



## Cumulative Impact Assessment

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## **What is Cumulative Impact?**

Cumulative impact is “*the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.*” For example where there is a high density of licensing premises selling alcohol that give rise to crime and disorder or nuisance.

## **Background**

The concept of “Cumulative impact” has been described within the s.182 Licensing Act 2003 Guidance and used by licensing authorities within their statements of licensing policy (SLP) since the commencement of the 2003 Act. ‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. In general terms and effect they replace Cumulative Impact Policies (CIP), however there is no statutory transition or conversion process.

A cumulative impact assessment (CIA) may be published by licensing authorities to help them limit the number or types of licence applications granted within a specified area. They can do this where there is an evidential basis 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. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

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 SLP.

## **Cumulative Impact Assessment Details**

A consultation was undertaken in early 2021 and at a meeting held on 16<sup>th</sup> March 2021 the Council’s Licensing & Public Protection Committee (the Committee) , determined that there was an evidential basis to implement a CIA to ‘replace’ the existing CIP on a like for like footing.

The area covered by the existing CIP has been retained as the area to be covered by the CIA (plan attached at **Appendix A**). The assessment will relate to all premises and business types within the specified area that have a premises licence or a club premises certificate which will be carrying on or proposing to carry on the following licensable activities:

- The sale or supply of alcohol on or off the premises

The assessment does not relate to any applications within the specified area that propose to carry on:

- The provision of late night refreshment
- The provision of any regulated entertainment

The Committee came to this decision following statistical data provided by Staffordshire Police showing that levels of crime and Anti-Social Behaviour remained high throughout the Borough but specifically in the areas covered by the existing CIP, known as the ‘Town Centre’. Whilst figures have decreased across the Borough as a whole 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. The data provided covered the three periods detailed below. The data that

relates to the 'Town Centre' is attached as **Appendix B**, and the data for the Whole Borough is attached as **Appendix C**:

- April 2018-March 2019
- April 2019-March 2020
- April 2020-November 2020

The Council decision was that to grant any further premises licences or club premises certificates, or variations of existing permissions, within the area detailed in Appendix A, would be inconsistent with the authority's duty to promote the licensing objectives.

The evidence underpinning the publication of this CIA will generally be suitable as the basis for a decision to refuse an application or impose conditions. However it does not change the fundamental way that the Council must make decisions under the 2003 Act. Therefore, each decision subject to the CIA still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of this CIA does not remove the Council's discretion to grant applications for new licences or applications to vary existing licences, where they are considered appropriate in the light of the individual circumstances of the case.

In publishing this CIA the Council is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising its SLP. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right. As stated above, the CIA does not change the way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.

This CIA does not relieve responsible authorities (or any other persons) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published. It remains incumbent on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject to at a hearing. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

Whilst this CIA does not apply directly to Temporary Event Notices, the Secretary of State's Guidance to the Licensing Act 2003 states that it is open to the police and Environmental Health officers to refer to this assessment and the evidence contained within it when objecting to a TEN. The authority believes this is a right and proper approach as extension of hours within the Cumulative Impact Area can have a direct impact on the promotion of the licensing objectives.

## **Review of the CIA**

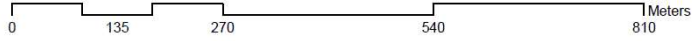
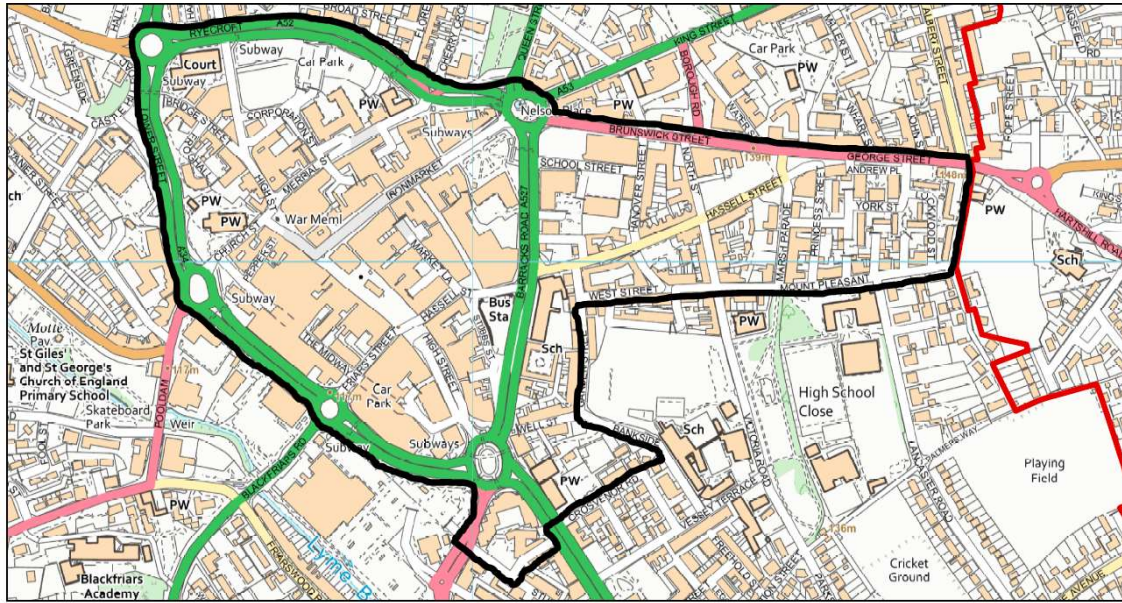
This CIA is a standalone live document and is capable of being amended, following the required consultation process and without the need for the Council to review and consult upon the SLP document.

The licensing authority must, within three years, consider whether it remains of the opinion set out in this assessment. In order to decide whether it remains of this opinion it must again consult the appropriate persons. If having consulted the Council decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to the CIA in its licensing policy statement no longer applies. The licensing authority should remove any reference to the CIA within its SLP at the earliest opportunity.

If having consulted the Council decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion. It will be important for any evidence included in the revised CIA to be robust and relevant to the current problems described. This will likely involve the collation of fresh or updated evidence of cumulative impact. The Council must also at this stage publish any other material change to the assessment. For example if the types of premises or area described in the assessment have changed due to a shift in the nature of the problems being experienced, or where there is evidence of the emergence of a new type of problem.

In each case the three year period for reviewing a CIA begins with the original date of the publication of the CIA or the date that a CIA was last revised. Where the SLP as a whole is due for review, under the five year review period under the Act and this occurs before the end of the three year CIA review period, the Council may use this as an opportunity to carry out a review of the evidence in support of the CIA. However, the Council is free to carry out consultations and reviews of the CIA (and/or SLPs) at more regular intervals if considered appropriate.

## Appendix A – Plan of area covered by CIA



### Legend

 LA Boundary

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**Appendix B - Town Centre (known by Police as IB60 and IB61)**

All incidents – Figure 1:

**Newcastle CIZ - IB60 & IB61**



2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
4,370	4,381	4,497	4,624	4,537	2,394

ASB incidents – Figure 2:

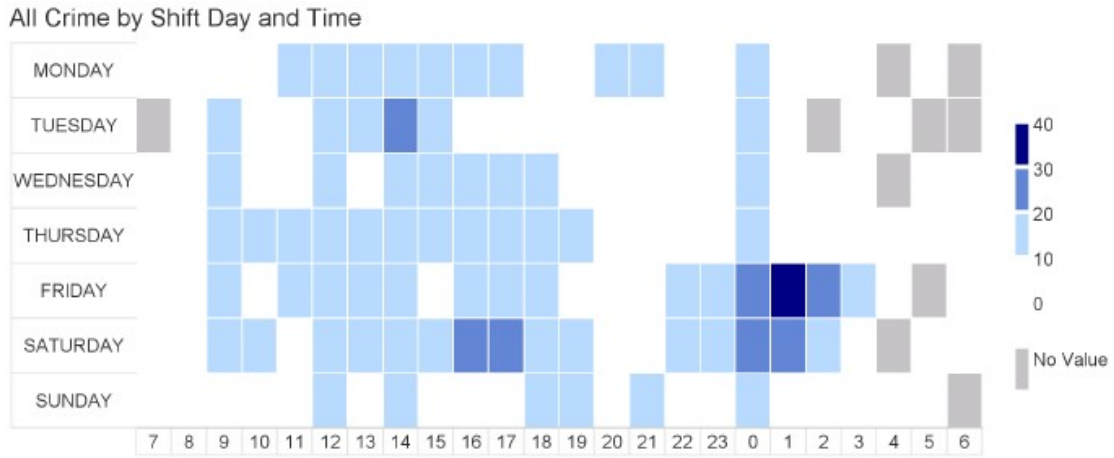
**Newcastle CIZ IB60 & IB61**



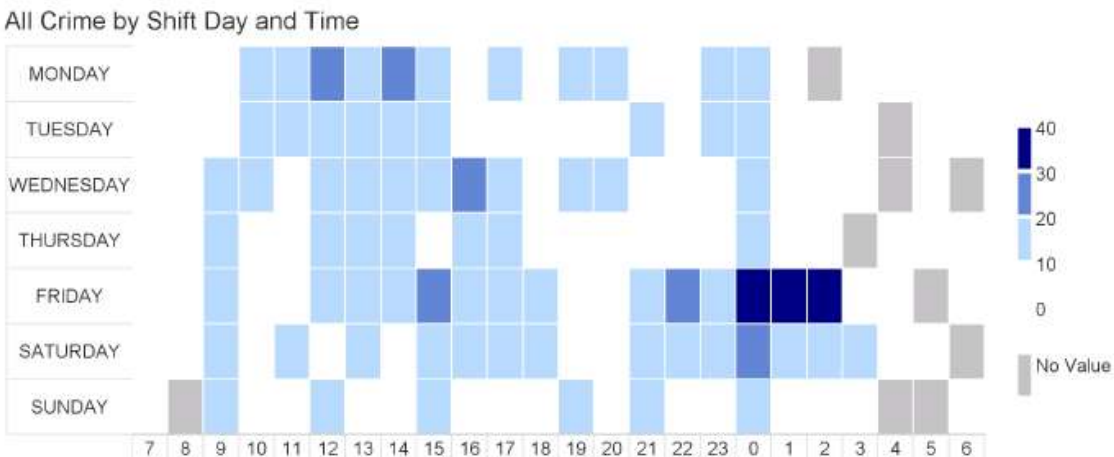
2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
592	683	700	718	760	373

### All Crime by Day and Time

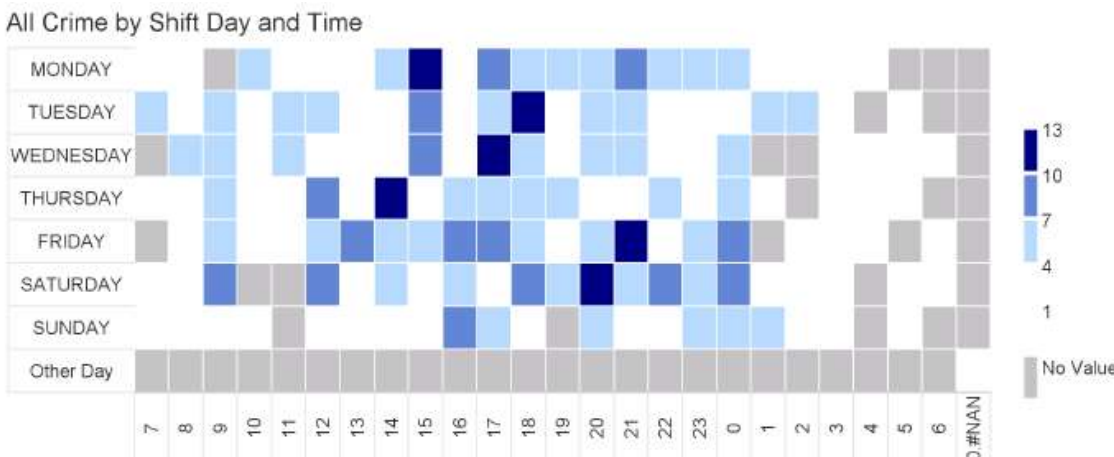
2018-19 – Figure 3:



2019-20 – Figure 4:



Apr20-Nov20 – Figure 5:



**Appendix C - Whole Borough**

All incidents – Figure 1:

**Newcastle NPT (All RIA's)**



2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
28,949	30,032	30,656	30,275	28,700	18,008

ASB incidents – Figure 2:

**Newcastle NPT (All RIA's)**



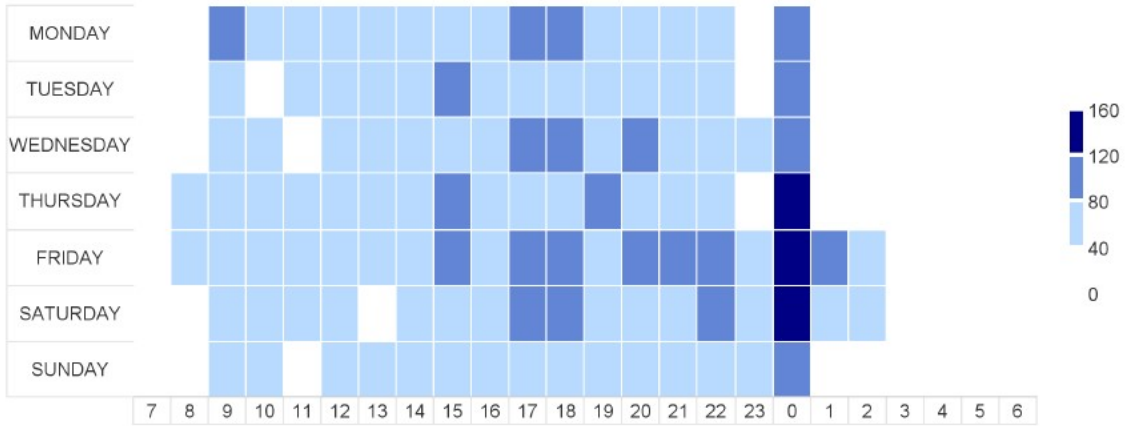
2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
3,725	4,271	4,497	4,168	3,901	2,524



### All Crime by Day and Time

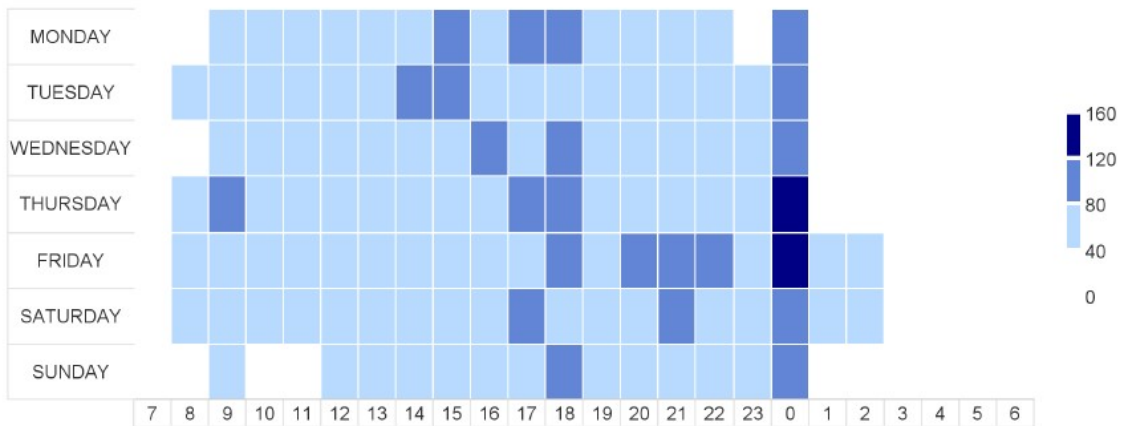
2018-19 – Figure 3:

All Crime by Shift Day and Time



2019-20 – Figure 4:

All Crime by Shift Day and Time



Apr20-Nov20 – Figure 5:

All Crime by Shift Day and Time

