

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

**Licensing and Public Protection Committee
26 January 2021**

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 request that Members discuss and agree to the Council consulting upon a Cumulative Impact Assessment that relates to Newcastle Town Centre, to support the Council's Statement of Licensing Policy.

Recommendation

That

1. Members note the information provided by Staffordshire Police in support of progressing a Cumulative Impact Assessment that will have the effect of replacing the existing Cumulative Impact Policy.
2. Members agree to a consultation being carried out in relation to a Cumulative Impact Assessment;
3. Members agree to have the results of the consultation brought back to them at a later meeting to determine whether a Cumulative Impact Assessment is required.

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.

At the last meeting the Committee determined to extend the existing CIP to 5th April 2021 to allow for the CIA process to take place.

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 (SLP), and this has been in place since July 2013.
- 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 In October 2020 the Committee resolved to extend the existing CIP to 5th April 2021 to allow for the CIA process to take place.
- 1.4 It is proposed that a CIA is required, to replace the current CIP, and will be a standalone 'live' document capable of being amended when required without an amendment being made to the SLP.
- 1.5 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 SLP;
 - 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
- 1.6 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.
- 1.7 Staffordshire Police have indicated that they are in support of progressing a CIA to 'replace' the CIP and have submitted statistical data to give the evidential basis required.

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 CIAs differ in relation to CIPs in several ways. The provision to create a CIA is within the Licensing Act 2003, whereas the provision for a CIP was only in the Statutory Guidance. The evidential basis for CIAs may include any premises that carry on, or intend to carry on, any licensable activity. That includes the sale of alcohol for both on and off the premises consumption, late night refreshment and regulated entertainment. When creating a CIA the Council may choose to limit the type of premises included, e.g. off-licences and nightclubs, late night takeaways and pubs, or any other mixture of premises type. Whereas CIPs could only relate to the sale of alcohol.
- 2.5 An evidential basis is required for a decision to publish a CIA. The statutory guidance states:
- "Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the*

relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:

- *local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;*
- *statistics on local anti-social behaviour offences;*
- *health-related statistics such as alcohol-related emergency attendances and hospital admissions;*
- *environmental health complaints, particularly in relation to litter and noise;*
- *complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;*
- *residents' questionnaires;*
- *evidence from local and parish councillors; and*
- *evidence obtained through local consultation. ”*

2.6 When considering whether to publish a CIA the Council are obliged to consult widely, including with the same persons that require consultation for a SLP, namely:

- *the chief officer of police for the area;*
- *the fire and rescue authority for the area;*
- *each local authority's Director of Public Health in England ... for an area any part of which is in the licensing authority's area,*
- *persons/bodies representative of local premises licence holders;*
- *persons/bodies representative of local club premises certificate holders;*
- *persons/bodies representative of local personal licence holders; and*
- *persons/bodies representative of businesses and residents in its area.*

2.7 When consulting the Council must provide the consultees with:

- *the reasons why it is considering publishing a CIA;*
- *a general indication of the part or parts of its area which it is considering describing in the assessment;*
- *whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.*

2.8 As above at paragraph 1.7 Staffordshire Police have provided statistical data as a starting point to consider the publication of a CIA. This data forms the basis of the Council's request to consult upon publishing a CIA. The Police have stated that the area covered by the current CIP is appropriate for a CIA. The current CIP area overlaps two distinct Police reporting areas referred to as IB60 and IB61, but does not incorporate all of the two areas. A copy of the town plan which shows the CIP area compared to the IB60 and IB61 areas is attached as **Appendix A**.

2.9 The Police have provided data that cover the below geographic areas:

1. IB60 and IB61 – extracts are attached as **Appendix B**; and
2. The Whole Borough (including IB60 and IB61) - extracts are attached as **Appendix C**;

2.10 In previous years when implementing and reviewing the CIP the Police have provided data that relates solely to the area known as IB60 and IB61. The inclusion of the data for the whole Borough allows for a comparison to be made against the two areas.

2.11 In Appendix B figure 1 shows the total number of incidents within IB60 and IB61 for the financial years 2015-16, 2016-17, 2017-18, 2018-19, 2019-20 and April to November 2020. It then further splits the incidents into whether they occurred between 07.00-20.59 or 21.00-06.59. The data shows that the total number of incidents increased year on year until it dropped by 2% in

2019-20. The data for April to November 2020 suggests that pro-rata the total number of incidents has dropped, presumably due to the effects of the pandemic.

Figure 2 shows the total number of ASB incidents, which are included within the numbers in figure 1, for the same geographical areas, years and time periods. The data shows that the total number of incidents has continued to increase year on year. The data for April to November 2020 suggests that pro-rata the total number of incidents has dropped.

Figures 3-5 show the breakdown and concentration of when all crime incidents occurred in IB60 and IB61 over the financial years 2018-19, 2019-20 and April to November 2020. Figure 3 shows that in 2018-19 the worst time for incidents was between 00.00-02.59 on Friday and 00.00-01.59 on Saturday nights. Figure 4 shows the worst time for incidents was between 00.00-02.59 on Friday and 00.00-00.59 on Saturday nights. Figure 5 shows that during the pandemic period there were still a large number of incidents between 00.00-00.59 on Friday and Saturday nights but generally the incidents are more evenly spread across the week.

2.12 In Appendix C figure 1 shows the total number of incidents over the Whole Borough for the financial years 2015-16, 2016-17, 2017-18, 2018-19, 2019-20 and April to November 2020. It then further splits the incidents into whether they occurred between 07.00-20.59 or 21.00-06.59. The data shows that the total number of incidents increased year on year until 2017-18 where it then appears to start dropping. The data for April to November 2020 suggests that pro-rata the total number of incidents has dropped by approximately 6%, presumably due to the effects of the pandemic.

Figure 2 shows the total number of ASB incidents, which are included within the numbers in figure 1, for the Whole Borough, the years and time periods. The data shows the same trend of increasing until 2017-18 and then dropping from 2018-19 onwards.

Figures 3-5 show the breakdown and concentration of when all crime incidents occurred in the Whole Borough over the financial years 2018-19, 2019-20 and April to November 2020. Figure 3 shows that in 2018-19 the worst time for incidents was between 00.00-00.59 on Thursday, Friday and Saturday nights, however it was also quite high at that time on every day of the week and the evenings of Fridays and Saturdays. Figure 4 shows the worst time for incidents was between 00.00-00.59 on Thursday and Friday nights, however it was also quite high at that time on every day of the week and Friday evenings. Figure 5 shows that during the pandemic period there were still a large number of incidents between 00.00-00.59 on Saturday nights, however it was also quite high at that time on every day of the week, most evenings and Monday afternoons.

2.13 Below is a summary of data, over the financial years 2018-19, 2019-20 and April to November 2020, for five separate categories of offences and over the two geographical areas. It does not include data in relation to Theft and less frequently committed offences:

Type of offence	Area Covered	Year		
		2018-2019	2019-2020	Apr - Nov20
More Serious Violent Crime w/Injury	IB60 and IB61	24	16	11
	Whole Borough	98	86	66
Less Serious Violent Crime w/Injury	IB60 and IB61	232	160	61
	Whole Borough	1177	958	381
ASB	IB60 and IB61	718	760	373
	Whole Borough	4168	3901	2524
Other violence against the person	IB60 and IB61	197	270	166
	Whole Borough	1964	2407	1496
Public Order	IB60 and IB61	103	112	53
	Whole Borough	461	444	303

Whilst the latest figures only account for an 8 month period rather than a 12 month period there is a similar pattern to the figures from 2018-19 and 2019-20.

2.14 Below is a summary of percentage increase/decrease between 2018-19 and 2019-20:

<u>Type of offence</u>	<u>Area Covered</u>	<u>Increase/Decrease between 18-19 and 19-20</u>	<u>Percentage</u>
More Serious Violent Crime w/Injury	IB60 and IB61	Decrease	33%
	Whole Borough	Decrease	12%
Less Serious Violent Crime w/Injury	IB60 and IB61	Decrease	31%
	Whole Borough	Decrease	19%
ASB	IB60 and IB61	Increase	6%
	Whole Borough	Decrease	6%
Other violence against the person	IB60 and IB61	Increase	37%
	Whole Borough	Increase	23%
Public Order	IB60 and IB61	Increase	9%
	Whole Borough	Decrease	4%

It shows that in the IB60 and IB61 area ASB, Other Violence and Public Order incidents have increased but More and Less Serious Violent Crime with injury have decreased. Over the entire Borough it shows that the only increase is in the Other Violence category, everything else has decreased.

2.15 The data contained within Appendices B and C, alongside the data in the tables above at 2.13 and 2.14 of the report appear to show that levels of crime and Anti-Social Behaviour remain high throughout the Borough but specifically in the areas known as IB60 and IB61 which includes the area under the current Cumulative Impact Policy. Whilst figures have decreased across the Borough generally there has been an increase in the 'Town Centre' in relation to incidents around violence, ASB and Public Order and predominantly in the times associated with the night time economy.

3. Proposal

- 3.1 Members note the information provided by Staffordshire Police in support of progressing a Cumulative Impact Assessment that will have the effect of replacing the existing Cumulative Impact Policy.
- 3.2 Members agree to a consultation being carried out in relation to a Cumulative Impact Assessment, inline with the process outline above, and for a period of 4 weeks;
- 3.3 Members agree to have the results of the consultation brought back to them at the March 2021 meeting to determine whether a Cumulative Impact Assessment is required, and if so the scope of it and an implementation date for it.

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 not consult upon a Cumulative Impact Assessment as there is not currently evidence to support one.

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 (6th April 2018), or when the Authority's Statement of Licensing Policy is reviewed, whichever is soonest.
- 6.2 The Statement of Licensing Policy was 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 6th 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 Appendix A – Plan of CIP and IB60/IB61 area

13.2 Appendix B – Data extract for IB60/IB61 area

13.3 Appendix C - Data extract for Whole Borough

14. **Background Papers**

14.1 None.