

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE**

11 June 2024

Report Title: Cumulative Impact Assessment review

Submitted by: Service Director – Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: Town, May Bank and Cross Heath

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>To request that Members review whether the Council should publish an updated Cumulative Impact Statement to support the Council's Statement of Licensing Policy, and if so, then determine the scope of it.</p>	
<u>Recommendation</u>	
That	
<ol style="list-style-type: none"> 1. Members note the information provided by Staffordshire Police in support of retaining and amending the existing Cumulative Impact Assessment; 2. Members note the information provided by Environmental Health in support of retaining and amending the existing Cumulative Impact Assessment; 3. Members note the information received as part of the recent consultation 4. Members determine whether there is currently an evidential basis to publish a Cumulative Impact Assessment to 'replace' the current one, and if so then the scope and extent of it. Including: <ol style="list-style-type: none"> a) The area to be included. Officer recommendation is to expand the current area to include all additional areas requested by Environmental Protection (Appendix D); b) The activities to be included. Officer recommendation is to include all licensable activities under the Licensing Act 2003; and c) Whether any business or premises types should be specifically included or excluded from the scope. Officer recommendation is that no business or premises types should be excluded from the scope. 	
<u>Reasons</u>	
<p>Cumulative Impact Assessments (CIA) were introduced to the Licensing Act 2003 by the Policing and Crime Act 2017. 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.</p>	
<p>In March 2021 the Committee agreed that there was an evidential basis to publish a CIA, which subsequently came into force in July 2021.</p>	

1. Background

- a. The Committee 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 had been in place since July 2013.
- b. In March 2021 the Committee resolved that there was an evidential basis to publish a CIA which subsequently came into force on July 2021. A copy of the current CIA is attached as **Appendix A**.
- c. In March 2024 the Committee resolved that a consultation should be undertaken as to whether the CIA should be retained, and if so the scope and extent of it. A copy of the consultation document is attached as **Appendix B**.

2. Issues

- a. 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. ”*

- b. The consultation period ran from 15th March 2024 to 11th April 2024. During the consultation period the Council received three responses from:
 - The Council's Environmental Protection Team, attached as **Appendices C - F**;
 - Staffordshire Police's Central Licensing Team, attached as **Appendix G**;
 - Neighbourhood Policing Team for the Town Centre, attached as **Appendix H**;

A summary of each is included below.

- c. The Council's Environmental Protection (EP) Team's response is made up of four documents: 1. the written representations (Appendix C); 2. Proposed CIA area Map (Appendix D); 3. A list of approximately 900 properties in the town centre showing the mixture of residential and commercial properties (Appendix E); and 4. A map of properties types (Appendix F).

The EP response provides data on the mixture of residential and commercial properties, and the relationship between the two. It highlights a mix of residential and commercial properties specifically in the town centre, and on King Street, Brunswick Street and George Street moving away from the centre. The EP submission cites the ongoing Town Centre transformation and a relaxation in planning legislation in 2021 that allows for commercial properties to be converted to residential accommodation without permission, which will lead to more residential dwellings in the town centre.

Specifically in relation to licensed premises and late-night economy the EP response details that there has been a recent uplift in late night refreshment offerings within the town centre and wider after 23.00 hours. There have been recent licence reviews that have revealed the detrimental effect licensed premises can have on residents who live in close proximity to them.

EP suggest that the CIA should not only be retained but expanded to include all licensed premises and applications for licensable activities and not just those associated with the sale and supply of alcohol. They also suggest that the area covered by the CIA should be expanded to include:

- a. the north east of the town centre upto the Borough / City Boundary (Borough Road, King Street, Etruria Road, Albert Street, George Street, Brunswick Street, York Place and streets in between;*
- b. east of the town centre to the Borough City Boundary (A34 London Road and Barracks Road, Garden Street, Hassell Street, School Street and streets in between;*
- c. north of the town centre to include the Ryecroft;*
- d. South of the town centre to include the Pooldam area; and*
- e. South west of the town centre to cover the A34 Liverpool Road upto the Milehouse Lane roundabout.*

The Ryecroft area is already covered in the existing CIA. EP also request that activities carried out under a Temporary Events Notice are included but unfortunately that can not occur as CIA can only apply to premises licences and club premises certificates.

- d. Staffordshire Police's Central Licensing Team's response outlines the benefits of a CIA being in place when in receipt of application from premises that have had a negative impact on the locality. They state that the CIA has not prevented economic growth and many licences and applications have been granted.

They have stated that the CIA is a contributing factor to the level of crime going down and that when used appropriately the CIA helps to keep communities safe from an increase in violence and disorder. They also

highlight paragraph 14.21 of the s182 Statutory Guidance for Licensing Act 2003 that states:

“In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those 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.”

In relation to this the Police Licensing team request that the CIA be expanded to include licences and applications for late night refreshment (LNR) as well as those for the sale and/or supply of alcohol.

- e. The Neighbourhood Policing Team’s response provides data over the periods April-March 2021-2022, 2022-2023 and 2023-2024 that relate to levels of violence, robbery, sexual offences, public order, criminal damage and drugs possession in both the Town Centre and Borough as a whole. For the most part this shows that all crime increased from 2021-2022 to 2022-2023, most likely linked to the pandemic, and then decreased from 2022-2023 to 2023-2024 although not to the 2021 levels. Anti-social behaviour appears to have reduced year on year. The decreases are attributed to the change in local policing strategy in 2022. They highlight that the CIA is a key tool in supporting the licensing objectives and in helping keep the area a safe place to live, work and visit.

In their concluding remarks they state that there is clear correlation between the nighttime economy and peak times of offences being committed. In addition, it is their view that without a CIA it may lead to a proliferation of licensed premises which would likely have a detrimental effect on the safety of the town.

They do not make any request for amendments to the CIA in terms of the area it covers, or the activities that it should relate to, however in their submission they include licences for LNR within their definition of licensed premises. This suggests that both LNR and the sale/supply of alcohol are linked in terms of the nighttime economy. They also state that there are licensed premises in ‘outlying areas’ that have an impact upon the Town Centre, but do not specify which areas they are referring to.

3. Recommendation

- a. That Members note the information provided by Staffordshire Police in support of retaining and amending the existing Cumulative Impact Assessment;
- b. That Members note the information provided by Environmental Health in support of retaining and amending the existing Cumulative Impact Assessment;

- c. That Members note the information received as part of the recent consultation;
- d. Members determine whether there is currently an evidential basis to publish a Cumulative Impact Assessment to 'replace' the current one, and if so then the scope and extent of it. Including:
 - a) The area to be included. **Officer recommendation** is to expand the current area to include all additional areas requested by Environmental Protection (Appendix D);
 - b) The activities to be included. **Officer recommendation** is to include all licensable activities under the Licensing Act 2003; and
 - c) Whether any business or premises types should be specifically included or excluded from the scope. **Officer recommendation** is that no business or premises types should be excluded from the scope.

4. Reasons

- a. 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

- a. To determine that there is an evidential basis to publish a Cumulative Impact Assessment that covers the existing area and includes all applications that relate to the sale and/or supply of alcohol; OR
- b. To determine that there is an evidential basis to publish a Cumulative Impact Assessment but to cover a different area and/or includes all applications that relate only to sale/supply of alcohol or to include other licensable activities, such as regulated entertainment or late night refreshment, or to categorise it by type of premises rather than licensable activity e.g. it would apply to nightclubs and late night hot food establishments but not pubs and off-licences etc; OR
- c. To not publish a Cumulative Impact Assessment as there is not currently evidence to support one.

6. Legal and Statutory Implications

- a. To maintain cumulative impact controls as part of its licensing policy it is necessary to look afresh at the evidence to establish whether there is an evidential basis for the publication of a CIA.

7. Equality Impact Assessment

- a. Not applicable.

8. Financial and Resource Implications

- a. There are no financial impacts identified arising from this report.
- b. Licensing resources will be required to produce a Cumulative Impact Assessment document, and circulate and publish accordingly. The CIA would require regular review at least every 3 years. Those resources currently exist and can be deployed on these tasks.

9. Major Risks & Mitigation

- a. 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 evidential basis for a CIA.

10. UN Sustainable Development Goals (UNSDG)



11. Key Decision Information

- a. Not applicable

12. Earlier Cabinet/Committee Resolutions

- a. The Committee's determined to publish a CIA in March 2021, and prior to that published CIPs from 2013 – 2020.

13. List of Appendices

- a. Appendix A – Current CIA – 2021-2024
- b. Appendix B – March 2024 Consultation Paper
- c. Appendix C – Environmental Protection Consultation response
- d. Appendix D – Environmental Protection proposed area map
- e. Appendix E – Environmental Protection Town Centre Property Details
- f. Appendix F - Environmental Protection Type of Property Map
- g. Appendix G - Police Licensing Consultation response
- h. Appendix H - Neighbourhood Policing Consultation response

14. Background Papers

- a. Section 182 Statutory Guidance for Licensing Act 2003
- b. Licensing Act 2003