



Walsall Council

REPORT OF THE HEAD OF PUBLIC PROTECTION

TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

WEDNESDAY 30TH JULY 2008 @ 6.00PM

LICENSING ACT 2003

CUMULATIVE IMPACT POLICY

1. PURPOSE OF REPORT

- 1.1 To further advise members of the proposed imposition of a cumulative impact policy for Walsall Town Centre following the report to Licensing and Safety committee held on the 18th June 2008
- 1.2 To agree the next stage in the licensing process of implementing a cumulative impact policy namely, to seek Councils approval

2. RECOMMENDATIONS

- 2.1 For the committee to recommend to Council;
 - (i) that the committee notes that concern has been identified by West Midlands Police about crime and disorder and public nuisance Issues in Walsall Town Centre.
 - (ii) that the committee considers that the police have provided good evidence that crime and disorder and public nuisance is happening and is caused by the customers of licensed premises, or that the risk of cumulative impact is imminent in the area of Walsall Town Centre identified as 'Beat 10', including areas around Bridge Street, Ablewell Street, Lichfield Street, The Bridge, Bradford Street, Bradford Place, Freer Street, Leicester Street, High Street and Park Street, as defined by the map in Appendix 2
 - (iii) that it be noted that consultation has been undertaken with those bodies specified in Section 5 (3) of the Licensing Act 2003.

(iv) that approval be given to the implementation of a cumulative impact policy in the area of Walsall Town Centre identified as 'Beat 10' and detailed in (ii) above.

(v) that the cumulative impact policy detailed in 8.2 – 8.9 of this report be approved for inclusion in the licensing authorities policy statement.

3. FINANCIAL IMPLICATIONS

3.1 Within Budget: Yes.

4. POLICY IMPLICATIONS

4.1 Any cumulative impact policy will need to be incorporated into the licensing authorities statement of licensing policy that was agreed by Council on the 7th July 2007

5. LEGAL IMPLICATIONS

5.1 Legal Services consulted: Yes.

5.2 Any challenge of the licensing authorities' policy statement is initiated by way of Judicial Review.

6. EQUAL OPPORTUNITIES

6.1 None arising from this report.

7. ENVIRONMENTAL IMPACT

7.1 None arising from this report

8. BACKGROUND

8.1 The Licensing Act received Royal Assent on 10th July 2003.

8.2 Cumulative impact is not mentioned specifically in the Licensing Act 2003, but means, in the guidance issued under s.182 of the Act, the potential impact on the promotion of the licensing objectives of a significant number of licensed premises that are concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm) is a proper matter for the licensing authority to consider in developing its statement of licensing policy.

8.3 In some areas, where the number, type and density of premises selling alcohol for consumption on the premises is unusual, serious problems of nuisance and disorder may be arising or have begun to

arise outside or some distance from licensed premises. While more flexible licensing hours may reduce this impact, it is possible that the impact on surrounding areas of the behaviour of the customers, of all premises taken together, will still be greater in these cases than the impact of customers of individual premises.

- 8.4 As part of the licensing authorities consultation process for the review of its existing statement of licensing policy (carried out between the 7th April 2008 – 2nd June 2008) all consultees (as defined under S.5 (3) of the 2003 Act) were further advised in writing that concern had already been expressed about crime, disorder and public nuisance in and around Walsall town centre. The authority had been asked by West Midlands Police to consider the impact of a concentration of licensed premises in this location with a view to implementing a cumulative impact policy. Consultees were specifically invited to comment on the imposition of such a policy.
- 8.5 Four consultees responded and these are given as Appendix 1
- 8.6 The following steps (which are identified from the statutory guidance issued under S.182 of the Act and to which the licensing authority must have due regard) are required to be taken when considering whether to adopt such an impact policy:
- Identify concern about crime and disorder or public nuisance issues.
 - Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring.
 - Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of consultation include and publish details of a special policy in the licensing policy statement.
- 8.7 At the Licensing and Safety Committee held on the 18th June 2008 members received a presentation from West Midlands Police highlighting issues in respect of crime and disorder and public nuisance within Walsall town centre. The presentation is given as Appendix 2 and includes the identified area for which the policy would have effect.
- 8.8 Following the presentation, subsequent question and answers session and full consideration of the committee report, members approved the imposition of a cumulative impact policy
- 8.9 The effect of adopting such a policy is to create a rebuttal presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the

existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

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