
Meeting of the Licensing and Safety Committee – 8th November 2021

Report of the Acting Director of Public Realm

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

Purpose

1. For the committee to review the Cumulative Impact Assessment currently in place in respect of an area of Stourbridge Town Centre.

Recommendations

2. That the committee review the need for the current Cumulative Impact Assessment, as a result of the consultation and make a recommendation as to whether:-
 - The Cumulative Impact Assessment is required to be retained and evidence that decision; or
 - The Cumulative Impact Assessment is no longer required and evidence that decision.

In both cases the recommendation will be submitted to the Cabinet, and to full Council for final determination.

Background

3. Stourbridge Town Centre is currently subject of a Cumulative Impact Assessment, this was introduced as a Cumulative Impact Policy in 2006. A Map of the area covered is attached as appendix 2.
4. Policing and Crime Act 2017 requires that Cumulative Impact Assessments should be reviewed every three years to ensure their continued relevance and that the authority still holds the opinion set out in any assessment.
5. The concept of Cumulative Impact Policies was introduced following the introduction of the Licensing Act in 2003. Section 141 of the Policing and Crime Act 2017 came into force on 6 April 2018 and effectively changing Cumulative Impact Policies to Cumulative Impact Assessments and putting them on a statutory basis in a revision of the Licensing Act 2003.

6. Cumulative Impact is described in Section 182 Licensing Act guidance published by the Secretary of State 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
7. The effect of adopting a Cumulative Impact Assessment is to create a rebuttable presumption that applications for new licences, or club premises certificates, or material variations to existing licences, in a specified area 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.
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 and 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 reviewing the overall assessment.
9. The Secretary of State guidance states that the implementation of a Cumulative Impact Assessment is a “strong statement of intent” about an authority’s approach to licence applications. However, the publication of a CIA does not change the way that licensing decisions are made: applications for new licences or variations to existing licences must still be considered on an individual basis. Applications that are unlikely to add to the cumulative impact on the licensing objectives should be granted.
10. The Cumulative Impact Assessment currently in place for Stourbridge Town Centre was last reviewed in February 2019. A copy of that assessment is attached as Appendix 1.
11. A consultation has been undertaken with those specified in Section 5A of the Licensing Act 2003. Premises in the area currently with premises licenses and club certificates have also been consulted, a list of all consultees is attached at Appendix 3.
12. The original Cumulative Impact Policy was introduced in 2006, mainly at the request of West Midlands Police, and their response to this consultation is attached at Appendix 4.
13. Other representations have been received, from a Local Ward Member and a local resident and are attached at Appendix 5.

14. The Council Licensing Policy contains a statement as required concerning the additional Cumulative Impact Policy

Finance

15. There are no financial implications to the Council.

Law

16. 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 of the Licensing Act 2003.
17. Section 5 - 8 of the Licensing Act 2003 allows for the policy to be determined by Full Council.

Risk Management

18. There are no risk management implications

Equality Impact

19. This report takes into account the Council's policy on equal opportunities.
20. 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

21. There are no human resources/development implications.

Commercial/Procurement

22. There are no commercial or procurement implications.

Council Priorities

23. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.



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Acting Director of Public Realm.

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List of background information

Appendix 1 – Cumulative Impact Policy

Appendix 2 - A map of the area

Appendix 3 - Premises licenses and club certificates

Appendix 4 - Response to consultation from the West Midlands Police

Appendix 5 - Response to the consultation.