

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO LICENSING & PUBLIC PROTECTION COMMITTEE

12 March 2024

Report Title: Review of the Cumulative Impact Assessment

Submitted by: Service Director – Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: Town

<u>Purpose of the Report</u> To request that Members approve a public consultation to review the Cumulative Impact Assessment.	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<u>Recommendation</u> That Committee: <ol style="list-style-type: none"> 1. Approve a period of public consultation to allow for written representations to be submitted in review of the Cumulative Impact Assessment. 2. Approve that following the consultation a report will be presented to this Committee to determine whether the Council still require a Cumulative Impact Assessment and if so the scope of it and an implementation date for it. 	
<u>Reasons</u> Cumulative Impact Assessments (CIA) were introduced to the Licensing Act 2003 by the Policing and Crime Act 2017. Before adopting, and when reviewing, 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 current CIA was published on 14 th July 2021 and the Council must determine whether to retain and/or amend to CIA before the 3 year anniversary of that date.	

1. Background

- 1.1 The Committee has previously resolved to have a Cumulative Impact Policy (CIP) that covers an area of Newcastle's town centre. This was first incorporated into the authority's Statement of Licensing Policy (SLP) in July 2013.
- 1.2 The Policing and Crime Act 2017 placed the concept of a 'Cumulative Impact' from licensed premises on statutory footing for the first time. CIPs only formed part of guidance prior to that. The purpose of a CIA is to help a Council to limit the number or types of licence 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.

- 1.3 In 2021 the Committee resolved that there was an evidential basis to publish a CIA and confirmed that it would be a 'live' document capable of being amended when required without an amendment being made to the SLP. A copy of the current CIA is attached as **Appendix A**.
- 1.4 With previous CIPs and the current CIA Staffordshire Police have provided data to assist the Committee when determining whether there was an evidential basis to establish such a document.

2. Issues

- 2.1 The Council must review the CIA within a 3 year period of establishing it. In order to do so the Council must first consult with:

- *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.*

- 2.2 An evidential basis is required for a decision to publish a CIA. Paragraph 14.29 of 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."*

- 2.3 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. The current CIA relates only to premises that carry on, or propose to carry on, the sale or supply of alcohol on or off the premises.

3. Recommendation

- 3.1 Approve a period of public consultation to allow for written representations to be submitted to review the Cumulative Impact Assessment. That the period of consultation be 4 week; and
- 3.2 Approve that following the consultation a report will be presented to this Committee to determine whether the Council still require a Cumulative Impact Assessment and if so the scope of it and an implementation date for it.

4. Reasons

- 4.1 The CIP and CIA which have operated since 2013 have 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. The Council are required by the Licensing Act 2003 to review the CIA at least every 3 years and failure to do so would lead to it expiring.

5. Options Considered

- 5.1 To consult and review the current CIA to establish if it needs to be renewed and if so under what terms.

6. Legal and Statutory Implications

- 6.1 The Council are required by the Licensing Act 2003 to review the CIA at least every 3 years and failure to do so would lead to it expiring.
- 6.2 The Council must consult when reviewing the CIA and then publish the decision.

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, and consult with trade representatives and partners. Those resources currently exist and can be deployed on these tasks.

9. **Major Risks & Mitigation**

- 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 reviewing the CIA.

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

- 11.1 Not applicable.

12. **Earlier Committee Resolutions**

- 12.1 26th January 2021 – Licensing and Public Protection Committee – Resolved to consult on the evidential basis for a CIA.
- 12.2 16th March 2021 - Licensing and Public Protection Committee – Resolved that there was an evidential basis and to establish a CIA.

13. **List of Appendices**

- 13.1 Appendix A – 2021-2024 Cumulative Impact Assessment

14. **Background Papers**

- 14.1 Section 182 – Licensing Act 2003 Statutory Guidance