

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	8th September 2020
Subject:	Licensing Act 2003 – Cumulative Impact Policy review		
Report Of:	Head of Place		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	Yes
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Appendices:	Appendix 1 – Cumulative Impact Policy		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 Since the last review of the Statement of Licencing Policy, Government legislation in the form of the Policing and Crime Act 2017 has changed, it now requires a Cumulative Impact Assessment to be carried out to support any Cumulative Impact Policy. Members are asked to direct Officers to undertake the necessary steps to review the current Cumulative Impact Policy by way of consultation with relevant parties.

2.0 Recommendations

2.1 Licensing and Enforcement Committee is asked to **RESOLVE** that

Officers undertake the necessary steps to review the current Cumulative Impact Policy, by way of consultation with relevant parties over an eight period.

3.0 Background and Key Issues

Cumulative Impact Policy

3.1 Gloucester City Council has included a special policy of Cumulative Impact within its Statement of Licensing Policy since 2005.

3.2 Home Office Guidance issued under Section 182 of the Licensing Act 2003 defines Cumulative Impact as:

“the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area”

- 3.3 This special policy was introduced by the Council following evidence provided by Gloucestershire Constabulary which at that time demonstrated that the area around Eastgate Street was adversely affected by an increase in crime, disorder and antisocial behaviour due to a large number of licensed premises being concentrated within that area.
- 3.4 A copy of the current special policy of Cumulative Impact, contained within the Council's Statement of Licensing Policy 2016–2021 is attached at "**Appendix 1**".
- 3.5 In 2016 the special policy of Cumulative Impact was reviewed as part of the Statement of Licensing Policy review, this was undertaken in accordance with the requirements of the Act. At that time Members of the Licensing and Enforcement Committee having considered further evidence presented by the Police made the decision to continue to include the special policy of Cumulative Impact within its Statement of Licensing Policy.

Cumulative Impact Assessments

- 3.6 Many local authorities introduced special policies in relation to Cumulative Impact, these are known as Cumulative Impact Policies (CIPs).
- 3.7 On 6 April 2018 the Policing and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A. This provision provides that a licensing authority may, in appropriate circumstances publish a Cumulative Impact Assessment (CIA).
- 3.8 As with CIP's, a CIA may be published by a licensing authority to help it 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. 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.
- 3.9 The guidance states that as CIP's were not part of the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within three years of the commencement of the legislation on CIAs or when the Statement of Licensing policy is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs adhere to the principles in the legislation.
- 3.10 The change from a CIP to a CIA has no practical effect as to how applications are to be dealt with when they are received. The differences are that there is a new requirement that the Council must review the CIA every 3 years, and there must be a full consultation before a CIA can be implemented.
- 3.11 Following the introduction of Section 5A of the Act, and in accordance with the Section 182 Statutory Guidance, the Council's previous approach and policies will now need to be reviewed.

4.0 Social Value Considerations

- 4.1 In areas where Cumulative Impact Policies or Assessments have been introduced there is a possibility that businesses looking to invest may be deterred from doing so, due to perceived additional burdens being placed upon them.
- 4.2 This is balanced against impact of new and current businesses undertaking licensable activities in a particular area and the social and economic benefits of those businesses.

5.0 Environmental Implications

There are no 'Environmental' implications arising out of the recommendations in this report.

6.0 Alternative Options Considered

No alternative options have been considered

7.0 Reasons for Recommendations

Members having noted the change in legislation affecting the Council's special policy on Cumulative Impact through the Policing and Crime Act 2017, is to direct officers to undertake further work in relation to reviewing the current Cumulative Impact Policy and the possible need to introduce a Cumulative Impact Assessment by way of consultation with relevant stakeholders.

8.0 Future Work and Conclusions

- 8.1 Consultation on the review of the Council's special policy of Cumulative Impact will take place with all relevant parties including:
- The Chief Officer of Gloucestershire Police
 - Gloucestershire Fire and Rescue Services
 - Gloucestershire County Council (Public Health)
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - The general public
- 8.2 The consultation will also be made available for comment via the Council's website. It is proposed that consultation will take place over a period of eight weeks.
- 8.3 Any responses received during the consultation exercise will be reported back to the Licensing and Enforcement Committee.

9.0 Financial Implications

- 9.1 The recommendations have no impact on the Council's budgets

(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

Following the introduction in April 2018 of the new provisions within the Licensing Act 2003 under Section 5A, the Council is required to review its existing statement of Licensing Policy, which includes the special policies of Cumulative Impact.

(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

- 11.1 Failing to review a special policy of Cumulative Impact as part of the Statement of Licensing Policy review would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003, as amended by the Police and Crime Act 2017.

12.0 People Impact Assessment (PIA):

- 12.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. A further assessment will conducted to consider any feedback from the consultation.

13.0 Other Corporate Implications

Community Safety

- 13.1 None

Sustainability

- 13.2 None

Staffing & Trade Union

- 13.3 None

Background Documents:

Licensing Act 2003

Guidance issued under S182 of the Licensing Act 2003.