

BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2015

**Erdington, Ladywood, Moseley and Kings Heath,
Nechells, Sparkbrook and Springfield**

**STATEMENT OF LICENSING POLICY – CUMULATIVE IMPACT AREAS
PRE-CONSULTATION REPORT**

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 preliminary enquiries into the proposal to implement three further CIP areas.
- 1.6 A full consultation must be carried out before any CIP can be implemented.

2. Recommendations

- 2.1 That the Committee consider the responses to the enquiries for the three areas proposed for CIP.
- 2.2 That, officers be instructed to commence the full consultation in relation to the need for CIP areas in:
 - (i) John Bright Street
 - (ii) Digbeth
 - (iii) Erdington
- 2.3 That officers be instructed not to proceed with further consultation in relation a CIP area in the 'Balti Triangle'.
- 2.4 That outstanding minute number 496(ii) be discharged.

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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. A copy of the email sent is attached at Appendix 1 to this report.

- 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.

4. Matters for Consideration

- 4.1 Responses to the preliminary enquiries are attached at Appendix 2(a)-(f) to this report.
- 4.2 No responses were received in support of the proposal to implement a CIP in the area known as 'The Balti Triangle'.
- 4.3 For completeness, a copy of the information concerning John Bright Street, previously submitted in April 2015 has also been included at Appendix 2(g).
- 4.4 It should be noted that, although the email at Appendix 2(a) states: *"If I haven't heard anything by 23rd I take it there is requirement / evidence for a CIP"* this was a typographical error which should have said 'no requirement'. This has been verified with West Midlands Police who have confirmed it was understood to mean 'no requirement'. The wider context and content of the email would support this.

5. Consultation

- 5.1 The preliminary enquiries were made with the local policing units for the areas in question as well as ward councillors. For Digbeth, the chair of the resident's association was also contacted as he instigated the original request.
- 5.2 Should Members consider it appropriate to explore the implementation of these proposed CIP areas further, it will be necessary to carry out a full public consultation.
- 5.3 The Public Consultation process is attached at Appendix 3 for information.

6. Implications for Resources

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

7. Implications for Policy Priorities

- 7.1 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.

8. Public Sector Equality Duty

- 8.1 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.
- 8.2 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