

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Licensing and Public Protection Committee  
12 October 2020**

**Report Title:**            **Establishing a Cumulative Impact Assessment**

**Submitted by:**        **Head of Environmental Health**

**Portfolios:**            **Finance & Efficiency**

**Ward(s) affected:**    **Town Ward**

**Purpose of the Report**

To advise members of the process for establishing a Cumulative Impact Assessment to support the Statement of Licensing Policy, and propose that the current Cumulative Impact Policy remains operative until the process is complete.

**Recommendation**

**That**

1. Members note the process for establishing a Cumulative Impact Assessment and the difficulties created by the current Public Health emergency.
2. Members confirm that the current Cumulative Impact Policy continues in its present form pending the completion of a Cumulative Impact Assessment.

**Reasons**

Cumulative Impact Assessments (CIA) were introduced to the Licensing Act 2003 by the Policing and Crime Act 2017. In general terms and effect they replace Cumulative Impact Policies (CIP) however there is no statutory transition or conversion process. Before adopting a CIA the authority must establish the evidential basis that one is required, and consult upon its scope and extent with the same persons that must be consulted over the Statement of Licensing Policy.

The Committee last reviewed the evidence to support the continuation of its CIP in April 2019. Since that time the current Public Health emergency has impacted significantly on both footfall and economic activity within the town centre area currently subject to a CIP.

1.        **Background**

- 1.1 The Council has previously resolved to have a CIP that covers an area of Newcastle's town centre and this was incorporated into the authority's Statement of Licensing Policy.
- 1.2 In April 2019 the Committee resolved 'that the Cumulative Impact Policy continue in its current form pending transition to a Cumulative Impact Assessment'.
- 1.3 Under the review of Licensing Policy currently before Committee it is proposed to replace the current CIP with a Cumulative Impact Assessment (CIA) which will be a standalone 'live' document capable of being amended when required.

- 1.4 In effect and operation a CIA is similar to a CIP, however to move from one to the other requires the authority to:
- Consult with the same persons it consults regarding reviews and revisions to its Statement of Licensing Policy
  - Explain why it is considering adopting a CIA
  - Set out the part or parts of the district to be included in the CIA
  - Set out which type of licences the CIA will apply to
  - Give the evidential basis for the CIA
- 1.5 In considering the evidential basis for a CIA the current Public Health emergency has impacted significantly on both footfall and economic activity within the current CIP area.

## 2. **Issues**

- 2.1 The current public health emergency has overtaken the authority's process of converting its existing CIP into a CIA, and may have changed the evidential basis and rational for the current scope and extent of cumulative impact controls.
- 2.2 Discussions with Police colleagues suggest that while crime and disorder associated with licensed premises is still being seen, the times of its occurrence, frequency and severity have all been impacted by the ongoing controls and restrictions introduced to deal with the transmission of Coronavirus infections.
- 2.3 In consequence comparisons of crime and disorder previously used to evidence the need for a CIP need to be re-considered to support the introduction of a CIA, together with considerations of the current and likely future economic landscape in the existing CIP area.
- 2.4 Government guidance which accompanied the introduction of CIAs recommended that any existing cumulative impact controls are replaced with CIAs within 3 years of the commencement of the legislation which created them. To follow that guidance the authority should replace its existing CIP with a CIA by 5 April 2021.

## 3. **Proposal**

- 3.1 That officers review with partners the current evidence for a CIA based upon the scope and boundaries of the current CIP, and bring forward for Members the options highlighted by the evidence including the creation of a Cumulative Impact Assessment for Newcastle town centre where the data and consultee comments support this course of action.
- 3.2 The proposal will involve a review of evidence from the Police, Environmental health, Street scene, health partners, ward members and traders, with the outcome and a proposed CIA being presented to the Committee in January 2021.
- 3.3 A period of consultation with partners, trade bodies, and the community would then be required before a final debate on adoption by the Committee in March 2021.

## 4. **Reasons for Proposed Solution**

- 4.1 The CIP which has operated since 2013 has served the Borough well in limiting serious problems of nuisance and disorder arising from the number, type and density of licensed premises in the town centre. While the current public health emergency has impacted upon

footfall and economic activity in the town centre, and thereby nuisance behaviour and disorder, the longer term 'return to normal' is likely to require a continuation of cumulative impact controls. Changes to legislation mean that the current CIP must be replaced with a CIA for cumulative impact to continue to be a feature of the consideration of any new licence. The solution proposed recognises that updated evidence set against the recent trading conditions will be required to justify the adoption of a CIA.

## 5. **Options Considered**

5.1 To gather and review evidence justifying the adoption of a CIA for the area forming the current CIP (**RECOMMENDED**).

5.2 To allow the current CIP controls to end in April 2021.

## 6. **Legal and Statutory Implications**

6.1 Guidance issued regarding the introduction of CIAs under Section 5A of the Licensing Act 2003 recommends that existing cumulative impact controls are considered for replacement with a CIA within 3 years of the operative date of the legislation (06/04/2018), or when the Authority's Statement of Licensing Policy is reviewed, whichever is soonest.

6.2 The Statement of Licensing Policy is being presented for re-adoption to this committee however the current public health emergency has potentially changed the evidence base for a CIA and hence a more detailed consideration is required than envisaged in earlier reports to Committee.

6.3 To maintain cumulative impact controls as part of its licensing policy it is necessary to look afresh at the evidence for them and to undertake the consultation process set out in the legislation prior to replacing the current CIP with a CIA.

## 7. **Equality Impact Assessment**

7.1 Not applicable.

## 8. **Financial and Resource Implications**

8.1 There are no financial impacts identified arising from this report.

8.2 Licensing resources will be required to liaise with partners, collect and collate evidence, consult with trade representatives and partners, and propose a CIA to members. Those resources currently exist and can be deployed on these tasks.

## 9. **Major Risks**

9.1 There are risks to the control of the number and type of licensed premises in the town centre associated with the Council not replacing its current CIP with a CIA by 6<sup>th</sup> April 2021.

## 10. **Sustainability and Climate Change Implications**

10.1 There are no impacts identified arising from this report.

## 11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 The Committee's review of the current CIP controls in April 2018 and 2019 identified the need to continue those controls while a CIA was investigated and adopted if supported by sufficient evidence.

13. **List of Appendices**

13.1 None.

14. **Background Papers**

14.1 None.