

IRMINGHAM CITY COUNCIL

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

19 OCTOBER 2016
ERDINGTON

STATEMENT OF LICENSING POLICY – CUMULATIVE IMPACT AREAS
POST CONSULTATION REPORT – ERDINGTON 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 Erdington Area 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 A summary of responses to the consultation for the Erdington Area is attached at Appendix 1(a) to this report, with comments attached at Appendix 1(b)-(d).
- 4.2 Consultation questionnaires were circulated to the relevant Ward Councillors, Responsible Authorities and holders of existing premises licences in the proposed areas. 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 (26); all were in favour of the proposed CIP.
- 5.2 Of all the responses, 20 were in favour of On, Off and Late Night Refreshment Sales being included, with one preferring just On licences and another opting for 'on and off'. (3 expressed no preference)

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 23rd 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

APPENDIX 1(a)

ERDINGTON CONSULTATION RESPONSES (SUMMARY)

	Do you believe a CIP is necessary for the proposed area?	If so, what are your reasons for this?	Should the CIP extend beyond on sales to include off sales/late night refreshment?	Please provide any evidence to support your answer
1	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
2	yes	none provided	On and Off Sales and Late Night Refreshment	see attached
3	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
4	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
5	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
6	yes	none provided	On and Off Sales and Late Night Refreshment	none provided
7	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
8	yes	none provided	On and Off Sales and Late Night Refreshment	none provided
9	yes	See attached	On and Off Sales and Late Night Refreshment	none provided
10	yes	none provided	On and Off Sales and Late Night Refreshment	See attached
11	yes	none provided	On and Off Sales and Late Night Refreshment	none provided
12	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
13	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
14	yes	see attached	On and Off Sales	see attached
15	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
16	yes	See attached	None stated	see attached
17	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
18	yes	see attached	None stated	see attached
19	yes	see attached	None stated	see attached

20	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
21	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
22	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
23	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
24	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
25	yes	see attached	On and Off Sales and Late Night Refreshment	see attached
26	yes	see attached	On and Off Sales and Late Night Refreshment	see attached

ERDINGTON CONSULTATION RESPONSES**Response 1: Evidence**

The pubs and takeaways in Erdington, especially on the high street and roads off this have constant noise. Many residents are afraid to walk near 6 ways because of this and fear for their own safety. My sister's car in Hart Road has been vandalised twice by rowdy youths. Rowdy behaviour in the pub opposite the Blue Lagoon Chip Shops. Owners choose to close early to avoid the conflict. Also at 6 ways take away - chip papers are thrown around. Erdington is a residential area and we should be able to have peace and quiet at night.

Response 2: Evidence

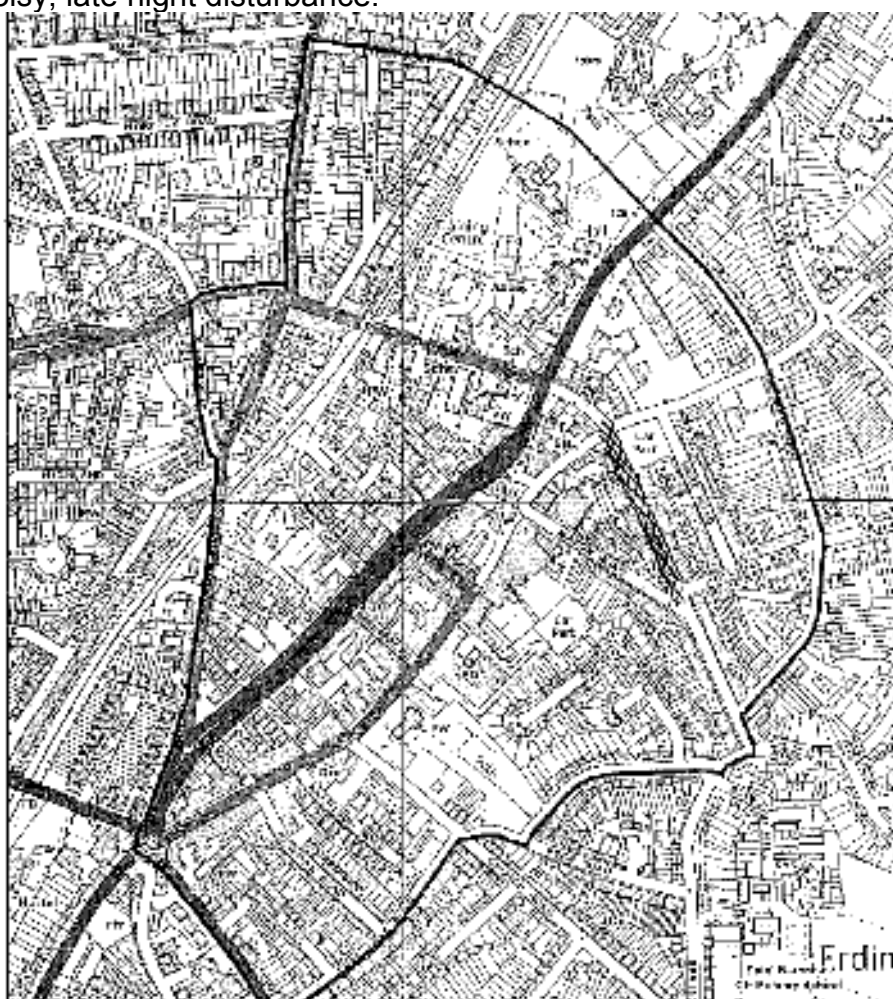
Antisocial behaviour on the high street.

Response 3: Evidence

We have enough shops that serve off licence drinks. In our area there is always a problem with those who drink too much, which then causes anti-social behaviour.

Response 4: Evidence

Alcohol related anti-social behaviour is well evidenced. Damage to vehicles from mindless behaviour multiple times. Drink and fast food litter in garden. Rowdy, noisy, late night disturbance.

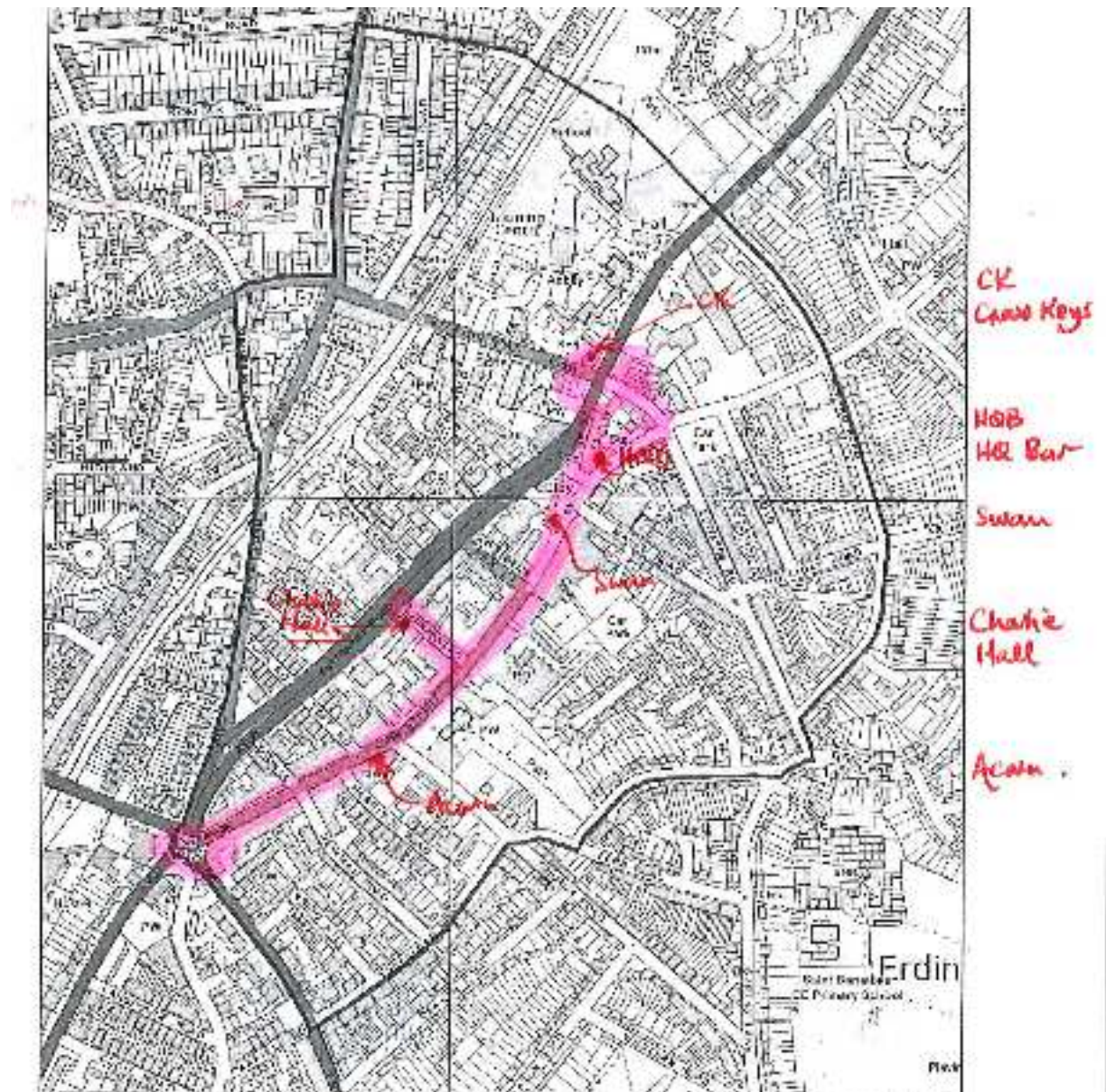


Key
 = area
 of
 problem
 experienced
 !

Response 5: Evidence
There is too much anti-social behaviour in the area - current alcohol limitations are not working as there are groups of drinkers on the high street who regularly harass women, use Harrison Road as a toilet and discard rubbish and cans in the car park. People drink off-site, but cover the alcohol in paper bags or soft drink locations. They discard used cans in the car park and on pavements. As a woman, I feel very vulnerable walking through the high street and Harrison Road. I have had comments like 'sexy' and other derogatory terms. It is intimidating because there are groups of them. The police have been involved numerous times. At the Harrison Road and High Street junctions there are 5 premises which sell alcohol within 10 metres of each other. Too much!
Response 6: Evidence
none provided
Response 7: Evidence
I think the area should also include Spring Lane to encompass the shops there as the convenience store on Spring lane has made applications in the past to sell alcohol. Over the last few months, we have seen a rise in groups of people drinking in the alley between the Co-op and Dunvegan Road, also a huge increase in associated litter - cans (Beer/Cider), bottles (vodka etc.), crisp packets, takeaway containers in this area. Also two incidents of arson in this area.
Response 8: Evidence
none provided
Response 9: Evidence
I run a local business and I have noticed an increased amount of drunk people in the area, especially over the last year.
Response 10: Evidence
I have no statistical evidence - but as a resident of 14 years in Erdington I have seen more street drinking, passing through residential roads to and from these shops and off-licences. I see the increase of litter and broken discarded cans and bottles in the roads, vomit on the pavements. Noise and disturbance after 10pm in Johnson Road, Dean Road, Station Road etc. Every new shop it seems in B23 opens and sells foodstuff and alcohol.
Response 11: Evidence
none provided
Response 12: Evidence
There are enough alcohol outlets. More needs to be done to address what happens after the sale of alcohol, i.e. crowds of drinkers, innocent people being threatened and intimidated.
Response 13: Evidence
We are inundated with these places in Erdington, they encourage trouble and litter and rowdiness - someone should take a look at how many we have! I also strongly believe the junction of Oliver Road and Somerset Road should be included. We see many incidents around Erdington of drunken people at any time of the day and night, it is very worrying to go out, stopping these outlets needs to be done immediately and make it safer for us.

Response 14: Evidence

Please see map: Amended to 'catch' the Cross Keys, the Swan and the Charlie Hall, all sources of 'spillout' problems on the High street, during the day. (Pubs are marked in Red on the map). On, or within a short stagger of the High Street there are five pubs: The Cross Keys, The HQ Bar a bit up the road from the library (an attempt to fuse continental cafe culture with the English Pub), The Swan, The Charlie Hall and the Acorn. The Swan and the Acorn regularly deposit their patrons outside on the street to chat, smoke, scuffle and make obnoxious/offensive remarks to passers-by. The clientele of the HQ Bar are mostly already outside, doing the last of those. Outside the pubs there is a lot of intimidating and offensive street behaviour. Any availability of alcohol risks producing that effect, but it seems worst at those spots.



Response 15: Evidence

To monitor the impact of future applications to open off licences/takeaways in the area and ensure they do not dominate the retail outlets in the area. We experience a high volume of litter from the late night refreshment outlets in our road and front garden. This is worst over the weekend.

Response 16: Evidence

I am writing to support my local conservative councillors in their campaign to introduce a CIP for Erdington High Street. Erdington has a terrible reputation for drink and drugs, and all the antisocial behaviour that unfortunately goes with it. The drunks are being continuously drip fed with both off licences and pubs on nearly every corner and surrounding area by the time I'm making my way home from work early evening, Erdington High Street is not a pleasant place to be or walk. The police appear to be continuously called, along with ambulances to deal with the fall out....This could be soo different, Erdington most mornings is a smashing place to shop, but from 11am onwards it is somewhere I avoid, and I head to other areas, Boldmere and Sutton - I'm not alone so this can only be detrimental to Erdington High Street and their employees in the long term

Response 17: Evidence

1. I believe a cumulative impact policy for the area shown in the map of Erdington is necessary 2. The CIP should extend beyond on-sales to include off sales and late night refreshment. I believe it should because as a resident in Erdington for 14years i have seen in the roads that contain these premises and the roads with houses that surround them: more people, mainly men aged 15 - 50 drinking openly in the street. But young women also are drinking while on way to other places. Men walking along roads carrying cans and bottles., sitting or standing on corners etc.. Drinking. On the approach to Erdington Station and in Station Road, Gravelly Lane, Dean Road, Johnson Road I see this daily. The result is bottles and cans thrown in road, pavements in our properties gardens. Increase in litter in overflowing bins; vomit on street pavements and outside properties. Station Road Erdington and Gravelly Lane. antisocial behaviour at all times of the day - noise, loud drunken arguments, fights etc... Because people are drinking through the day and often smoking dope and cannabis as well as drinking. Loud parties and music from stereos through the early hours of morning - drinking and noise after hours on Erdington station platform in shelters (the station is not closed off by gates)more shops have opened or changed ownership and reopened selling alcohol in the 14years I have lived here. In Erdington High Street, Gravelly Lane, Station Road. Cheap alcohol fuels bad behaviour in some people - and I would rather see a curb on this by refusing licenses in future. Erdington needs regeneration like Boldmere and Wylde Green. We need more family shops, food shops selling healthy food produce fruit, veg, meat, fish etc.. This would contribute to a better healthier people and an area pleasant to live in. Restrict the availability of alcohol selling premises and you control drinking. Too many alcohol selling shops create price wars and cheaper alcohol opportunities for young people - we should be setting an example for children by restricting their exposure to an alcohol culture in Erdington. The council has a responsibility to its residents and the type of environment they live in. Street drinking and drug culture should not be encouraged by licencing shops and premises in areas where there are already too many opportunities to get alcohol.

Response 18: Evidence
I am for the CIP being set up in Erdington. There are enough Off-licences.
Response 19: Evidence
I do believe a CIP is necessary for Erdington High Street and should also include parts of Station Road and Gravelly Lane
Response 20: Evidence
As BID Manager for the town centre area I am aware of continuing anti-social behaviour and alcohol abuse. The area does attract drinkers at all hours and there needs to be a safeguard that can be referred to. As mentioned above, the High Street area, particularly at night attracts drinkers and its share of ASB, particularly at the Six Ways end of the High Street, where there is a cluster of shops selling alcohol
Response 21: Evidence
The area already has a high proportion of off-licences plus supermarkets and public houses offering facilities to purchase takeaway alcohol. There is no further requirement and so a system of monitoring is required. Early morning dog walk in the area marked both in main shopping area and surround stretching as far as Grange Road recreation ground always see cans / litter/broken glass/broken bottles.
Response 22: Evidence
Erdington, especially near the High Street, has an abundance of pubs and off-licenses selling alcohol well into the early hours which is hazardous not only to their health but the health and wellbeing of people, like me and my family, who live in close proximity to 2 pubs (The Swan and HQ Bar on Orphanage Road). When the pubs close we have hordes of drunk revellers shouting abuse at one another, which wake up myself and my teenage daughter - it takes them quite a while to move on and in the meantime they urinate against walls and are, sometimes, sick in the street, and on rare occasions in my front garden. Erdington Ward Profile: http://birminghampublichealth.co.uk/manager/_mods/_ckfinder/userfiles/files/Erdington%20Ward%20Aug%202015.pdf clearly states: "Key Priority C for Erdington Ward: REDUCING ALCOHOL CONSUMPTION". Crime Statistics for my area which would be included in the CIZ: http://www.crime-statistics.co.uk/postcode/B24%209EH
Response 23: Evidence - West Midlands Police
To prevent the saturation of any further licensed premises within the defined area, thus limiting the availability of alcohol and the subsequent impact on crime and disorder. Police can evidence drink related crime and ASB in the defined mapped area. This has been contributed due to the numbers of on and off sales premises where alcohol is purchased.
Response 24: Evidence - Environmental Health
The area is an urban town centre, complete with associated problems this generates. It is felt that there are a large number of restaurants and take aways in the area already and when combined with existing pubs / bars this has given rise to the following issues: - 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)

Note: noise complaints arising are fewer in this area than may be expected, possibly due to a lesser number of residential in the immediate vicinity, but the main problems arise as a result of off-site activities and are considered to impact in the wider street scene and the services that manage this public realm, many of the issues falling under one or more of the licensable objectives.

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).

Response 25: Evidence - Public Health
Please see Appendix 1(c)
Response 26: Evidence - Local Ward Councillors
Please see Appendix 1(d)

RESPONSE FROM PUBLIC HEALTH

Question 1	Do you believe a Cumulative Impact Policy is necessary for the area shown in the map?
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Public Health response: Prepared by Kyle Stott – Birmingham Public Health
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Yes, Birmingham Public Health believes that a Cumulative Impact Policy is necessary for the area shown in the map on page 3 of the supporting document in the link above.

Our reasons for this answer are as follows, based upon the Home Office CIP guidance of:

“steps that should be followed in considering whether to adopt a CIP; these include: • identifying concern and considering 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; Evidential basis: there must be an evidential basis for the decision to introduce a CIP, including: local crime and disorder statistics • statistics on local anti-social behaviour offences • health-related statistics such as alcohol-related emergency attendances and hospital admissions”¹

- 82.2% of the postcodes examined within the proposed CIP fall into LSOA that flag as red for tier 1 data within the Public Health alcohol tool. This score has been generated based on information regarding alcohol related violence and domestic violence, existing on-licences and off-licences, alcohol related fires, alcohol related safeguarding, and underage sales. These elements have been viewed as having the largest measurable impact on whether the licence should be granted and actual numbers were made available on a low level geography.
- 80.7% of postcodes in the proposed CIP fall within LSOAs that are flagged as red for Police reported domestic violence.
- 95.6% of postcodes (all but one Post Code) in the proposed CIP fall within MSOAs with a statistically higher than average concentration of premises that have a licence to serve alcohol for consumption on the premises, this is 82.2% for licences to serve alcohol off the premises.
- Tackling alcohol and substance misuse has been adopted as a public health priority by Erdington district.
- 95.6% of the postcodes in the proposed CIP fall within MSOAs that are flagged as red for alcohol related hospital admissions.
- 95.6% of postcodes in the proposed CIP fall within MSOAs where referrals for commissioned services for alcohol and substance misuse are significantly statistically higher than average.
- 71.1% of the postcodes within the proposed CIP fall within LSOAs that are flagged as red for alcohol related fire service call-outs
- 82.2% of the postcodes within the proposed CIP fall within LSOAs that are flagged as red for underage sales justified complaints (all items).

Based upon the results above at tier 1 level, it is unlikely that Public Health as a Responsible Authority would advise that an alcohol licence should be granted to an applicant. We are acutely aware that the alcohol and night-time economy in Birmingham contributes to local employment opportunities and local economic income, both having a positive impact upon public health outcomes. We believe that as opposed to being a policy to reduce economic opportunities, the policy could be used to assist in the allocation of licenses with conditions, and the exercising of special licensing powers to mitigate and ameliorate the impact of alcohol related harm against the 4 licensing objectives. The implementation of a CIP in this area could also contribute to the reduction of harmful and hazardous drinking and increase the wellbeing of citizens in this area. Alcohol related admissions, alcohol related liver disease and life expectancy are a concern.

Question 2	Should the CIP extend beyond on-sales to include off sales / late night refreshment? On sales only? On and Off Sales only? On and Off sales and Late Night Refreshment? A different combination? (please state)
Public Health response	
<p>Public Health would like to see the CIP extend beyond on-sales to include off sales and late night refreshment. The reasons for this are as follows:</p> <p>Super-strength alcohol is often obtained via off-sales, and is strongly linked to pre-loading, (harmful and hazardous drinking), all forms of alcoholism, including street alcoholism/drinking. To put this into 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 (and sometimes fatal) amounts of alcohol can be consumed for no more than £ 5.00 and is widely available in newsagents and supermarkets.</p> <p>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. Restricting the availability of such alcohol in outlets in Birmingham is an additional factor to consider when addressing the problem of harmful and hazardous drinking in the negative consequences that often follow, as highlighted in the statistics available at LSOA and MSOA level relating to alcohol in the proposed CIP for Erdington.</p> <p>Harm minimisation practices have shown to have a positive effect on many drinkers. Any policy aimed at the damage done by white cider for example, would also need to target other super-strength products including lager². Public policies affecting the price of alcoholic beverages have significant effects on alcohol-related disease and injury rates³.</p> <p>A CIP and the special powers that this comes with can be used to halt the growth (and in some circumstances) reduce the cumulative impact of off-sales premises, and also be used to consider specific conditions should a licence be granted, for example restrictions on the sale of super-strength alcohol, and times when alcohol can be purchased.</p> <p>By combining the powers available to the many local government sectors involved in alcohol control, alcohol-related health and social harms can be tackled through existing local mechanisms⁵.</p> <p>Local areas in England with more intense alcohol licensing policies had a stronger decline in rates of violent crimes, sexual crimes and public order offences in the period up to 2013 of the order of 4–6% greater compared with areas where these policies were not in place⁶.</p> <p>During the period 2009–2015 greater reductions in alcohol-related admissions were observed in areas with more intense alcohol licensing policies, suggesting these policies really can help curb alcohol-related harm⁷.</p>	

Supporting Information and References

References:

Document responding to: https://www.birminghambeheard.org.uk/place/licensing-act-2003-statement-of-licensing-policy-c-1/consult_view

1. BRIEFING PAPER Number 07269, (23 July 2015) *Alcohol: cumulative impact policies*; House of Commons Library
2. *White Cider and street drinkers Recommendations to reduce harm* (2011); Alcohol Concern.
3. Alexander C. Wagenaar, Amy L. Tobler, and Kelli A. Komro. *Effects of Alcohol Tax and Price Policies on Morbidity and Mortality: A Systematic Review*. American Journal of Public Health: November 2010, Vol. 100, No. 11, pp. 2270-2278
4. J Epidemiol Community Health 2016;**70**:231-237 doi:10.1136/jech-2015-206040; *Alcohol, Measurable effects of local alcohol licensing policies on population health in England*
5. J Public Health (2013) *Responsibility without legal authority? Tackling alcohol-related health harms through licensing and planning policy in local government*

6. J Epidemiol Community Health doi:10.1136/jech-2016-207753 (2016) *Research report Testing the impact of local alcohol licencing policies on reported crime rates in England*
7. *Measurable effects of local alcohol licensing policies on population health in England.* de Vocht F., Heron J., Angus C. et al. Journal of Epidemiology and Community Health: 2016, 70(3), p. 231–237

Toolkit: 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).

**Submission in Support of a Cumulative Impact Policy for
Erdington High Street**

By Councillors Robert Alden, Gareth Moore and Bob Beauchamp

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

Yes, we would very much argue that a CIP is needed for the area surrounding Erdington High Street.

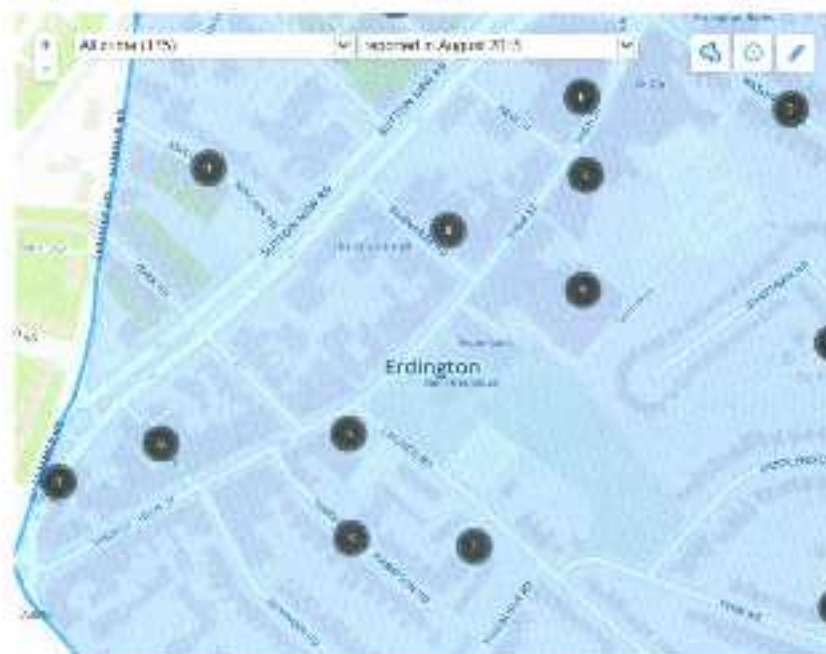
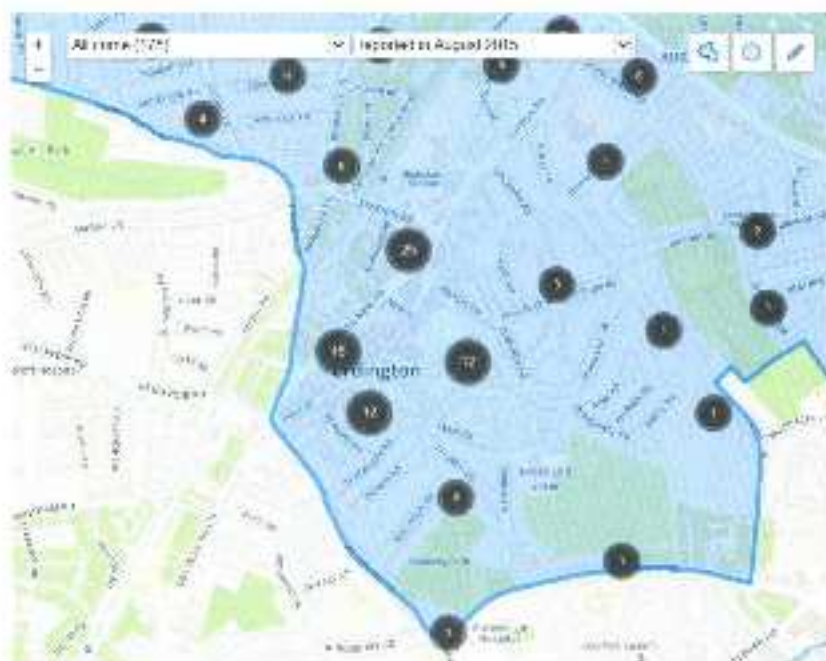
2. If so, what are your reasons for this?

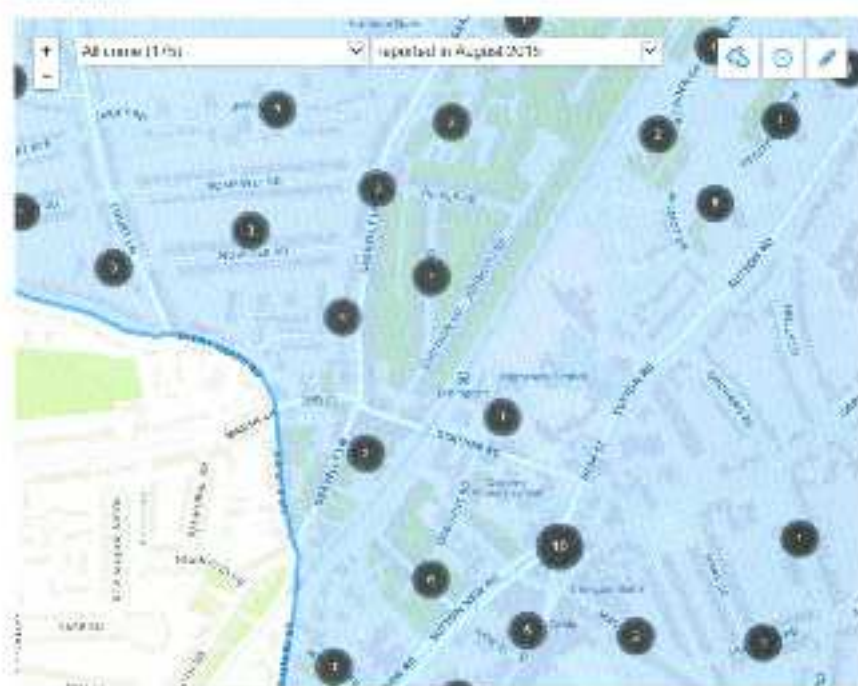
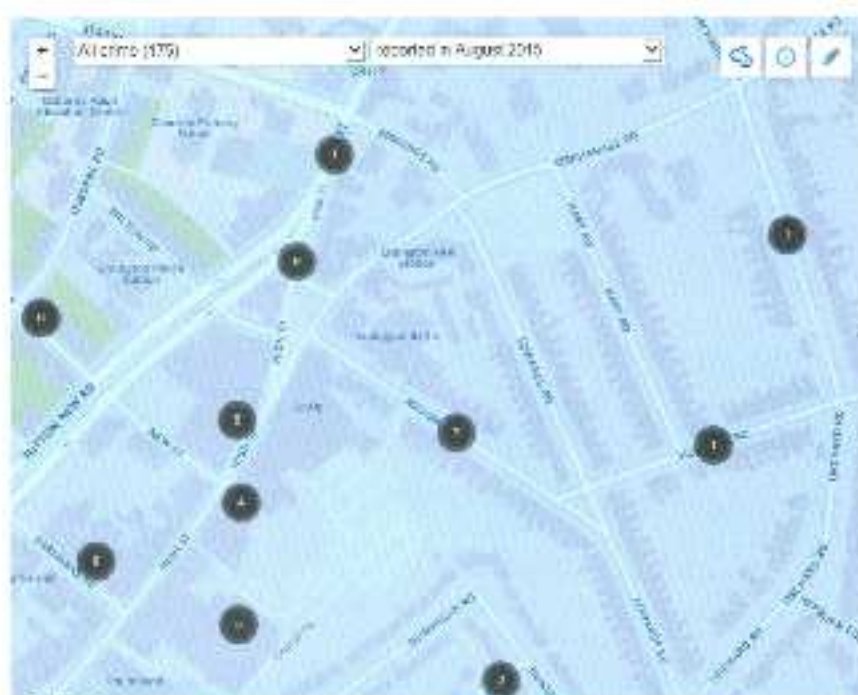
There exist a number of licensed premises already within proximity to the High Street, which causes a number of issues which are contrary to the Licensing Objectives.

Please find enclosed crime maps taken from www.police.uk which demonstrate that the High Street areas suffers from a high crime rate. Many of incidents relate to public order offences, violence and anti-social behaviour. There is a big problem with street drinking on the High Street, with individuals obtaining alcohol from licensed premises and becoming intoxicated. This not only includes persons taking their drinks outside but obtaining it from off-licences and then consuming alcohol in a public place. Examples of the impact that this can have on the local area can be seen with criminal damage, notably damage to Erdington fountain in 2012 and the fire at St. Barnabas Church in 2010.

The following information relates to August 2015 but more information can be provided as required.







In addition to the above crime statistics, a breakdown of the licensed premises within proximity to the High Street is as follows:

Off Licence/Retail Unit	22
Late Night Refreshment Only	13
Public House/Bar	13
Restaurant/Takeaway	4

The concentration of so many licensed premises causes the High Street to be a magnet area for those wishing to obtain alcohol and drink. This contributes significantly to the local crime rate as can be seen by the issue of street drinking featuring regularly within the priorities for the Erdington Ward Tasking Group. It also creates an unsavoury image problem for Erdington, which discourages shoppers and visitors and so impacts on local businesses. This is not only a problem for visitors to the High Street, but the many residential roads that surround the High Street area. Residents here frequently have to endure anti-social behaviour, noise nuisance and littering from drunken individuals making their way home.

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

Yes, a major problem is not necessarily traditional licensed premises such as pubs. There have been issues with some pubs, such as the Hairy Lemon, which was closed down by the Council following a review of the licence by West Midlands Police. A key problem is that of street drinking, whereby alcohol has been obtained at a cheaper rate and is then consumed outdoors in public places. This means that more alcohol is consumed and the impact is greater on the surrounding area. Street drinking has also become a serious problem with certain communities whereby it has become acceptable to drink alcohol in public places or at the front of properties.

The figures demonstrate that off-licences almost outnumber the other types of premises and so contributes significantly to crime and public nuisance. This creates a cumulative impact, as alcohol is easier to obtain and encourages street drinkers to congregate around the High Street.

It should be noted that the two CIPs within the City Centre have been extended to cover off-sales and late night refreshment which demonstrates that a high concentration of both types of premises contributes to crime and disorder and so needs to be controlled.

A cumulative impact policy would help the High Street area by tackling the proliferation of off-licences and other licensed premises which make alcohol easy to obtain. Reducing the number would help to reduce crime and public nuisance, and help to improve Erdington's image. This does not mean that there should be no alcohol sold within the proximity of the High Street, but the combination of pubs and off-licences as opposed to café/bars and restaurants is proving to be detrimental to the local area.

4. What geographical area would be appropriate?

The proposed map has been suggested as it covers the majority of the prime retail areas where the concentration of licensed premises has occurred, and reflects issues and crime and public nuisance. The suggestion has also been made to include the surrounding residential roads, which suffers from the impact of excessive alcohol consumption. This reflects the view of councillors who have determined licensing applications for Erdington Ward.

Conclusion

We therefore argue that the best solution to the issue of increasing alcohol-related crime and disorder, anti-social behaviour and public nuisance affecting Erdington Ward, a CIP should be introduced by Birmingham City Council as we have requested above.

EXTRACT FROM EMAIL RECEIVED 23RD 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.

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