor to the Council
Civic Centre, St Peter's Square
Wolverhampton WV1 1RG

CITY OF
WOLVERHAMPTON
C O U N C I L

2020/141403 G/20