

Meeting of the Council – 28th February, 2022

Report of the Cabinet

Section 141 Policing and Crime Act 2017 Review of Cumulative Impact Assessment Policy 2022

Purpose

1. To consider recommendations concerning the Cumulative Impact Policy currently in place in respect of an area of Stourbridge Town Centre.

Recommendation

2. That the retention of the Cumulative Impact Policy in respect of the specified area of Stourbridge Town Centre be approved.

Background

3. An area encompassing Stourbridge Town Centre is currently subject of a Cumulative Impact Assessment, the assessment was first conducted in 2006 on the introduction of a Cumulative Impact Policy for the area which sits within the Council's overall Licensing Policy Statement of Principles.
4. The Policing and Crime Act 2017 requires that any Cumulative Impact Assessments undertaken by the Council should be reviewed every three years to ensure their continued relevance and that the authority still holds the opinion set out in any assessment. The last assessment was conducted in February 2019 at which time the Council agreed to retain the Policy.
5. Cumulative Impact is described in the guidance published by the Secretary of State in accordance with Section 182 Licensing Act 2003 as "The potential impact on promotion of the Licensing Objectives of a number of licensed premises concentrated in one area. In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such

problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.”

6. The Secretary of State’s guidance also reinforces the general principle of the Licensing Act that each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy. If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.
7. A Cumulative Impact assessment 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. The process creates a culture where the applicant is encouraged to fully consider the impact of their operation on the area and measures to meet the licensing objectives.
8. 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.
9. The Council has undertaken a consultation as part of the Cumulative Impact Assessment and the need to retain the special Cumulative Impact Policy.
10. The consultation has taken place in accordance with those individuals and organisations specified in Section 5A of the Licensing Act 2003. Advertisements have gone out in the press and on the Council web site with additional leafletting in the area, premises in the area currently with premises licenses and club certificates being written to individually. A list of all consultees contacted individually is included in the assessment document. A copy of the assessment is attached at Appendix A.

11. A map of the area is also included in the assessment document together with a document showing the current licensing hours of the licensed premises within the area.
12. The original Cumulative Impact Policy was introduced in 2006, mainly at the request of West Midlands Police, their response to this consultation is included in the assessment together with representations from Public Health, Councillor N Barlow, and a local resident. All representations received are in favour of retaining the Cumulative Impact Policy.
13. On 8th November, 2022, the Licensing and Safety Committee 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 the report submitted. On 15th December, 2021, the Cabinet endorsed the recommendation of the Licensing and Safety Committee.

Finance

14. There are no financial implications to the Council

Law

15. 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
16. Section 5 -8 of the Licensing Act 2003 allows for the policy to be determined by full council

Risk Management

17. There are no risk management implications.

Equality Impact

18. This report takes into account the Council's policy on equality and diversity.
19. 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/Organisational Development

20. There are no organisational development/transformation implications.

Commercial/Procurement

21. There are no commercial/procurement implications.

Council Priorities

22. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



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Leader of the Council