

Gloucester City Council

Meeting:	Licensing and Enforcement Committee Council	Date: 16 March 2021 23 September 2021
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 Assessment	
	Appendix 2 - Statement of Licensing Policy 2021 – 2026 with Cumulative Impact Policy updated	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 Present to members the result of the consultation on the Draft Cumulative Impact Assessment.
- 1.2 To approve the draft version of the Cumulative Impact Assessment (CIA) and recommend that Council adopt the Cumulative Impact Policy (CIP) within the Statement of Licensing Policy 2021 to 2026.

2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **APPROVE** the Cumulative Impact Assessment and **RECOMMEND** that:

(1) They approve the CIA and that the CIP within the Statement of Licensing Policy 2021 to 2026 is adopted by Council.

- 2.2 Council is asked to **RESOLVE**:

(1) To adopt the Cumulative Impact Policy within the Licensing Policy Statement 2021-2026 – Licensing Act 2003 as set out in Appendix 2.

3.0 Background and Key Issues

- 3.1 Gloucester City Council has included a special policy of Cumulative Impact within its Statement of Licensing Policy since 2005. This was introduced following evidence provided by Gloucestershire Constabulary which 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.
- 3.2 Cumulative impact is the potential impact that a significant number of licensed premises concentrated in one area, can have on the promotion of the licensing objectives.
- 3.3 In 2015 the special policy of Cumulative Impact was reviewed as part of the Statement of Licensing Policy review, which was undertaken in accordance with the requirements of the Act. At that time Licensing and Enforcement Committee took the decision to continue to include the special policy of Cumulative Impact within its Statement of Licensing Policy.
- 3.4 The revised Cumulative Impact Policy was then included in the Council's published Statement of Licensing Policy 2016 to 2021.
- 3.5 In April 2018 the Police 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), stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the Assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
- 3.6 Following the introduction of Section 5A of the Act in 2018, and in accordance with the Section 182 Statutory Guidance the Council was required to review its Cumulative Impact Policy (CIP).
- 3.7 On 8 December 2020, the Licensing and Enforcement Committee approved for the purpose of consultation a draft CIA.
- 3.8 As part of this approval Members considered a formal submission from Gloucestershire Constabulary in which they provided a statistical analysis of crime and disorder around Eastgate Street, which they felt provided suitable evidence to support the continued inclusion of the Special Policy. This information was included and formed the draft CIA.
- 3.9 Having considered the above, Members noted that the evidence supported the need to continue to have a Cumulative Impact Policy in place.

4.0 Consultation

- 4.1 Consultation on the draft CIA took place with all relevant parties including:

- The Chief Officer of Gloucestershire Constabulary
- Gloucestershire Fire and Rescue Services
- Gloucestershire County Council (Public Health)
- All other responsible authorities identified under the Act
- Relevant Trade Associations
- The general public

4.2 The consultation was also made available for comment via the Council's website. The consultation exercise commenced on 17 December 2020 and concluded on 11 February 2021.

4.3 During the consultation period no responses were received by the Council.

5.0 Social Value Considerations

5.1 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.

5.2 Retaining an element of cumulative impact within the policy shows that members recognise the social harms that excessive alcohol consumption can create whilst allowing those businesses regulated by the 2003 Act to behave in a responsible manner, creating the kind of thriving night time economy that a growing university City like Gloucester needs to aspire to. It is hoped that the model proposed will, in the longer term, support a more diverse night time offering that will be to the benefit of all Gloucester City residents.

6.0 Environmental Implications

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

7.0 Alternative Options Considered

7.1 The following alternative options are available for Member consideration

(a) Removal of the requirement for a Cumulative Impact Policy

(b) Maintain the existing Cumulative Impact Policy and the area to which Cumulative Impact provisions apply.

7.2 When considering the above options Members should note that the findings of the draft CIA suggest that there is strong evidence to support the continuation of a CIP. This is in line with the findings of the draft CIA which was approved by Members during the December 2020 Licensing and Enforcement Committee meeting.

7.3 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.

8.0 Reasons for Recommendations

- 8.1 Members having noted the change in legislation affecting the Council's special policy on Cumulative Impact through the Policing and Crime Act 2017 and the request from Gloucestershire Constabulary with the evidence base as set out within the draft CIA is to continue with the Cumulative Impact Policy within the Statement of Licensing Policy 2021 – 2026.
- 8.2 The preferred option acknowledges that full Council has constitutional responsibility for approving amendments to the council's Statement of Licensing Policy.

9.0 Future Work and Conclusions

- 9.1 The next review of the Cumulative Impact Policy is scheduled for 2024.

10.0 Financial Implications

- 10.1 The recommendations have no impact on the Council's budgets
(Financial Services have been consulted in the preparation this report.)

11.0 Legal Implications

- 11.1 Section 17(1) of the Crime and Disorder Act 1998 states that, without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,
- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
 - (b) the misuse of drugs, alcohol and other substances in its area; and
 - (c) re-offending in its area.
- 11.2 Under the new provisions introduced in 2018 within the Licensing Act 2003 under Section 5A, licensing Authorities are required to review existing statement of Licensing Policy, which include special policies of Cumulative Impact.
- 11.3 If it is decided that there is still a requirement for a special policy of Cumulative Impact within Eastgate Street, the Council must undertake the necessary steps to publish a Cumulative Impact Assessment.

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

12.0 Risk & Opportunity Management Implications

- 12.1 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.

13.0 People Impact Assessment (PIA):

13.1 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 be conducted to consider any feedback from the consultation.

14.0 Other Corporate Implications

Community Safety

14.1 None

Sustainability

14.2 None

Staffing & Trade Union

14.3 None

Background Documents:

Licensing Act 2003

Guidance issued under S182 of the Licensing Act 2003.