

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**19 OCTOBER 2016**

**LADYWOOD**

**STATEMENT OF LICENSING POLICY – CUMULATIVE IMPACT AREAS  
POST CONSULTATION REPORT – JOHN BRIGHT STREET AREA**

**1. Summary**

- 1.1 The City Council as the Licensing Authority is required to determine and publish its Statement of Licensing Policy at least every five years, and keep it under review and make such revisions to it at such times, as it considers appropriate.
- 1.2 In order to take effect any amended policy must be approved by City Council.
- 1.3 This is a requirement of the Licensing Act 2003 ('The Act').
- 1.4 The Statement of Licensing Policy includes areas of Special Policy known as Cumulative Impact Policy Areas or (CIPs).
- 1.5 The purpose of this report is to apprise Members of the results of consultation on the proposal to implement three further CIP areas.

**2. Recommendations**

- 2.1 That the Committee consider the responses to the consultation for the area around John Bright Street proposed for CIP.
- 2.2 That Members consider whether there is sufficient evidence to implement CIP area as proposed.
- 2.3 That, should Members agree to the proposals in 2.2, Members consider if the CIP should relate to:
  - (i) On sales;
  - (ii) On and Off Sales, or
  - (iii) On and Off Sales and Late Night Refreshment.
- 2.4 That any proposals agreed to at 2.2 and 2.3 be reflected in a revised Statement of Licensing Policy, to be presented to City Council at the next available opportunity.

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### 3. Background

- 3.1 The principle of 'Cumulative Impact' does not originate from the Licensing Act itself, but from the Statutory Guidance issued by the Home Office as required by s182 of the Act.
- 3.2 Cumulative Impact is addressed in paragraphs 13.2-13.41 of the Revised Guidance (Issued March 2015). The full guidance document can be found at: <http://bit.ly/s182Mar2015>
- 3.3 Paragraph 13.29 of the s182 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.*
- 3.4 The review of the Statement of Licensing Policy in April 2015 resulted in the CIP areas of Broad Street and Hurst St/Arcadian being extended in scope to include late night refreshment and off-sales as well as the existing on-sales.
- 3.5 Following the consultation carried out as part of the review of the Statement of Licensing Policy four areas of the City were suggested as being appropriate to be considered as Cumulative Impact Policy areas, being Digbeth, Erdington, the 'Balti Triangle' and the area around John Bright Street.
- 3.6 In order to satisfy the requirements specified by the s182 Guidance (as detailed in paragraph 3.1 above) officers made preliminary enquiries via email with Local Policing Units, Ward Councillors and, in the case of Digbeth, the Chair of the Resident's association.
- 3.7 The matters concerning John Bright Street were discussed at the time of the Licensing and Public Protection Committee in April 2015, whereupon it was agreed by the Committee that a CIP did appear to be merited, although the matter had not been subject to public consultation. For this reason, preliminary enquiries were not considered necessary.
- 3.8 Following these preliminary enquiries it was agreed to proceed with more extensive consultation in relation to the areas of John Bright Street, Digbeth and Erdington.

#### 4. Consultation

- 4.1 Summaries of responses to the consultation for the John Bright Street Area are attached at Appendix 1(a) to (d) to this report.
- 4.2 Consultation questionnaires were circulated to the relevant Ward Councillors, Responsible Authorities, holders of existing premises licences in the proposed areas and resident groups (where known). The consultations were also included on BeHeard.
- 4.3 Owing to the low number of responses, the consultation was extended by a further 2 weeks with email sent reminders where possible.

#### 5. Results of Consultation

- 5.1. Of the responses received (10) Nine were in favour of the proposed CIP.
- 5.2 All of the responses which expressed a preference were in favour of On, Off and Late Night Refreshment Sales being included.
- 5.3 West Midlands Police do not support the proposal.

#### 6. Matters for Consideration

- 6.1 There were disappointingly low response rates to these consultations, despite the consultation period being extended.
- 6.2 Members are reminded of the considerations detailed in paragraph 3.3 above when considering whether there is sufficient evidence provided to justify the implementation of these CIP areas.
- 6.3 On 23<sup>rd</sup> September 2016, the Home Office announced an amendment to the Policing and Crime Bill currently going through parliament concerning, among other things, Cumulative Impact. An extract of this announcement is at Appendix 2.
- 6.4 At the time of writing this report, the detail of the clauses was not available; however, it is useful to note that there is nothing within the proposals to contradict the manner in which your Committee has administered matters of Cumulative Impact.
- 6.5 A further report will be brought to your Committee outlining all of the implications of the Policing and Crime Bill following Royal Assent.

7. Implications for Resources

- 7.1 The cost of devising and maintaining a Statement of Licensing Policy, including revisions and amendments, is included within the existing Licence fee structure.

8. Implications for Policy Priorities

- 8.1 The issues addressed in this report relate to the City Council priorities associated with creating a cleaner, greener and safer city and providing excellent services, as well as laying the foundations for a prosperous city, built on an inclusive economy; Involving local people and communities in the future of their local area and their public services – a city with local services for local people.

9. Public Sector Equality Duty

- 9.1 Section 5 of the Licensing Act 2003 requires the Licensing Authority to publish a Statement of Licensing Policy. Section 5(3) of the Act specifies those who must be consulted on the Policy and subsequent Policy reviews.
- 9.2 There are no likely adverse consequences on any person who falls within the definition of a protected characteristic.

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

**JOHN BRIGHT STREET CONSULTATION RESPONSES (SUMMARY)**

	Do you believe a CIP is necessary for the proposed area?	Should the CIP extend beyond on sales to include off sales/late night refreshment?
1	Yes	Not stated
2	Yes	On and Off Sales and Late Night Refreshment
3	Yes	On and Off Sales and Late Night Refreshment
4	Yes	On and Off Sales and Late Night Refreshment
5	Yes	On and Off Sales and Late Night Refreshment
6	Yes	On and Off Sales and Late Night Refreshment
7	Yes	Not stated
8	Yes	Not stated
9	No	Not required
10	Yes	On and Off Sales and Late Night Refreshment

**CONSULTATION RESPONSES - EVIDENCE**

**Response 2 : Evidence**

The John Bright Street (JBS) residential development began in earnest in 2001 and today boasts the highest density of residential units in Birmingham city centre- 700 plus apartment units over a small area bounded by John Bright Street, Lower Severn Street, Navigation Street and Suffolk Street Queensway- together the residents of Westside One, West Two, Orion and Sirius contribute to the vibrancy of Birmingham city centre living, and are comprised of professionals, city centre workers, academics, families with young infants.

The City Council set out the Big City Plan and the vision for JBS is for trendy café society. Over the past four years, the Council granted license and planning applications to successive bars with heavy emphasis on alcohol at its business heart – the area already had The Railway Bar, Select and Save late night licence, The Victoria and the Island Bar to begin with, and then saw the opening of Brewdog, Cherry Red, Turtle Bay, The Stable Bar, and soon the Easy Hotel and another two new bars. Some of these sit directly below residential units.

In the short time, the JBS neighbourhood has been transformed into a night time economy, with local media hailing ‘John Bright Street has found its roots again’ and local residents describing it as ‘Broad Street style drinking strip’.

Over the past years, residents have met with Sir Albert Bore, Councillors Kath Hartley and Carl Rice, senior members of the licensing section, Highway Agency, Environmental section and West Midlands Police to work through all the problems that the night time economy has brought to the residential area.

These issues are well known to the City Council: (1) Significant crowd gathering blocking up John bright Street- which is the sole road access for 600 plus residents (of Orion and Sirius) driving in and out of our apartments. This poses risks to drunk pedestrians gathering in the middle of JBS, as well as difficulty for residents to drive in and out, who have repeatedly endured hostility from the drunken crowd as we manoeuvre and meander past the crowd on the narrow street. The Crowd brings excessive noise at night and disorderly behaviour, littering to the area. The local businesses have neither control nor responsibility for the crowd on the street. The crowd then acts as a nidus to attract other crowds from other areas, and the homeless have targeted the area as a result of this.

(2) Illegal parking- private cars, taxis and cabs are parked illegally especially on weekend evenings right through the night. This again blocks access for 600 plus residents who have no other means of getting in and out of our apartments. The West Midlands Police have done their best to enforce the law but they do not have the resource to be there every weekend and all through the night, nor should this be their duty. We have worked over the two years with various parties at the Council but to date, no solution has been found. The area is beyond supersaturation and cannot accommodate any more crowd – and yet a new hotel and two other bars have already been allowed to open up in the near future. The Council has no contingency plan on crowd and vehicular control for the additional crowds and cars the new premises will draw.

(3) The residents are mostly professionals and many have young families. City centre living contributes greatly to the vibrancy of an up and coming city such as Birmingham. These increasing number of alcoholic premises bring much noise and disruption to our sleep and some residents have already been forced to move elsewhere. The area is heavily littered at the end of the night. The bottling up of these premises at unsocial hours again serve only to disrupt sleep.

The plight of the residents and the lack of easy solution are clearly outlined in the minutes of the Council meetings held over the past few years. We plead with the Council to impose the cumulative Impact policy for this area as soon as possible, which will at least curb the relentless opening up of more alcohol-selling premises while allowing the Council to continue to work to help us solve the current issues. Thank you

### **Response 3: Evidence**

**As Per Response 2 ( identical responses submitted)**

### **Response 4: Evidence**

I moved into the Orion Building 2 years ago, and at the time it seemed like a reasonably nice area – hairdressers and salon below the building, couple of pubs, restaurants. I was told that the street noise would be tolerable, even at night. At the time, I found it quite challenging on Friday and Saturday nights during the summer – so much screaming and noise from the bars that it was impossible to sleep with an open window and difficult with it closed.

Since then, things have gotten consistently worse. We have been invited to submit comments on multiple licensing applications and I have raised objections each and every time. Despite the concerns of the residents, every single application has been approved. Night noise has grown and grown, there is vomit on the streets, there has been an exponential rise in the numbers of homeless and beggars, and it's not even safe to walk in the area in the morning due to the drunken stragglers. I've watched the front door of the building be hammered down and trying to drive in and out of my home is a terrifyingly stressful experience with hordes of drunken revellers staggering across my path. I have not been trained in ram raiding of crowds by the police, so it just makes living in the area miserable.

I am quite stunned that BCC have chosen to turn this area into a pure entertainment zone. At a time when most cities are encouraging gentrification and rejuvenation of

the city centre by encouraging residential development and increasing safety, the Council has instead chosen to make it rougher, more treacherous, more filthy and an unpleasant environment to live in.

#### **Response 5: Evidence**

The developments that I manage have a single point of access for vehicles at the end of John Bright Street which means that everyone is required to travel along this road.

Over the last few years the area has deteriorated and this means that there are regularly incidents of anti-social behaviour along John Bright Street and this includes;

- Smash bottles along the road and pathways.
- Public urination against our development.
- Refuse bins left outside our premises that belong to the local bars.
- Furniture being left outside.
- Deliveries at all times of the day outside of that which is permitted.
- Glass bottles being placed in the refuse bins as late as 4.20am and refuse collections as early as 5.30am. This can mean that there is a very small window without noise for people to sleep. This is made worse during this time of the year as ideally people want to be able to have their windows open but this is unfortunately not possible with the timings and level of noise from the street below.

We have challenged license holders along John Bright Street on several of these items and they often feel it isn't our business or tell us it happens outside of their premises and so it isn't their responsibility.

We have tried to work with a number of the premises and have offered them the use of storage areas on the development yet they do not use them and regularly leave their refuse bins outside 24 hours a day seven days a week.

I am aware that Chris Neville is currently completing a review of the details of the individual licenses and think that this needs to be public so that we can then remind local businesses of these. We are very keen to work with the local council and businesses but feel that currently that a few of the local businesses are not as keen to work as a collective.

I have attached pictures of the surrounding areas as well as images which have been taken from google maps to show how in a short period the area has deteriorated quickly.

**(photographs attached separately as Appendix 1(C))**

#### **Response 6: Evidence**

As the head of our local pubwatch I think it is important that John Bright Street maintains a good resident-business relationship. While I would hope new applicants would respect this, I would like to see a guarantee in their application. I would, however, like to see independent businesses supported in their applications as I would worry this would put them off, and we would like to see more independent businesses.



CIP should cover Off sales as well, as we have a major issue with begging on the street and newsagents etc sell to those prone to antisocial behaviour, sitting on benches, drinking, harassing customers.

#### **Response 7: Evidence**

Southside supports the inclusion of cumulative impact areas for Digbeth and John Bright Street. Since Southside was granted its cumulative impact area, we have seen businesses setting up outside the usual NTE areas which now have these policies, causing issues with ASB and night time policing. We urge you to implement these areas for the comfort of the local residents and to ensure the efficacy of city centre policing in the night time economy.

#### **Response 8: Evidence - Public Health**

**Attached Separately as Appendix 1(d)**

#### **Response 9: Evidence - West Midlands Police**

Superintendent Parsons: The reason we are not requesting a CIP for the John Bright street area is that there is insufficient evidence of increased demand being placed on policing resources. This is not the case with the other CIP areas where the justification remains necessary and proportionate in view of the calls for service generated.

#### **Response 10: Evidence – Environmental Health**

There has been an increase in the residential aspect of the area, many schemes incorporating a mixed use element, aspects of which are premises which have licensable activities. Combined with existing licensable uses within the area this has given rise to the following issues:

- Noise from patrons leaving licensed premises late in the evening / early in the morning, typically when having had too much to drink
- Noise from managing waste stores (consider emptying bottles into bins at various hours)
- Odour from extraction systems
- Litter arising from patrons of licensed premises, increasingly predisposed to drop litter due to inebriation
- Anti-social behaviour, including urination and defecation in public places, by persons who have frequented licensed premises (not directly dealt with by EH Officers but we are aware of the problems from discussions with partner agencies and residents / businesses in the area)

It is the view of Environmental Health that the CIP should extend to “On and Off sales and Late Night Refreshment”. Given the points raised in answer to Q1, the problems are mixed and not easily attributed to a single ‘type’ of premises (as defined in the question).

**BIRMINGHAM PUBLIC HEALTH – RESPONSE – CIZ CONSULTATION; JOHN  
BRIGHT STREET JUNE 2016**

1. Do you believe a Cumulative Impact Policy is necessary for the area shown below (see map)?

Yes.

2. If so, what are your reasons for this? (continue on separate sheet if needed)

1. There are 32 licenses available or currently operating within the defined area. Included in this collective are 3 off licenses sales and 29 on premises sales in an area of 0.074 square kilometres.

8 of these licenses are currently 24 hour 7 days a week operation.

Two of the 3 off licenses are operating 24 hours, 7 days a week

Public Health suggest that the number of outlets in the area and the ease or convenience (especially with long open hours) at which alcohol can be obtained can increase greater alcohol consumption and consequently make alcohol more normal, acceptable and frequent excessive consumption more accessible within the area. This then exacerbates alcohol-related problems.

2. Economic growth is increasing in that area and Public Health recognises that a strong economy and sustainable jobs for Birmingham residents is good for public health and therefore there is the need for such growth in the locality, for the city centre and Birmingham as a whole. However, Public Health is concerned that this economic growth appears to be solely limited to premises that are solely related to alcohol sales or whose sale of alcohol is a major element of the growth.
3. The proposed CIZ is surrounded by the Hurst street CIZ to the south; Broad street CIZ to the north; new street station to the east and therefore the only geographical area available for displacement is the west of this proposed site
4. One factor that is likely to heighten the risk of increased consumption is the relationship between density and price. Where there are high numbers of outlets bunched in a small geographical area, there is a greater likelihood of the discounting of alcohol products as means of outlets competing with one another. Lower prices increase demand for alcohol and thereby facilitate heavier consumption. There are currently 2 x 24 hour opening off licenses that currently have a high proportion of the off license sales dedicated to high strength (above 6.5%ABV) inexpensive alcohol, which includes the offering for sale of singles cans of such alcohol sold at pocket money prices of 99p. Public Health counted as a snapshot in one day, within the daytime, 6 separate units of homeless, rough sleeping/ begging persons within the defined area. 2 of these units were witnessed drinking alcohol. There was no indication where the alcohol was purchased from. Evidence from treatment services in the area (see below)

suggests that those that use their services are more likely to drink high strength strong alcohol. The presence of such persons in an area can potentially increase their own vulnerability as well as potentially contribute to crime and disorder.

3. Please provide any evidence you may have to support your answers.  
(This can include incidents / issues / crime data, antisocial behaviour incidents etc)

Public Health aims to maximise the opportunities for the wider and social determinants of health to be reflected in the existing four licensing objectives – given that we are a Public Health Local Authority, and in the absence of a fifth *Public Health* objective.

Public Health have developed an Alcohol Licensing Tool, that consolidates the following data\* to provide a report on the impact of alcohol at postcode level for any new application or review. \*Data: Alcohol related Crime and Disorder (West Midlands Police), Alcohol related callouts (West Midlands Ambulance Service), Alcohol Related Fires (West Midlands Fire Service), Existing Licensed Premises, Alcohol related Hospital Admissions, Premature Mortality relating to Alcohol, Numbers of Harmful and Hazardous Drinkers, Number of People Accessing Alcohol Treatment Services.

The licensing authority recognises the impact of alcohol misuse in Birmingham, and it is hoped that through the implementation of this Licensing Policy the promotion of the four Licensing Objectives will in turn have a positive effect on preventing alcohol misuse in the city and reducing harmful and hazardous drinking. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems. To include off-licence premises within cumulative impact zones to reduce the opportunity for pre-loading, access to cheap alcohol and on-street drinking, especially in underage and vulnerable groups. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce combined alcohol and drug misuse, which is an issue for any city. Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. However, it is recognised that any such positive impact will be as a coincidence of the licensing authority conducting its licensing function under the Act to promote the Licensing Objectives.

The John bright street CIZ includes the site of the central operating site for Reach out Recovery. Reach Out Recovery (CGL) are commissioned by Birmingham Public Health to deliver alcohol and substance misuse treatment services in Birmingham. CGL report that

*"Over the last 6 months (Dec15 – May16), the service assessed and started interventions with **696 service users reporting alcohol use** (46% of all service users starting structured interventions). Of these, **562 reported alcohol as the main substance** bringing them to Reach Out Recovery. All service users receiving interventions for Drug or Alcohol addiction may need to attend at Scala House for various parts of their treatment intervention. Attendance at Scala House is a necessity for any service users reporting high alcohol or high risk drug use as they are required to have a medical assessment and/or appointment with a health professional. This requirement is determined at point of assessment.*

*· At Scala House service users access a range of interventions each month including (number of service users on average each month); 378 attending medical appointments, 66 attending Phase 2 (low intervention) groups, 91 having contact with housing support, 50 attending the Welcome Group. The service also operates a reception for any drop-ins to sign-post for different areas of support e.g. Housing, Employment, changes to treatment e.g. prescribing, Needle Exchange.*

· *There are also Recovery focused groups running at the service that have a high attendance rate however the focus is around observing abstinence especially with the service users accessing the detox programme in service.*

Sifa Fireside has a strong representation within the area of the proposed CIZ. They see the direct effects of alcohol, and they are concerned about the proliferation of on-licences and off-licences in Birmingham. They are most concerned about the impact and availability of high alcohol content/low price. They consider the opportunity for a CIZ to be one that can assist in reducing the number of off licences, and possibly start to drive forward conditions of licence that can regulate against alcohol products with high alcohol content/low price.

*“Although I have no specific information on the outlets selling high strength alcohol in town I am in no doubt that it is widely available in outlets in the city centre or those immediately outside the city (Digbeth being an example).*

*Our particular client group tend to favour the strong white cider which can be purchased in 1 litre and 3 litre bottles at very low prices. To put this into some perspective : a 70cl bottle of spirits containing 28 units of alcohol typically costs between £ 10-13 while a 3 litre bottle of white cider containing 22.5 units of alcohol can be bought for £4 or £5.00. In short. very dangerous amounts of alcohol can be consumed for no more than £ 5.00 and is widely available in newsagents and supermarkets”.*

*“For this reason, many people have advocated a minimum unit pricing of 50 pence per unit as based on this pricing, a 3 litre bottle of white cider would cost about £ 11.25 and not £4. I think this price difference would certainly restrict drinking for some. The widespread availability of very high strength alcohol at low prices is certainly something to factor in when considering strategies for managing dangerous consumption and the development of dependency. Restricting the availability of such alcohol in outlets around the city is an additional factor to consider when addressing the problem of dangerous drinking in the area and the antisocial behaviour that often follows on from such drinking.”*

Recommendations for model voluntary conditions for future off sales of alcohol (shops) within the proposed CIZ

	Model Voluntary conditions
Off sales of alcohol (shops)	no beer, lager cider or spirit mixtures over 5.5% ABV to be sold no single cans or bottles of beer, lager cider or spirit mixtures to be sold no miniature bottles of spirits to be sold sales area to be no more than (15% ) of premises to be used for alcohol no self-service of spirits signage to be prominently displayed of times alcohol available refusals of alcohol sales to be recorded till prompts to be activated on all alcohol sales Proof of age

To assist Public Health in responding to alcohol licensing applications, they have developed an alcohol tool which uses variable geographical levels of information that is available in Birmingham.

We have run the postcodes that fall within the proposed CIZ through the tool, and the findings are quite alarming. Based upon the outcomes of the toolkit report, if Public Health was to receive an application from one of these postcode areas, we would be advising against granting a licence. Tier one data (data that is the most localised/granular level). Every post code that falls wholly or partly within the proposed Cumulative Impact Zone area has a score of RED – this would be an advisory from Public Health to not grant a licence. Please see the accompanying Alcohol Toolkit report.

We would be happy to attend a committee meeting to further explain the outcomes of the toolkit analysis of the postcode areas for the proposed CIZ.

There is some guidance below that summarises the attached alcohol toolkit report against the CIZ postcode areas.

*Variable geographical levels of information have been used where available, in each case this is based on the post code of the application falling within this larger geographical area. Two terms are less commonly used outside of certain specialist areas and are detailed below:*

*LSOA (Lower Super Output Area ) is a geographical Census area with an approx. population of 1,500. MSOA (Medium Super Output Area) is a geographical Census area with a approx. population of 8,000. Scores have been calculated by comparing the geographical area in question to the average at a higher level (Birmingham in most instances). 10% margin of error has been applied to both the smaller and larger areas and it is only where these are still relatively different that a RED (more prevalence or risk in area compared to average) or GREEN (less prevalence or risk in area compared to average) score has been calculated. Where these margins for error overlap in any way this has been calculated as AMBER (indifference).*

*The tool utilises posts codes to generate a score, there are 35 distinct post codes that fall partly or fully within the proposed Cumulative Impact Policy area. These fall within two post code zones (B1 containing 11 post codes, and B5 containing 24). The post code zone B1 is rated RED in terms of alcohol related ambulance activity and B5 is AMBER.*

*There are multiple LSOAs covering the proposed area, 25 of the 35 post codes fall within LSOAs rated RED for Police Reported Alcohol Incidents (not including Domestic Violence), with the remainder scoring AMBER. All LSOAs are rated RED for Police Reported Domestic Violence, Existing On-Licences, and Existing Off-Licences. There is also a neighbouring Cumulative Impact Policy area and Ladywood District has identified reduction of alcohol related harm as a district priority. There does not appear to be issues in the area with regards Alcohol Related Fire Service Call-outs, Safeguarding, or Underage Sales.*

*The scores above combine to form an overall "Tier One Data" (being the most accurate and granular data which could be accessed by the Local Authority) for each post code. Every post code that falls wholly or partly within the proposed Cumulative Impact Policy area has a score of RED.*

## **APPENDIX 2**

### **EXTRACT FROM EMAIL RECEIVED 23<sup>RD</sup> SEPTEMBER 2016 FROM THE HOME OFFICE**

Thank you for your help with developing the legislative proposals on cumulative impact and the late night levy over the course of the last year. Many of you attended our workshops and your feedback was very helpful.

I'm writing to let you know that the clauses amending the Late night levy and placing cumulative impact policies on a statutory footing have been tabled in Parliament today, for introduction to the Policing and Crime Bill at Lords Committee. The clauses will be found here shortly (if not there already): <http://services.parliament.uk/bills/2016-17/policingandcrime/documents.html>

The first Lords Committee debate for the bill took place last week and the alcohol clauses are likely to be debated in mid-late October (date yet to be decided).

[...]

#### **Cumulative impact**

The aim of putting Cumulative Impact Policies on a statutory footing is to add legal certainty and transparency for applicants, licensing authorities and other responsible authorities on how CIPs are developed and operate. The draft legislation does not require all licensing authorities to consider cumulative impact.

The clause sets out what steps a licensing authority will be required to take before publishing a cumulative impact assessment. The cumulative impact assessment may be published where the licensing authority considers that the number of premises in a particular area is such that granting any further authorisations would be inconsistent with the licensing authority's duty to promote the licensing objectives, and the licensing authority must set out the evidence for their opinion. Guidance will explain that this is evidence of an emerging or existing problem and will set out the kinds of evidence which licensing authorities may use.

The licensing authority must provide the following information for the consultation: the reasons why it is considering a cumulative impact assessment; the areas which the assessment relates to; and whether the assessment will relate to all premises licences and club premises certificates or only those of a particular kind.

There is a new requirement to review and carry out a consultation on the cumulative impact assessment at least every 3 years, and publish a statement about whether the licensing authority remains of the opinion set out in the assessment. This will also ensure that licensing authorities use robust and up to date evidence to support the implementation and retention of CIPs in their area and as the basis for making decisions. Guidance will explain that licensing authorities are expected to publish the most up to date and relevant evidence on which the cumulative impact assessment is based.

Guidance will make it clear that the cumulative impact assessment may be used when considering the variation of existing licences as well as the grant of new licences in the area. As is currently the case with CIPs, a cumulative impact assessment does not create an automatic refusal of a new licence or variation of an existing licence, and licensing authorities, other responsible authorities or other persons will need to make representations in the usual way.

The s.182 guidance will be updated and published when the legislation comes into force.

[Alcohol Licensing Policy and Legislation | Drugs and Alcohol Unit | Crime, Policing & Fire Group](#)  
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