

**Meeting of the Cabinet - 6<sup>th</sup> December 2018**

**Report of the Strategic Director Place**

**Section 141 Policing and Crime Act 2017 assessment of Cumulative Impact Policy 2018**

**Purpose**

1. To consider a recommendation from the Licensing and Safety Committee concerning the Cumulative Impact policy currently in place in respect of an area of Stourbridge Town Centre.

**Recommendation**

2. That the Cabinet endorse the recommendation of the Licensing and Safety Committee and accordingly, the Council be recommended to approve the retention of the Cumulative Impact Policy in respect of the specified area of Stourbridge Town Centre, as identified in Appendix B of the report.

**Background**

3. The Council is now required by the above law, which became effective in April 2018, to conduct every three years, an assessment of any Cumulative Impact Policy it has in place.
4. Cumulative Impact is described in the latest Section 182 Licensing act guidance ( April 2018) "The potential impact on promotion of the Licensing Objectives of a number of licensed premises concentrated in one area"  
One such Policy is currently in place covering an area corresponding to Stourbridge Town centre Map of actual area attached at Appendix. B  
Prior to this, reviews, whilst desirable were not mandatory.
5. This Policy was introduced under The Police and Crime Act 2001 in August 2006.
6. A cumulative Impact Policy creates a rebuttable presumption that applications for new licences, or club premises certificates, or material variations to existing licences, will normally be refused, if relevant representations are received, unless it can be demonstrated, that the proposed operation involved will not add to the Cumulative Impact on the four Licensing Objectives.
7. The Four Licensing Objectives are Prevention of Crime and Disorder, Public Nuisance, Protecting Children from Harm, and Public Safety. In respect of Public nuisance this can be in the most general of terms, problems with parking, litter.

Noise. In respect of public safety this relates to those persons using the licensed premises. A Fifth objective, promoting public health, whilst considered by Government has not yet been adopted. Statistics from Public health such as hospital admissions from the area can be used however in assessing the overall Policy.

Full details of the policy can be found in Appendix C of Dudley Council Licensing Policy. That policy was reviewed in July 2015. The Licensing Policy contains a statement as required concerning the additional Cumulative Impact Policy. This is attached to this report Appendix A Council has conducted an assessment of the above Policy.

A map of the area is included as Appendix B.

It has consulted with the following persons and organisations as shown in attached list. In particular those specified in Section 5A Licensing Act 2003 premises in the area currently with premises licenses and club certificates Appendix C.

The original Cumulative Impact Policy was introduced in 2006, mainly at the request of West Midlands Police, and their response to this consultation is included in Appendix D.

Other representations have been received, from Dudley DMBC trading standards Department and are included in Appendix E.

Representations from Public Health are shown at Appendix F.

Representations have been received from Councillor Barlow a Ward Member for the area concerned and are attached at Appendix K.

At the Licensing and Safety Committee hearing on Wednesday 7<sup>th</sup> November 2018 a member commented on lack of a response by Environmental Health and Representations from the Licensing Authority.

The timeliness of the Police statistics was also questioned as the ones submitted were for 2016/17. The revised guidance under Section 182 Licensing Act 2003 states that Licensing Authorities may be able to draw on that evidence. The minutes of the Committee meeting are included at appendix G.

Representations from Environmental Health are now included see Appendix H.

Representations from the Licensing Authority are now included in Appendix I.

A document showing the actual current licensing hours is included in Appendix J.

Revised more recent statistics have been requested from West Midlands Police.

All representations received are in favour of retaining the Cumulative Impact Policy.

8. The Licensing and Safety Committee on Wednesday 7<sup>th</sup> November 2018 resolved, that the Cabinet and Council be recommended to approve the retention of the Cumulative Impact Policy in respect of the specified area of Stourbridge town Centre as identified in Appendix B of the report submitted.

**Finance**

9. There are no financial implications to the Council

**Law**

10. Section 141 of the Police and Crime Act 2017 Act requires the council to assess any Cumulative Impact policy it has in place in respect of Section 5A Licensing Act 2003
11. Section 5 -8 of the Licensing Act 2003 allows for the policy to be determined by full council

**Equal Impact**

12. This report takes into account the Councils policy on equal opportunities
13. The Cumulative Impact Policy will impact on children and young people through their attendance at licensed premises. There has been no consultation or involvement of children or young people in the development of this assessment

**Human Resources/ Transformation**

14. There are no human resources/transformation issues



.....  
**Strategic Director Place**

Contact officer: Brian Hughes  
Telephone: 077732 44657  
Email: [brian.hughes@dudley.gov.uk](mailto:brian.hughes@dudley.gov.uk)

**List of Background Papers**

Attached