

APPENDIX 1

Licensing Act 2003: Statement of Licensing Policy, Cumulative Impact Areas.

In April 2015 the Licensing and Public Protection Committee considered and approved the revised Statement of Licensing Policy. This Policy was approved by the City Council in July. It is this policy which implements the areas of special policy within the City (Cumulative Impact Policy Areas or CIPs).

The effect of a special policy is to create a rebuttable presumption that applications for new licences/certificates or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.

The Statutory Guidance issued under s182 of the Licensing Act by the Home Office explains cumulative impact in more detail. This guidance can be found at <http://bit.ly/s182Mar2015>

Paragraph 13.29 of the Guidance sets out the steps to be followed when considering a special policy area as follows:

- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being 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 (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

At the Licensing and Public Protection Committee meeting in April, it was resolved to consider whether there were grounds to extend the Council's special policy to [INSERT AREA NAME].

Having regard to the points made above, I would be obliged if you would consider and answer the following questions to allow us to assess the basis of an extension to the policy (please remember, a CIP is not retrospective, and will not affect the number of existing licensed premises):

1. Do you believe a Cumulative Impact Policy is necessary for the area proposed above?
2. If so, what are your reasons for this?
3. Should the CIP extend beyond on-sales to include off sales / late night refreshment?
4. What geographical area would be appropriate?
5. Do you have any evidence to support your answers?

At this stage, your answers will be used to determine whether it is appropriate to carry out a full consultation exercise in relation to this matter. This is NOT the official consultation. In order to ensure we have a clear understanding of the situation, we are interested to hear from you, whether you support or oppose the suggested policy change.

I would be obliged if you could respond by 5th October. [later extended to 9th Oct]

Should you have any questions concerning this matter please contact me.

Yours sincerely

Emma Rohomon

Response from Birmingham East LPU

Please see below email.

I haven't received a reply from the neighbourhood team and as per below I am taking as:

- There is no requirement for CIP.
- There is no evidence to support an application.

Regards

Chris Jones 55410
Licensing & Planning Officer
Birmingham East

All,

Please see below email from Emma at Council Licensing.

If you can email your thoughts I will collate your emails and send an answer to Emma.

Can I please ask for your replies by 23rd September (I'm on annual leave w/c 28.09.15 and will have to reply to Emma no later than 25th Sept.)

If I haven't heard anything by 23rd I take it there is requirement / evidence for a CIP and will make Emma aware.

Many thanks

Regards

Chris Jones 55410
Licensing & Planning Officer
Birmingham East

Response from Birmingham West and Central Police:

1. Do you believe a Cumulative Impact Policy is necessary for the area proposed:

Yes I believe a Cumulative Impact Policy would be an extremely useful tool, and would fully support the introduction of a Policy within Digbeth, with a potential to encompass all of the Digbeth Area, which would include Millennium Point, Universities, the student accommodation, and Highgate area.

2. If so, what are your reasons for this ?.

The whole of the Digbeth is an ever growing area, which includes our Licensed Premises, Digbeth is a prime area, with a growth in reputation, and for some events has an international and national customer base. Anyone wanting to invest in the event industry would consider Digbeth and the surrounding area a prime site, especially with the amount of sites available. We have had a substantial growth within the last few years and if all current venues were full, I'm sure our capacities would rival Hurst Street. The area has also become a hotspot for Shisha Lounges, mainly within the Highgate, but extending into Digbeth. We currently have 11 operational venues, with another two with planning applications, and another one about to open (without planning). Currently four of these venues have a premises Licence in one shape or another.

3. Should the CIP extend beyond on-sales to include off sales / late night refreshment?

Yes I believe it should include all applications including off and on sales, and late night refreshment. This would be especially important for our ever growing student community which at present stands at approximately 12000, with a high transient population through the area. This areas would be prime location for future late night refreshment and in peculiar off sales applications / sites. With the continuing growth in Shisha Lounges numbers, consideration needs to be given to venues offering extra services such as entertainment and refreshment, to gain an advantage over other such establishments.

Both in these areas, there could be a large impact and or increase in, Crime / Disorder and anti-social behaviour.

4. What geographical area would be appropriate ?.

As discussed in answer 2 – consideration would be needed for all of the Digbeth and Highgate Area.

Please see attached proposed map for Geographical area, the reason behind all of the Digbeth Area, is that you could potentially have one of, either Licensed premises serving Alcohol, or a Shisha Lounge being able to gain a premises Licensed, and

across the road a similar premises having to complete a much more of a comprehensive application, and in the case of Cumulative Impact Policy attend a Committee Hearing. The larger geographical area ensure that all Shisha Lounges are treated equally, and it would cover the growing student accommodation area. (Notably not just with students but it is becoming more socially acceptable to pre load, prior to going out, and although I accept there are already places within the area where alcohol can be purchased, extra premises, without the appropriate measures in place, would resort to under cutting and price wars to entice customers.)

5. Do you have any evidence to support your answers ?.

We could provide during an Official Consultation a full Crime Pattern, we are experiencing an increase in violent crime within Digbeth and Licensed Premises.

We could also provide details regarding the ASB associated with Shisha Lounges, crime numbers, statements (if required could be provided). Examples of the reported ASB are, noise direct from the premises, customers arriving and leaving the premises, pre drinking in the area and leaving the rubbish, customers and vehicles driving at speed in and around the area, together with parking issues. The shisha lounges are attracting customers from out of Birmingham, and in effect doubling our number of Premises. Although three lounges have current Licences, it would be a cause for concern if they were all to obtain a Premises Licence of sorts. I believe this would lead to a greater report of ASB and demand on our and the councils limited resources. A considerable amount of the reports of ASB, is between the times of 2300 – 0400hrs (dependant when the premises close.).

This would reflect when the premises are likely ask for a Licence, be that a late night refreshment, or entertainment. And in the case of one peculiar Shisha Lounge the current impact on the local community is considerable.

Map of Proposed Area



Response from Digbeth Resident's Association

This is an interim response on behalf of Digbeth Residents Association (DRA) and we would hope at some point in the future to contribute further.. Will you please acknowledge receipt of the email and advise us of the likely process, time table and opportunities to engage with that process.

Digbeth Residents Association(DRA) responded to the broader consultation that took place previously and shared our view that a Cumulative Impact Area (CIA) should be considered for the area of Digbeth, it remains our view.

We would welcome a a rebuttable presumption that applications for new, or significant variations of licences, would be refused. We would wish that this applies to the granting of licences and certificates that relate to alcohol sales both on and off the premises, late night entertainment and refreshments.

Our primary concerns that relate to the licensing objectives are those of issues of crime and disorder, public nuisance and the protection of children. We will be happy to expand on these at a later date along with the more detailed information provided by the local police team.

We believe that the appropriate geographical area to which this special provision of a CIA should apply would be section broadly radiating out from the city centre, that is one bounded by a line drawn to the north of Digbeth High St and another drawn to the south of Bradford St, running out to the inner ring road. This area is becoming increasingly residential and there are more significant developments envisaged in the near future that will add to the tensions that can exist between the nighttime economy and those living in the vicinity.

DRA are a business-friendly organisation that wish to see socially responsible businesses thrive, but we have a disproportionate representation of licensed premises in the area and would like to see the standard of existing ones raised and a higher threshold for the granting of future ones.

Kind regards,
John Gordon
Chair Digbeth Residents Association

Response from Birmingham North Police

1. We do believe a cumulative impact policy would be beneficial to the suggested area. At this time we do not have sufficient grounds to oppose new licence applications under the licensing act especially on the grounds an area does not requires more licensed premises. This is particularly relevant with off sales.
2. The main reason for the policy in this area is that it is already saturated with off sales premises.
3. Off sales is the main reason for the application. The area has not seen many on sales applications for some time.
4. Area covered ideally would be the High Street and surrounding streets.
5. After our meeting the local team have informed me that they do have sufficient evidence to support the application for a cumulative impact policy on the High Street, Erdington. They have identified the following issues which they believe will support the application –
 - Impact statement from traders, residents and also people employed in the area.
 - Statement from local PCSO's and local officers which outlines the issues and off sales.
 - Alcohol crime and ASB fingers.
 - CCTV images of groups gathering to street drink near off sales and betting shops as there both linked.
 - Environmental Health issues such as littering.

Please see also attached the defined area the local team would like to see the cumulative impact policy cover.



Response from Councillor Robert Alden

In answer to the questions asked here are my answers:-

1. Do you believe a Cumulative Impact Policy is necessary for the area proposed above?

Yes I absolutely think a CIP is required and necessary for Erdington, indeed there is significant local support for this to happen as well.

2. If so, what are your reasons for this?

The local area has been blighted by issues relating to alcohol in recent years. The local area has had to have significant sums of money spent on local drink addiction work. There are also significant drink addiction homes in the local area. Alcohol related crime regularly comes up on Police tasking meeting agendas. Much money has recently been spent by the police on special work to try and reduce the level of alcohol related crime on the High Street. Residents in the Victorian parts of Erdington regularly find people in their front gardens drinking as well.

3. Should the CIP extend beyond on-sales to include off sales / late night refreshment?

Yes, this would be vital as much of the issues locally are related to off sales, on street drinking.

4. What geographical area would be appropriate?

The most appropriate area would be the area of Erdington Ward that runs, around and includes the shopping parade on Gravelly Lane, down to the Station road shops then takes in the area up to the old Colliers site on Sutton Road down Holly Lane and then along Moor End Lane , into Spring Lane and then along Kingsbury Road, and up Wood End Road to Six Ways roundabout, then back onto Gravelly Lane.

5. Do you have any evidence to support your answers?

We can produce significant quantities of crime data and supporting evidence if required. We can also demonstrate a high level of local support for the implementation of a CIP locally in Erdington. There is also a large number of background documents like, tasking minutes, press coverage, alcohol awareness campaigns that can also be produced to support a CIP.

I would be happy to meet officers etc. who will be considering this to discuss the need for one further.

Cheers
Robert

Cllr Robert Alden
Erdington Ward