



# Walsall Council

## **Cumulative Impact Assessment 2021**

### **Licensing Act 2003**

1. Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Licensing Act 2003.
2. In April 2018 the Police and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A. This provision provides that a licensing authority may, in appropriate circumstances, publish a document, cumulative impact assessment (Assessment), stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the Assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
3. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
4. The Assessment must set out the evidence for the authority's opinion, must be consulted upon before it is published, it must be reviewed at least every three years to consider whether it remains of the opinion stated in the Assessment, a review must be consulted upon and any revisions must be published along with the evidence. Following the introduction of Section 5A of the Act, and in accordance with the Section 182 Statutory Guidance, the Council's previous approach and policies have been reviewed.
5. By publishing an Assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the Assessment when determining or revising the Statement of Licensing Policy. The Assessment does not change the fundamental way that a licensing decision is made, as each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the Assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation.
6. Where no relevant representations are received an application will be granted in terms consistent with the operating schedule.
7. An applicant wishing to obtain a new licence or vary a licence for premises, within the cumulative impact area, must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that

granting a new or varied licence will not add to the cumulative impact already being experienced.

8. The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly, with those authorities, or through the Council's Licensing Section.
9. There are 876 licensed premises and club premises certificates issued under the Licensing Act 2003 for the Borough of Walsall. 118 of these premises are located within the current CIP area (**Appendix 3**). 20 of these premises provide late night refreshment, 51 of the premises provide alcohol (on and off sales), and 47 of the premises provide both alcohol (On and Off sales) and late night refreshment.
10. Between 2017 and 2019, 31 variation applications were received by the licensing authority for existing premises within the Borough. Sixteen related to premises situated within the current CIP area. The applications were primarily to extend the licensing hours for the sale of alcohol and late night refreshment.
11. The table below shows the number of new premises licence applications received for the past 3 years (2017 – 2020) for the licensable activities listed.

YEAR	Late Night Refreshment (LNR)	Alcohol	Both LNR & Alcohol
2017	8	12	9
2018	4	10	9
2019	3	11	6

12. This data shows that between January 2017 and December 2019 the licensing authority received 72 new premises licence applications. The data provides justification for keeping the current CIP in place. Nineteen out of the 72 (about 27%) new premises licence applications were received for the WS1 (part of current CIP) postcode area compared to fourteen for WS2 (Also partially part of current CIP) and thirty-nine for the rest of the borough.
13. **Appendix 1** is data from Walsall Council's Clean & Green which shows that there has been a rise in litter complaints between 2017 & 2019. The current CIP does not include Off sale of alcohol and Late Nigh Refreshment. However, the proposed CIP policy includes Sale of Alcohol Off the premises & Late Night Refreshments within the CIP. The CIP will be reviewed every 3 years and will be monitored.
14. Whilst consulting with responsible authorities under the Licensing Act 2003, Trading Standards provided the licensing authority with the following information:

Between 2013 and 2018, Walsall Council received 499 illicit tobacco complaints from traders and residents, and this trend has not abated.

The reporting rate has remained steady, however the number of retailers subject to these complaints has been increasing rapidly with new retail premises opening up, seemingly for the sole purpose of selling illicit tobacco.

A pattern has emerged, whereby the offending retailers are predominantly food and drink convenience stores, with a predominance of Eastern European themed shops being operated by males of Kurdish descent.

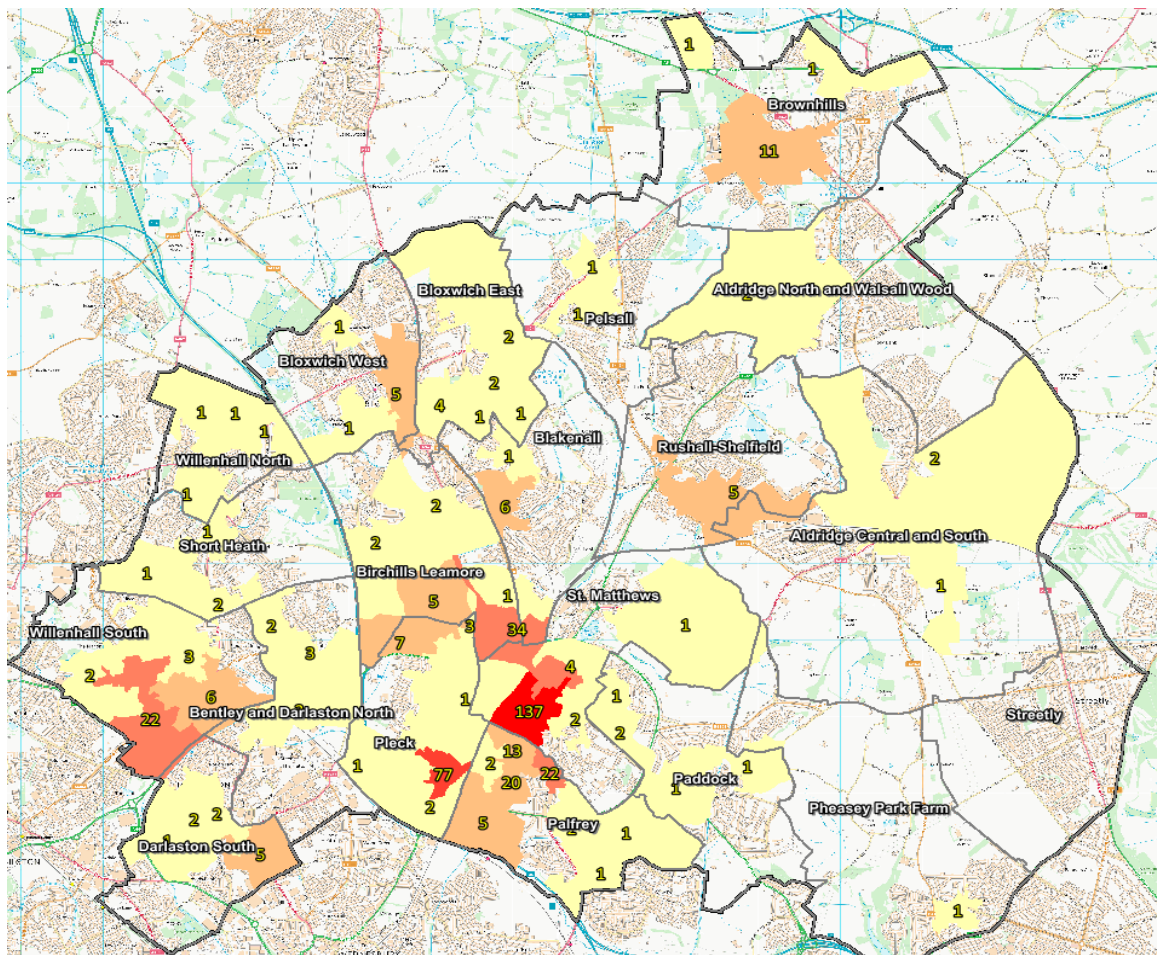
Takeaways, market stalls, car washes and even barber shops and ice cream vans have also been the subject of similar reports alleging their involvement in the sale of illicit tobacco.

### ***So what do these business models have in common?***

Their business activities rely heavily on cash transactions, mobility, and integration into remote areas and communities; this lends itself to operating outside the kind of scrutiny present in town centres and other retail areas.

The location of complaints is shown on the map below:

### **Heat map of illicit tobacco complaints reported to Trading Standards since 2013**



The heat map highlights the hotspot areas of Caldmore and Pleck.

These areas also suffer from high levels of Anti-Social Behaviour (ASB), which are exacerbated by the regular influx of customers visiting the area to buy illicit tobacco – potentially engaging in other criminal activity at the same time.

Nationally, HMRC estimated that in one year alone (2013/2014) tobacco smuggling cost the UK over £2.1 billion in lost revenue and while this is actually a decline from the estimate of £3.4 billion in 2001, in Walsall Trading Standards' figures do not follow this trend and neither does the number of illicit tobacco seizures.

To tackle the illicit epidemic in Walsall, in recent years Trading Standards has adopted a robust enforcement strategy. Operations targeting problem premises have been carried out in conjunction with the police, HMRC, Immigration and a specialist dog search team. Traders have been found to use increasingly sophisticated means of concealing illegal tobacco, thereby making it difficult to detect without a specialist 'sniffer' dog team. Concealments include illicit goods being hidden inside fridge workings, beneath floorboards and inside stairs.

In Walsall, partnership working, shared intelligence, and successful joint enforcement activity has revealed a clear relationship between licensed premises of a certain profile and geographical location, and other criminal activity.

Since 2013, a series of full-scale multi-agency enforcement operations have been conducted in Walsall and, while individual premises details cannot be disclosed here, in no less than 100% of cases a licensed premises was found to have been used as a shield for conducting illegal activity.

In addition to environmental and food-related offences (e.g. fly-tipping, pest-control, food and health & hygiene etc.) the enforcement operations resulted in the following:

- The seizure of:
  - 645,059 illicit cigarettes; and
  - 52.5kg / 4,388 packets of illicit/illegal hand-rolling tobacco;  
Amounting to a lost retail value, for legitimate business in Walsall, of almost half a million pounds on tobacco products alone; and
  - 2,632.5 litres of illegal alcohol;
- The identification of specific modus operandi of offenders;
- The Identification of location/area of illegal activity;
- A clear pattern of criminal activity relating to licensed premises;

Date	Seizures		Alcohol (Litres)	Licensed Premises
	Cigarettes	Tobacco (kg)		
October 2013	✓	✓	X	✓
November 2013	✓	✓	X	✓
May 2014	✓	✓	X	✓
May 2014	✓	✓	X	✓
September 2015	✓	X	✓	✓
June 2016	✓	✓	X	✓
September 2017	✓	✓	X	✓
March 2018	✓	✓	X	✓
January 2020	✓	✓	X	✓

It cannot be overstated - that for a series of enforcement operations to provide a 100% success record, the seizures and activity summarised above represents the tip of the iceberg and there is much more work to be done in tackling the problem.

The evidence clearly shows that the scale and depth of the criminal network operating in the Caldmore area of Walsall relies upon licensed premises for its success and along with the opportunity to review the CIZ comes an opportunity to consider how we may use the provision to its greatest effect.

Therefore, recognising the Government's recent amendment to the CIZ legislation, Walsall Council Regulatory Services propose embracing the changes and using them for the long-term improvement of the greatest areas of concern.

By extending the current Walsall CIZ area to include the problem areas identified during the last 3 years enforcement activity, the Council could subject all new premises licence applications within the area to greater scrutiny and establish a rigorous inspection programme of existing ones, where intelligence supported such a course of action.

This could aid the early identification of problem applicants and, potentially, premises fitting the problem profile and reduce the likelihood of further problem premises becoming licensed.

There are rarely quick fixes for complex social problems such as exist in this area, but the Council is duty-bound to use every tool at its disposal to tackle the issues and turn around the fortunes of such places.

In this respect, the CIZ is a mechanism for sending out a clear message that the Council is serious about tackling crime in the area, that the various enforcement agencies are applying partnership collaborative approaches to pool resources and share information, and are actively using all available intelligence to maximum effect.

15. West Midlands Police have provided evidence on total recorded crime within the current CIP area and also outside of the CIP.
16. The evidence for Total Recorded Crime (TRC), Violence, Theft/Robbery offences in the current CIP:

Year	Total Recorded Crime (TRC)			Violence				Theft / Robbery Offences			
	Within Cumulative Impact Zone (CIZ)	Within CIZ during Night Time Economy (NTE)	% within CIZ during NTE	Within Cumulative Impact Zone (CIZ)	% of TRC	Within CIZ during Night Time Economy (NTE)	% Within CIZ during NTE	Within Cumulative Impact Zone (CIZ)	% of TRC	Within CIZ during Night Time Economy (NTE)	% Within CIZ during NTE
1st July 2017 - 30th June 2018	2455	663	27%	752	31%	300	40%	1255	51%	199	16%
1st July 2018 - 30th June 2019	2414	682	28%	937	39%	355	38%	1046	43%	164	16%
1st July 2019 - 30th June 2020	2034	605	30%	849	42%	342	39%	838	41%	165	20%

17. The data above from the Police shows that TRC reported within the current CIP area has decreased from 1<sup>st</sup> July 2017 – 30<sup>th</sup> June 2020, however, there should be consideration given to the impact of COVID 19 which has led to the reduction of Crime following the first lockdown announced on 23<sup>rd</sup> March 2020. Night Time Economy (NTE) hours are between 20:00 – 05:00.
18. Total Recorded Crime (TRC), Violence, Theft/Robbery offences outside of the current CIP:



Year	Total Recorded Crime (TRC)			Violence			Theft / Robbery Offences		
	Outside CIZ	Outside CIZ During NTE	% outside CIZ during NTE	Outside CIZ	Outside CIZ During NTE	% outside CIZ during NTE	Outside CIZ	Outside CIZ During NTE	% outside CIZ during NTE
1st July 2017 - 30th June 2018	24, 742	8872	36%	5233	1840	35%	6830	2286	33%
1st July 2018 - 30th June 2019	26, 547	9852	37%	7029	2649	38%	6498	2123	33%
1st July 2019 - 30th June 2020	23, 738	9149	38.50%	8303	3355	40%	5083	1784	35%

19. From the data, the percentage of TRC taking place within the CIP is 9.2% (6903) compared to the total for outside the CIP (75,027) from the 1<sup>st</sup> July 2017 – 30<sup>th</sup> June 2020.
20. The table below shows the number of offences committed at different types of licensed premises. A total of 420 offences were committed at licensed premises within the CIP area between July 2017 – June 2020:

OFFENCES AT LICENSED PREMISES	TRC
<b>July 2017 to June 2018</b>	<b>126</b>
PUBLIC HOUSE - LICENSED PREMISES	72
NIGHTCLUB	35
NIGHTCLUB OUTSIDE ADDRESS	4
OUTSIDE ADDRESS NIGHTCLUB	3
CLUB - SOCIAL	2
SPORTS CLUB	2
NIGHTCLUB OUTSIDE ADDRESS ROAD	2
CAR PARK PUBLIC HOUSE - LICENSED PREMISES	1
NIGHTCLUB OUTSIDE ADDRESS BUS	1
PUBLIC HOUSE - LICENSED PREMISES REAR OF PREMISES GARDEN	1
OUTSIDE ADDRESS PUBLIC HOUSE - LICENSED PREMISES	1
OUTSIDE ADDRESS ROAD NIGHTCLUB	1
OFF LICENCE - LICENSED PREMISES	1
<b>July 2018 to June 2019</b>	<b>176</b>
PUBLIC HOUSE - LICENSED PREMISES	90
NIGHTCLUB	58
NIGHTCLUB OUTSIDE ADDRESS	7
PUBLIC HOUSE - LICENSED PREMISES OUTSIDE ADDRESS	5
OUTSIDE ADDRESS PUBLIC HOUSE - LICENSED PREMISES	3
SPORTS CLUB	2
OUTSIDE ADDRESS NIGHTCLUB	2
OUTSIDE ADDRESS PUBLIC FOOTPATH PUBLIC HOUSE - LICENSED PREMISES	2
NIGHTCLUB REAR OF PREMISES	1
PUBLIC HOUSE - LICENSED PREMISES OUTSIDE ADDRESS PUBLIC FOOTPATH	1
NIGHTCLUB ENTERTAINMENT INDOOR	1
OUTSIDE ADDRESS PUBLIC HOUSE - LICENSED PREMISES ROAD	1
CLUB - SOCIAL OTHER	1
OFF LICENCE - LICENSED PREMISES	1
PUBLIC HOUSE - LICENSED PREMISES ENTERTAINMENT OUTDOOR	1
<b>July 2019 to June 2020</b>	<b>118</b>
PUBLIC HOUSE - LICENSED PREMISES	52
NIGHTCLUB	46
NIGHTCLUB OUTSIDE ADDRESS	7
CLUB - SOCIAL	6
SPORTS CLUB	4
PUBLIC HOUSE - LICENSED PREMISES OUTSIDE ADDRESS	2
OFF LICENCE - LICENSED PREMISES	1
<b>Grand Total</b>	<b>420</b>

21. West Midlands Police also provided data on the number of calls received in relation to Anti Social behaviour & Public Safety Welfare within the current CIP area:

Year	Anti-Social Behaviour			Public Safety Welfare		
	Within Cumulative Impact Zone (CIZ)	Within CIZ during Night Time Economy (NTE)	% within CIZ during NTE	Within Cumulative Impact Zone (CIZ)	Within CIZ during Night Time Economy (NTE)	% Within CIZ during NTE
1st July 2017 - 30th June 2018	568	181	32%	2493	827	33%
1st July 2018 - 30th June 2019	310	90	29%	2334	806	36%
1st July 2019 - 30th June 2020	284	107	38%	2024	685	31%

22. The table above shows the figures for ASB and PSW within the CIZ area plus Night Time Economy for the 3 year period (2017 – 2020). It can be seen that there has been a reduction in both categories. The highest incident locations within the CIZ for ASB and PSW have not changed over the 3 year period; they are Bus Station St Pauls Street; McDonalds Park Street; Asda George Street; Bridge Street and Tesco Extra, mainly all within the WS1 post code area. During NTE hours PSW highest incident locations were Bridge Street, Bus Station, and Religion Utopia Nightclub. For ASB the highest incident locations were McDonalds Park Street and Asda George Street.
23. The main hotspot outside of the CIP area reported is Caldmore which falls within the WS1 post code area and has 1,680 offences reported in this area during the 3 year period compared to 967 offences reported (2<sup>nd</sup> highest reports of crime) in the Brownhills area. The following areas/streets accounted for the majority of the offences, Wednesbury Road (175), Sandwell Street (141), Caldmore Green (119), and the rest (1245) on Caldmore Road. These are offences outside of the current CIP and are streets all within WS1 post code area. Caldmore area is located within close proximity of the current CIP and within walking distance of Walsall's Night Time Economy area.
24. The top 2 streets for offences reported in the South for all TRC, outside of the CIZ were Wallows Road (473 offences) and Wednesbury Road (425). Cumulatively, 316 offences were reported on Caldmore Road, Caldmore Green, and Little Caldmore of which 123 offences were Violence related. The top 2 streets for offences reported during NTE hours were Wednesbury Road with 170 offences, followed by Birmingham Road with 162. Top 2 streets for violent offences were Wednesbury Road (54) and Sandwell Street (41). Cumulatively, 116 offences were reported on Caldmore Road, Caldmore Green and Little Caldmore, during NTE of which 49 were violent offences. Overall, top 2 repeat locations were Morrisons Petrol Station on Wallows Lane (271 crimes reported), the majority relate to Making off without Payment; followed by Co-Op on Broadway, Delves, at which top offence was Theft from Shop/Stall (TFSS).
25. These statistics show a decline in reported crime over the three-year period following the last review, which is positive. The number of offences is still at a high level and it is believed that the retention of the CIP along with the proposed changes will reduce that figure further, take strain off Police resources and make the areas identified safer for residents and legitimate business.

26. Removing the CIP may have the opposite effect and lead to a deterioration in standards. It should be noted 2020 will be an unusual year for statistics due to the various 'lockdowns' and restricted trading that have occurred as a consequence of Covid 19.
27. Assault occasioning Actual Bodily Harm (**ABH**) is the highest crime type for all 3 years accounting for 13% (85) of violent crime in 2017/18, 15% (103) in 2018/19 and 13.4% (81) in 2019/20. Including off sales of alcohol and Late Night Refreshment may help prevent the increase in violence within the CIP area.
28. **Appendix 2** is evidence from Public Health which outlines the number of Alcohol Related A&E Admissions in Walsall from 2014 – 2019. The report shows that there has been an increase in the number of alcohol related admissions to A&E between 2014 – 2019. St Matthews ward (Mainly WS1 post code area) currently has the second highest A&E admissions which are alcohol related.
29. The assessment has been carried out in accordance with Section 5(a) of the Licensing Act 2003. The licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.
30. Based on the statistical data evidence above from responsible authorities, the Council has determined that the Council should amend the current Cumulative Impact Policy area and expand this to include WS1 and also Wednesbury Road & wallows Lane. The council has also resolved that there is also a need to expand the CIP to include Late Night Refreshments & Sale of Alcohol off the premises within the policy.