

**TAMWORTH BOROUGH COUNCIL  
CUMULATIVE IMPACT ASSESSMENT**

The Licensing Authority, when publishing its licensing policy, is required to have regard to the Cumulative Impact Assessment contained in the following pages.

The statements within the policy are aimed at encouraging best practice; a safe environment and to actively promote the four licensing objectives.

The Licensing Authority is also required to publish, within the licensing policy, a summary of the Cumulative Impact Assessment. However, by including the justification for the Cumulative Impact Assessment and supporting evidence within the licensing policy document, it is considered that this would make a summary unnecessary and would duplicate the information provided in the pages that follow.

**Cumulative Impact Assessments – Background**

The concept of Cumulative Impact has been described within the Secretary of State's Guidance (section 182) since the Licensing Act 2003 came into force. It has been part of the Council's licensing policy since May 2005.

Cumulative impact is defined as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. In some areas where the number and type or density of licensed premises, such as those selling alcohol or providing late night refreshment is high, serious problems of nuisance and disorder may arise outside or some distance from those premises

Such problems generally occur when large numbers of drinkers are concentrated in one area at peak times when queuing for transport or food. These can attract criminal activity such as drug dealing or street robbery. The effect of this type of concentration of people can also place increased pressure on local transport and public services resulting in littering and public nuisance.

The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement and when determining applications under the Act.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act.

## **Reasons for the Cumulative Impact assessment**

One of the Council's key objectives is to seek a reduction in crime and disorder throughout the Borough, consistent with its statutory duty under section 17 of the Crime & Disorder Act 1998, and an improvement in local amenity through the reduction of antisocial behaviour.

The Licensing Authority is aware of the potential link between an increase in licensed premises within the town centre and the rise in the number of violent crimes, and antisocial behaviour.

The cumulative impact of people dispersing from an area can also disturb nearby residents

The Licensing Authority is mindful of the need to safeguard users of the late night economy, in relation to crime and disorder but also from alcohol harm. It recognises its responsibilities to protect children from harm and to promote public safety. The concentration of licensed premises, whose primary function is the consumption of alcohol can increase the vulnerability of people and result in alcohol harm.

The authority recognises that the impact of longer hours can be a factor as well as the density of the premises, and this issue will be given due consideration in any decision.

## **Town Centre Cumulative Impact Area – General Principles**

A cumulative impact assessment may be published by a Licensing Authority to help it limit the number of applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. Cumulative impact relates to applications for new premises and club premises licences and variations of existing licences.

A cumulative impact assessment must include a statement stating that the licensing authority considers that the number of premises in the identified area is causing a cumulative impact. The statement must encompass that if a special policy relating to cumulative impact is not put in place then it will impact on the ability of the authority to uphold the licensing objectives. The cumulative impact once identified must relate to licensable activities.

The publication of a cumulative impact assessment does not remove the Licensing Authority's discretion to grant applications for new licences or applications to vary, where the authority considers this to be appropriate to the individual circumstances of the case.

This proposed Cumulative Impact Assessment will therefore be published under these new provisions of the Licensing Act 2003. The assessment will be reviewed every three years from the date it comes into force, consulting the persons outlined in Section 5 of the Licensing Act 2003.

The Town Centre Cumulative Impact area has been subject to a Cumulative Impact Policy as part of the Council's Licensing Policy since May 2005. There are no changes to the area within this assessment.

This assessment applies to the following roads

- 1) Lower Gungate, from its junction with Albert Road and Aldergate to its junction with Colehill.
- 2) Spinning School Lane, from its junction with Lower Gungate to its junction with Marmion Street.
- 3) Colehill, from its junction with Lower Gungate and Church Street, to its junction with Bolebridge Street and George Street.
- 4) Bolebridge Street from its junction with Colehill, George Street up to its junction with the first traffic island (Mill Lane / Anker Drive island).
- 5) George Street, from its junction with Colehill, Bolebridge Street to its junction with Market Place and Market Street.
- 6) Market Street, from its junction with George Street, Middle Entry to its junction with Silver Street and Holloway.
- 7) Silver Street, from its junction at the entrance into Market Street up to the traffic lights at junction between Aldergate, Church Street and Lichfield Street.
- 8) Church Street, from its junction at the traffic lights in Silver Street, Lichfield Street, Aldergate, up to its junction with Colehill.
- 9) Aldergate, from its junction at the traffic lights with Lichfield Street, Church Street and Silver Street up to its junction with Lower Gungate, Hospital Street, Upper Gungate and Albert Road.
- 10) All other roads, streets and areas enclosed within the area bounded by the above streets, to include College Lane, Middle Entry, Market Place, King Street, Corporation Street, St Editha's Square, St Editha's Close, Church Lane, Little Church Lane and Lower Gungate Precinct.

Where a boundary line follows a street or road, addresses on both sides of the street or road are deemed to be within the cumulative impact area.

A map showing the Cumulative Impact area is attached at page 52.

The area that is covered by the Cumulative Impact Assessment as detailed above, occupies 8.9 hectares which is 0.28% of the total area of the Borough of Tamworth.

The number of licensed premises within the Cumulative Impact Area is 58 which is 27% of the total number of licensed premises within the Borough. 48 out of those 58 premises are licensed to sell alcohol.

There are 50 premises open past 23:00hours in the Town Centre Cumulative Impact Area of which 40 are licensed to sell alcohol. Furthermore 12 of the premises licensed to sell alcohol in the Cumulative Impact Area are permitted to be open after 02:00am on certain days of the week.

At the present time the numbers and types of premises within the Cumulative Impact Area are as follows:

Night Clubs and public houses = 22

Restaurants – 14

Hotels – 2

Takeaways – 10

Off sales only = 4

Clubs – 1

Cinemas and theatre type premises = 2

Others (including open spaces having the benefit of a premises licence, hair dressing salons, bingo premises) = 4

This assessment will apply to all applications for grant of a new premises licence/club premises certificate or the variation of an existing premises licence or club premises certificate to for example increase the hours for licensable activities or increase the capacity or any other matter that may add to the cumulative impact in the cumulative impact area.

### **Evidence received to date in respect of the Cumulative Impact Assessment and to support the retention of the Special Town Centre Cumulative Impact Policy**

As part of this consultation process, Staffordshire Police have submitted updated evidence relating to levels of crime and antisocial behaviour (ASB) and rowdy and inconsiderate behaviour in the town centre. The evidence is available on request and a summary of the key points is included on page 53.. This evidence details current levels of crime and disorder within the town centre and the types of offences - which include violent offences - which are being committed in the area.

At the conclusion of their submission in support of the Town Centre Cumulative Impact Policy, Staffordshire Police make the following statement:

“We cannot stress enough, based on the above, the importance of maintaining the Cumulative Impact Zone/Area”.

The current Statement of Licensing Policy 2015 – 2020 contains a special policy relating to Cumulative Impact covering the town centre area of the Borough. The Licensing Authority considers that in the Cumulative Impact Area, the number of premises licences and/or club premises certificates are such that it is likely that granting further licences or variations to existing relevant authorisations would be inconsistent with its duty to promote the licensing objectives.

Therefore, the Licensing Authority will seriously consider the above evidence, along with any other comments that are received during this consultation period relating to the Cumulative Impact Assessment and the Town Centre Cumulative Impact policy.

### **The effect of the Cumulative Impact Assessment and adopting a special cumulative impact policy**

The effect of adopting a special policy is to create a rebuttable presumption that applications for new premises licenses or club premises certificates or material variations will normally be refused, if relevant representations about cumulative impact on the licensing objectives are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

It is for the applicant to consider, within their operating schedule, the potential cumulative impact and to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.

The contents of the Cumulative Impact Assessment does not change the fundamental ways that decisions are made under the 2003 Act. The Authority will make all decisions on applications within the Town Centre Cumulative Impact Area on a case by case basis with a view on how best to promote the licensing objectives. It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as ‘any other person’ within the Act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the Act.

As part of this policy, the licensing committee will not consider whether or not there is a need for any particular type of premises (as this is largely a matter for the local planning authority) but it will consider the cumulative impact that an application for grant of a new licence/club premises certificate or the variation of an existing premises licence or club premises certificate would have on the special cumulative area.

The Town Centre Cumulative Impact Policy will not be used to justify:

- Revocation of existing licences or certificates;
- rejecting applications to vary an existing licence/certificate, except where those modifications are directly relevant to the policy and the rejection is strictly necessary for the promotion of the licensing objectives;
- provisions for terminal hours of operation;
- imposing quotas on the number or capacity of premises that restrict the consideration of any application on its individual merits, or, impose limits on trading hours in particular areas.

### **Exceptions to the Special Cumulative Impact Policy**

In general, the Licensing Authority wants to encourage “family friendly” entertainment in the town centre and discourage antisocial behaviour especially that associated with excessive alcohol consumption.

Even in the light of valid representations, acceptable grounds for exceptions to be considered may include:

- 1) The applicant can demonstrate that the premises will not be used primarily for the consumption of alcohol or as a hot food takeaway premises. This may be evidenced by the general nature of the business activity, e.g. restaurant or other considerations such as the proportion of the floor space available for other activities that do not involve alcohol consumption and / or
- 2) The applicant can demonstrate that the general age profile of customers will be 25+ and / or family groups. The committee may consider evidence such as marketing plans showing examples of advertising and promotions.

In any case where an applicant wishes an exception to be considered, the responsibility is with the applicant to show why an exception should be considered, not on the committee to demonstrate why an exception should not be made.

If an exception is made to this special policy relating to cumulative impact, applicants must fulfil the other requirements to be granted a premises licence or club premises certificate.

Where the Licensing Authority’s discretion is engaged, grounds that will not be considered as an exception to the policy include:

- 1) That the building design will be of a high standard. It is assumed that all applicants will want to ensure the highest design standards possible.

- 2) That the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol.
- 3) The premises are small. A small business can still contribute to crime, disorder and nuisance suffered by interested parties in the vicinity of the special policy area.

### **Other Methods of Controlling Cumulative Impact**

There are, however, other mechanisms, both within and outside the licensing system, that are available for addressing the potential effects of cumulative impact in areas. These include:

- planning controls;
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other service units of the Council;
- provision of CCTV surveillance, sufficient taxi facilities, public conveniences open late at night, street cleaning and litter patrols;
- designation of parts of the Borough as places where alcohol may not be consumed publicly;
- confiscation of alcohol from adults and children in designated areas;
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- prosecution of personal licence holders or members of staff at licensed/certificated premises that are selling alcohol to people who are drunk;
- Police powers to close down instantly, for up to 24 hours, any licensed/certificated premises or temporary event on grounds of disorder, the likelihood of disorder, or, noise emanating from the premises causing a nuisance;
- powers of local authority environmental health officers to close premises, for up to 24 hours, where noise is causing a public nuisance;

- local authority, fire authority and Health and Safety Executive powers to prohibit activities including the use of premises or parts of premises, where there is a risk of serious personal injury;
- the right of responsible authorities or interested parties, to seek reviews of premises licences and club premises certificates.
- **Early Morning Restriction Orders**
- **Late Night Levy**



# Cumulative Impact Area



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## Cumulative Impact Assessment Evidence

The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act.

The Town Centre area has been subject to a Cumulative Impact Policy as part of the Council's Licensing Policy since May 2005. There have been no changes made to the area within this assessment.

The evidence in support of the Cumulative Impact Assessment and a request to retain the special policy relating to Cumulative Impact in the town centre is contained in the consultation submission and comments made by Staffordshire Police Licensing Department. Their submission gives the key findings from the Police information records using data from recorded incidents and figures based on year to date (05 05 2019). This information is available on request.

### Key points:

- There has been a 3% decrease in Town Centre ASB in the last 12 months compared to the previous 12 months.
- Rowdy and inconsiderate behaviour is the most prevalent type. 16% of ASB calls in the town centre are marked as Alcohol related (this figure may be higher dependent on recording accuracy) compared with Tamworth as a whole which sits at 5%.
- The majority of ASB incidents occur in the afternoon to the evening and into the early hours at the weekend (shown in the heat map below). This pattern is enhanced with clear alcohol related incidents.
- There has been a 2% increase in 'Town Centre' Public Space Violence (PSV) in the last 12 months compared to the previous 12 months.
- The highest levels of PSV are (on average) committed between 0000hrs and 0100hrs on Friday nights and 2300hrs and 0400hrs on Saturday nights. This has a direct correlation with the Tamworth night-time economy and also ASB.
- Public order offences have decreased, as has more serious violent crime.
- Less serious violent crime with injury, personal robbery and other violence against the person have increased.

- The highest repeat locations for PSV include licensed premises on Lower Gungate, Bolebridge Street, and Spinning School Lane all of which are within the hub of the night time economy.

At the conclusion of their submission in support of the Town Centre Cumulative Impact Policy, Staffordshire Police make the following statement: “We cannot stress enough, based on the above, the importance of maintaining the Cumulative Impact Zone/Area”.

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