

**Licensing and Safety Committee – 21<sup>st</sup> August, 2006**

**Report of the Director of Law and Property**

**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 and, if approved, recommend the policy to Council.

**Background**

2. On the 18<sup>th</sup> 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 Inspector Mark Thomas, Sergeant Kerr Ross, Ms. Lisa –Marie Smith Deputy Force Solicitor, Councillor Angus Adams, Mathew Caddick Stourbridge Town Centre Manager, Peter Vangeersdaele Senior Engineer Traffic and Transport, Philip Tart Assistant Director Legal and Democratic Services and Janet Elliott Licensing and Service Improvement Officer.
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 of licensed premises and 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 9<sup>th</sup> June 2006, Ms. Smith and Mr. Tart met to consider the information and concluded that there was sufficient strength of evidence to present, for consideration, 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 will be to create a rebuttable presumption that applications for new premises 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 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 29<sup>th</sup> June 2006 to consider proposals for the introduction of a Special Policy regarding the Cumulative Impact of licensed premises in Stourbridge Town Centre. At this meeting Mr. Tart gave a presentation, which explained the background, criteria and consultation process in respect of the introduction of such a policy. The Committee also received a presentation from Acting Chief Superintendent Friel and Ms Smith of the supporting evidence for the proposals.
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 to the ring road and Foster Street East. Further, arising from this decision, 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 said consultation, a final draft of the Policy will be considered at a further special meeting of the Committee, with a view to making a recommendation to Full Council. A list of consultees is attached to this report as appendix 1.
7. On the 3<sup>rd</sup> 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 Area 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. Arising from the Area Committee meeting there are several points for the Licensing Committee to consider in respect of the proposals
  - (1) Councillor Attwood 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, Envile Street to the Junction of Bradley Road to Mill Race Lane.

Several members of the public supported this proposal.
  - (2) Councillor Kettle expressed the view that we should not forget the need to cater for young people in Stourbridge.
10. Following the Area Committee meeting the Licensing Officer contacted Cindy Peek Assistant Director for Partnership and Children's Trust to enable

consultation with young people to take place. Their comments are attached as appendix 2 to this report.

11. Three letters of support have been received including one from Lynda Waltho M.P. These letters have been attached to this report as appendix 3
12. Comments from the West Midlands Fire Service are attached to this report as appendix 4.
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.
15. Attached to this report as Appendix 5 is the draft Special Liquor Licensing Policy regarding Cumulative Impact for Stourbridge Town Centre.
16. 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**

17. If the proposals are approved there are the financial implications of producing copies of the draft policy and distributing them to the various agencies and members of the public will be met out of the Licensing Budget.

## **Law**

18. 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.
19. 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 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

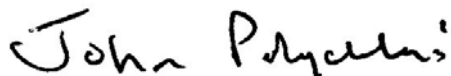
- Publication of the special policy as part of the statement of licensing Policy required by the 2003 Act.

### **Equality Impact**

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

### **Recommendation**

23. That the Committee consider the proposals outlined in this report.



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DIRECTOR OF LAW AND PROPERTY

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### **List of Background Papers**

Licensing Act 2003