

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

Purpose of the Report

For Members to consider whether the Cumulative Impact Policy (also known as Special Saturation Policy) - agreed at the Committee's meeting held on 27th June 2018 is still required, with a view to transitioning to a Cumulative Impact Assessment following consultation later in the year.

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, pending transition to a Cumulative Impact Assessment**
- b) **The current Policy is still adequate, pending transition to a Cumulative Impact Assessment**

Reasons

The guidance issued under section 182 of the Licensing Act 2003 states that there should be an evidential basis for the decision to include a Cumulative Impact Policy within the Statement of Licensing Policy.

The guidance also states that once adopted, special policies should be reviewed regularly to assess whether they are still needed or whether they should be amended.

At the meeting of 27th June 2018 Members determined to transition from the current Cumulative Impact Policy (CIP), which was created under the guidance, to a Cumulative Impact Assessment (CIA) which will be created under the Licensing Act 2003.

1. Background

- 1.1 On 3rd July 2013 the Licensing Committee resolved that the special saturation policy originally agreed be retained and reviewed on an annual basis.
- 1.2 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 (CIP).
- 1.3 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.

- 1.4 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.
- 1.5 Previous section 182 Guidance 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.”
- 1.6 The guidance 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.
- 1.7 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”

2. **Issues**

- 2.1 At the meeting of 27th June 2018 Members determined to transition from the current Cumulative Impact Policy (CIP), which was created under the guidance, to a Cumulative Impact Assessment (CIA) which will be created under new provisions contained within the Licensing Act 2003. A new CIA requires formal consultation and as it is unlikely to begin until July 2019. Members are being asked whether they feel it is appropriate to extend the current CIP to provide continuity to applicant’s, members of the public and Responsible Authorities in the intervening period.
- 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:-

1. Decide to retain the area as it currently stands until the result of the Cumulative Impact Assessment consultation and implementation;
2. Decide to consider expansion or reduction of the area covered by the current policy until the result of the Cumulative Impact Assessment consultation and implementation (however this would be subject to its own consultation);
3. Decide to remove the Cumulative Impact Policy until the result of the Cumulative Impact Assessment consultation and implementation;

4. **Proposal**

4.1 That Members determine which of the options listed at section 3.1 above they consider to be most appropriate.

5. **Reasons for Preferred Solution**

5.1 The preferred option is option 1. This would provide continuity in the intervening period between when the CIP would normally be reviewed annually, and the consultation and implementation if the CIA which was agreed to occur in 2019.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 *The Council's corporate priorities are:*

- Local Services that work for Local People
- Growing our people and places
- A healthy, active and safe borough
- A town centre for all

7. **Legal and Statutory Implications**

7.1 '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.

8. **Equality Impact Assessment**

8.1 Not applicable

9. **Financial and Resource Implications**

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

10. **Major Risks**

10.1 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 licensed 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.

11. **Sustainability and Climate Change Implications**

11.1 Not applicable

12. **Key Decision Information**

12.1 Not applicable

13. **Earlier Cabinet/Committee Resolutions**

13.1 Decision of the Licensing Committee on 27th June 2018

14. **List of Appendices**

14.1 Plan showing current cumulative impact zone (Appendix A)

14.2 Presentation by Staffordshire Police – Newcastle Cumulative Impact Zone Review

15. **Background Papers**

15.1 As per the Appendices