

Stourbridge Area Committee - 3rd July, 2006

Report of the Director of Law and Property

Proposals for the Introduction of a Special Liquor Licensing Policy regarding the Cumulative Impact of Licensed Premises in Stourbridge Town Centre

Purpose of Report

1. To consider the proposals for the introduction of a special policy regarding Cumulative Impact in respect of Stourbridge town centre.

Background

2. Stourbridge town centre has a significant number of licensed premises that have the ability to serve alcohol into the early hours of the morning.
3. The town centre has increasingly attracted significant numbers of young people drawn to its licensed premises particularly on Friday and Saturday evenings, which in turn has led to large numbers of young people congregating in the town centre at the end of the evenings.
4. The layout of the town centre and the narrowness of the High Street does not easily lend itself to rapid dispersal of customers leaving licensed premises. As a result the police have experienced an increase in crime and disorder late at night over the last few years and will provide detailed information to the Area Committee explaining the problems that they have encountered.
5. A number of meetings have taken place in recent months involving the Police, Officers of the Council and Councillor Angus Adams, the purpose being to consider a variety of initiatives to resolve this problem.
6. It is clear that the increase in crime and disorder and public nuisance in the town centre late at night is directly linked to the number of licensed premises situated in close proximity to each other, which have increasingly attracted a large number of young people to the town. The addition of more licensed premises to the town centre is only likely to exacerbate the situation.
7. On the 9th June 2006 the Deputy Force Solicitor and the Assistant Director, Legal and Democratic Services met to consider the matter and concluded that there was sufficient strength of evidence to present proposals to the Council's

Licensing and Safety Committee, the purpose being to consider the introduction of a Special Policy regarding Cumulative Impact for Stourbridge town centre within a designated area of the Ring Road. The aim of such policy will be to create a rebuttable presumption that applications for new premises 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 operation of the premises will not add to the cumulative impact of the existing licensed premises in the town centre.

8. This matter was considered by the Licensing and Safety Committee on the 29th June 2006 when the Assistant Director, Legal and Democratic Services gave a presentation, explaining the background, criteria and consultation process in respect of the introduction of such a policy. This was followed by a presentation given by Acting Chief Superintendent Freail and the Deputy Force Solicitor of the evidence, which supports the proposal.
9. Similar presentations will be made to the Stourbridge Area Committee together with a verbal update of the Licensing and Safety Committee resolution from the meeting of the 29th June 2006. Following these presentations the Area Committee and the audience, will be invited to comment upon the proposals for the introduction of a Special Policy regarding Cumulative Impact for Stourbridge town centre in accordance with the consultation process required by the Licensing Act 2003.
10. Attached to this report as appendix 1 is a draft Special Licensing Cumulative Impact Policy for consideration.
11. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Proposal

12. That the Area Committee and interested parties consider and comment upon the proposals for the introduction of a Special Licensing Policy regarding Cumulative Impact for Stourbridge town centre.
13. These proposals will assist in the prevention of a further escalation of crime and disorder and public nuisance, which could be attributed to the granting of new premises licences and would in turn add to the cumulative impact already being experienced in Stourbridge town centre as a result of existing licensed premises.

Finance

14. If the proposals are approved there are the financial implications of producing copies of the draft policy and the costs incurred during the consultation process. These costs will be met out of the Licensing Budget.

Law

15. The law relating to the introduction of a Special Policy regarding Cumulative Impact is governed by Guidance issued under section 182 of the Licensing Act 2003, as well as the Act itself.
16. Pursuant to Section 3.18 of that Guidance the steps to be followed in considering whether to adopt a special policy for cumulative impact within the Council's statement of licensing policy are: -
 - Identification of concern about crime and disorder or public nuisance
 - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area;
 - Consultation on the proposal is required with the following organisations and parties:-
 - West Midlands Police;
 - West Midlands Fire Service;
 - Representatives of holders of existing Premises Licences;

 - Representatives of holders of Club Premises Certificates;
 - Representatives of Business' and residents;
 - (All within the proposed area)
 - subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from the area within the terms of the Guidance will be incorporated in the statement of licensing policy. Such policy will be approved by the Licensing and Safety Committee and the full Council
 - publication of the special policy as part of the statement of licensing policy required by the 2003 Act.

Equality Impact

17. This report takes into account the Council's policy on equal opportunities.
18. A Special Policy regarding Cumulative Impact will impact equally on all racial groups.
19. A Special Policy regarding Cumulative Impact will impact on children and young persons through their attendance at licensed premises.
20. There will be consultation and involvement of young people in developing these proposals, as part of the consultation process through the Area Committee Meeting.

Recommendation

21. That the Area Committee consider the proposals outlined in this report and in the presentations to be given to the meeting by Assistant Director Legal and Democratic Services, Acting Superintendent Friel and The Deputy Force Solicitor.

John Poyell

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

None