

Meeting of the Council - 16th October, 2006

Report of the Licensing and Safety Committee

Special Policy Regarding Cumulative Impact in Stourbridge Town Centre

Purpose of Report

- 1 To consider the introduction of a Special Policy regarding Cumulative Impact in respect of Stourbridge Town Centre.

Background

2. On the 18th April, 2006, a meeting was held at Stourbridge Police Station to discuss licensed premises and the attendant problems that are currently being experienced in Stourbridge Town Centre. Present at that meeting were representatives of the Council and West Midlands Police.
3. From the discussion and information presented by the police at that meeting, it became clear that policing problems in Stourbridge Town Centre were directly linked to the Council's licensing objectives of prevention crime and disorder and public nuisance caused by the number licensed premises and that the addition of yet more licensed premises could only exacerbate the situation. It was agreed that the police and the Council should consider the evidence in more detail to ascertain whether proposals to introduce a special licensing policy regarding Cumulative Impact could be formally submitted to the Licensing and Safety Committee.
4. On the 9th June, 2006, there was a further meeting to consider the information which concluded that there was sufficient evidence (as summarised in Appendix 1) to present to the Licensing and Safety Committee proposals to introduce a Special Policy regarding Cumulative Impact for Stourbridge Town Centre within the area of the ring road. The purpose of such a policy would be to create a rebuttable presumption that applications for new premises licences or club premises certificates, or material variations to existing licences would normally be refused, if relevant representations are received, unless it can be demonstrated that the proposed operation of the premises involved will not add to the cumulative impact of existing premises on the licensing objectives.
5. The Licensing and Safety Committee met on the 29th June, 2006 to consider proposals for the introduction of a Special Policy regarding the Cumulative Impact of licensed premises in Stourbridge Town Centre.

6. The Committee resolved at this meeting to approve in principle the introduction of a Special Liquor Licensing Policy regarding the Cumulative Impact of licensed premises in Stourbridge Town Centre, such area to comprise the area of Stourbridge Town Centre within the ring road together with that corner of the ring road from the Picture House Night Club to the ring Road and Foster Street East. It was also resolved that the proposals for the introduction of a Special Policy be put out for consultation to the relevant consultees, together with representatives of Magistrates, in accordance with the Liquor Licensing legislation and associated Guidance. It was agreed that following the consultation, a final draft of the Policy would be considered at a further special meeting of the Committee, with a view to making a recommendation to Council. A list of consultees is attached to this report as Appendix 2.
7. On the 3rd July, 2006 a Special Meeting of the Stourbridge Area Committee was held to consult with Members, current licensees, members of the public and business representatives.
8. The Committee resolved to support the introduction of a Special Liquor Licensing Policy regarding the Cumulative Impact of licensed premises in respect of Stourbridge Town Centre.
9. At the Area Committee meeting the following points were raised for the Licensing and Safety Committee.
 - (1) It was suggested that the area contained in the proposals for a Special Policy should be extended to encompass Mill Race Lane, Birmingham Road to the junction of Foster Street, Vauxhall Road to the junction of Parkfield Road, Church Street to the Junction of Church Street, Hagley Road to the junction of Union Street, Union Pass, Chapel Street to the junction of Worcester Street, Hill Street to the Junction of Greenfield and Ballarat Walk, Enville Street to the Junction of Bradley Road to Mill Race Lane.

Several members of the public supported this proposal.
 - (2) The view was expressed that we should not forget the need to cater for young people in Stourbridge.
10. Three letters of support for the proposal have been received including one from Lynda Waltho MP.
11. The Youth Council responded stating that the concentration of bars in one area allows for close monitoring and regulation while licence holders should take responsibility for reducing the problems of noise, crime and nuisance.
12. The West Midlands Fire Service commented that Cumulative Impact would not really have any effect on the "Public Safety" licensing objective in respect of their service, save for the possibility of increased occupancy and overcrowding.
13. The Magistrates' Court Service has been consulted but no comments have been received.

14. There has been liaison with the Council's Planning Division through the consultation process. The introduction of a Policy of Cumulative Impact will be regarded as a material planning consideration in relation to future applications for planning permission.
15. On the 21st August, 2006, a special meeting of the Licensing and Safety Committee considered the approval and recommendation to the Council of the introduction of a Special Policy regarding Cumulative Impact in respect of Stourbridge Town Centre together with the points outlined in paragraphs 9 to 14 raised through the consultation process.
16. The Committee resolved to recommend to the Council the approval of the introduction of a Special Policy regarding Cumulative Impact of licensed premises in Stourbridge Town Centre, the approved area to comprise Stourbridge Town Centre within the ring road, together with that corner of the ring road from the Picture House Night Club to the ring road and Foster Street East.
17. The Committee did not accept that the area of the proposed policy should be further extended. This is because the Police are unable to provide evidence that the cumulative impact of the licensed premises outside of the proposed area has an adverse impact on crime and disorder and public nuisance. If such evidence is established in the future then it is possible to extend the policy to a wider area.
18. Attached to this report as Appendix 3 is the proposed Special Liquor Licensing Policy regarding Cumulative Impact for Stourbridge Town Centre.
19. This report 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.

Finance

20. If the proposals are approved there are the financial implications of amending the Licensing Policy with the addition of the Special Policy regarding Cumulative Impact in Stourbridge Town Centre and publication of the new policy will be met out of the licensing budget.

Law

21. 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.
22. 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 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; or that risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - Consultation with the following:-
West Midlands Police;
West Midlands Fire Service;
Representatives of holders of existing Premises Licences;
Representatives of holders of Club Premises and 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 in the statement of licensing policy. The Licensing and Safety Committee and the full Council will approve such policy.
- Publication of the special policy as part of the statement of licensing policy required by the 2003 Act.

Equality Impact

23. This report takes into account the Council's policy on equal opportunities.
24. A Special Policy Regarding Cumulative Impact will impact on children and young persons through their attendance at licensed premises.
25. There has been consultation and involvement of children and young people in developing these proposals, as part of the consultation process.

Recommendation

26. That the Council approves the Special Policy regarding the Cumulative Impact in Stourbridge Town Centre as set out in this report.



CHAIRMAN OF THE LICENSING AND SAFETY COMMITTEE