

<b><u>REPORT TITLE</u></b>	<b>Cumulative Impact Policy</b>
<b><u>Submitted by:</u></b>	<b>Head of Environmental Health Services</b>
<b><u>Portfolio:</u></b>	<b>Finance &amp; Resources</b>
<b><u>Ward(s) affected:</u></b>	<b>Town Ward</b>

### **Purpose of the Report**

For Members to consider whether the Cumulative Impact Policy (known as Special Saturation Policy) - agreed at the Committee's meeting held on 19<sup>th</sup> June 2017 is still required. For Members to determine when the Council should review the Policy with a view to transition into a Cumulative Impact Assessment.

Staffordshire Police will be in attendance at the meeting to provide advice and guidance for the Committee, as well as relevant evidence.

### **Recommendations**

**The Committee must decide whether:**

- a) **The current Policy is still required.**
- b) **The current Policy is still adequate.**
- c) **The current Policy needs to be reviewed.**

**If the Committee decide to retain the Policy then they must also determine when to review the current Policy in order that it can be transitioned into a Cumulative Impact Assessment in line with the new legislative provisions.**

### **Reasons**

Earlier versions of the guidance issued under section 182 of the Licensing Act 2003 stated that there should be an evidential basis for the decision to include a Special Saturation Policy within the Statement of Licensing Policy. In April 2018 changes were made to the legislation and the s182 guidance has been amended accordingly.

Previous guidance stated that once adopted, special policies should be reviewed regularly to assess whether they are still needed or whether they should be amended. The amended guidance states that the existing Policy should be reviewed at the earliest practical opportunity and recommends that it should take place within 3 years of the legislation coming into force, or when the Council's Statement of Licensing Policy is next due for review, whichever is sooner.

## **1. Background**

- 1.1 On 6<sup>th</sup> April 2018 the Licensing Act 2003 (LA03) was amended by the Policing and Crime Act 2017 (PCA17). The PCA17 added s5A to the LA03 which details the provisions for implementing and reviewing Cumulative Impact Assessments (CIAs), which replaces Cumulative Impact Policies (CIPs). This addition has created a statutory footing for Local Authorities to implement CIAs.

- 1.2 Until recently Cumulative impact was not mentioned specifically in the 2003 Act but in the Section 182 Guidance to the Act it was taken to mean the potential impact on the promotion of the licensing objectives of a significant number of licenced premises concentrated in one area. The amended guidance defines Cumulative Impact as:
- “the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area”*
- 1.3 The change from a CIP to a CIA has no practical effect as to how applications are to be dealt with when they are received. The differences are that there is a new requirement that the Council must review the CIA every 3 years, and there must be a full consultation before a CIA can be implemented.
- 1.4 The Council’s Statement of Licensing Policy is currently due for review and consultation in 2020 with a view to implementation taking place in January 2021. It can be reviewed earlier and would run for a period of 5 years.
- 1.5 There are currently a number of licensed premises concentrated together in one area that together have a detrimental impact on levels of crime and disorder and public nuisance and in particular violent crime in the town centre. This being the case, the Council has previously satisfied itself that it is appropriate and necessary to include in its Licensing Policy a Cumulative Impact Policy.
- 1.6 The Policy allows the Council to refuse new licences whenever it receives relevant representations about the cumulative impact on the licensing objectives which can be substantiated by evidence. Where such representations are received, applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 1.7 Where representations are supported by evidence, applicants will need to clearly demonstrate in their operating schedule measures to address the identified problem of drink-related violence in the town centre and in particular will need to demonstrate measures to prevent binge drinking on the premises. Where no relevant representations are received in this connection, the application will be granted.
- 1.8 Previous Guidance (at 14.32) stated that “once adopted special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended.”
- 1.9 In this respect, the Guidance at 14.29 provided that the steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are:
- (1) To identify concern about crime and disorder; public safety; publicly nuisance; or the protection of children from harm.
  - (2) To consider whether there is good evidence that crime and disorder or public nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
  - (3) If such problems are occurring, identify whether these problems are being caused by the customers of the licensed premises, or that the risk of cumulative impact is imminent.

- (4) To 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).
- (5) To consult with 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 document.

## 2. **Issues**

- 2.1 At the meeting of the Licensing Committee held on 3<sup>rd</sup> July 2013 it was resolved that the cumulative impact policy be retained and reviewed on an annual basis.
- 2.2 Representatives from Staffordshire Police will be in attendance at the meeting to present evidence regarding the Special Saturation Policy.

## 3. **Options**

- 3.1 The Committee can:-

- Retain the area as it currently stands until the next Statement of Licensing Policy Review. .
- Retain the area as it currently stands and review on a twelve monthly basis until the next Statement of Licensing Policy Review.
- Retain the area as it currently stands and determine when to begin the transitional period to a CIA subject to the necessary consultation.
- Opt to consider expansion or reduction of the area covered by the current policy subject to the necessary consultation.
- Opt to remove the Cumulative Impact Policy

## 4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 4.1 The contents of this report relate to the following corporate priorities:

- Creating a cleaner, safer and sustainable Borough
- Creating a healthy and active community

## 5. **Legal and Statutory Implications**

- 5.1 'Cumulative Impact' is now specifically mentioned in the 2003 Licensing Act but has been detailed at Section 14 of the guidance issued under section 182 of the Act for some time.

## 6. **Financial and Resource Implications**

- 6.1 There are no financial implications for the Council relating to the retention or not of a Cumulative Impact Policy.

## 7. **Major Risks**

- 7.1 Not designating a Cumulative Impact Policy within the Council's Licensing Policy could lead to:

- An increase in serious problems of nuisance and disorder outside licenced premises. Such problems generally occur as a result of large numbers of drinkers

being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. Queuing in itself may lead to conflict, disorder and anti-social behaviour.

- Large concentrations of people may also increase the incidence of other criminal activities. These conditions are more likely to take place in town centres.

8. **Earlier Cabinet/Committee Resolutions**

8.1 Decision of the Licensing Committee on 19<sup>th</sup> June 2017

9. **List of Appendices**

9.1 Plan showing current cumulative impact zone

9.2 Presentation by Staffordshire Police – Newcastle cumulative Impact Zone Review