

LICENSING AND SAFETY COMMITTEE

9 FEBRUARY 2021

CUMULATIVE IMPACT ASSESSMENT

Report from: Perry Holmes, Chief Legal Officer

Author: Franco De Fazio, Senior Licensing Officer

Summary

To present Members with the proposed consultation methodology in respect of the three-yearly review of the Cumulative Impact Assessment.

1. Budget and policy framework

1.1 The Licensing and Safety Committee's terms of reference include functions relating to licensing as set out in the Licensing Act 2003.

2. Background

2.1 The Cumulative Impact Policy forms part of the Licensing Act 2003 Statement of Licensing Policy. The Cumulative Impact Policy was introduced in 2018 following evidence of unacceptably high rates of anti-social behaviour, assaults, criminal damage, public order and sexual offences, arrests, alcohol related hospital admissions and ambulance callouts in specific areas, provided by Public Health and the Community Safety Unit in the form of a Cumulative Impact Assessment. The Cumulative Impact Policy sets down a clear and transparent guide to how the Licensing Authority determines licensing applications made by premises situated in Cumulative Impact and Stress Areas in the Medway Towns. It also gives a guide to the applicants as to what is expected from them in their application submissions.

2.2 The Cumulative Impact Policy balances the needs of local businesses and the local community, whilst trying to protect individuals from the alcohol related harms identified in these areas.

2.3 The existence of the policy has proved to be an effective tool for achieving this balance by introducing consistency in the decision making process, raising awareness of the alcohol related harms in these areas, engaging with applicants and in promoting the licensing objectives.

2.4 Whilst the Cumulative Impact Policy itself is valid for 5 years in line with the Statement of Licensing Policy the evidential justification that gave rise to the existence of the Policy must be reviewed every three years. This evidential platform is called the **Cumulative Impact Assessment** and is due to expire on 30 April 2021.

3. Cumulative Impact Assessment

3.1 The duty on the licensing authority is to determine whether it remains of the view that the number of premises licences and/or club premises certificates in one or more parts of the area are such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives, or not.

3.2 In order to reach that decision, the licensing authority must consult with the statutory consultees set out in S5(3) of the Licensing Act 2003.

3.3 Permission is therefore sought from the Committee for officers to carry out the requisite consultation, as detailed in section 4 (below), and in doing so ask whether the consultees are of the opinion set out in 3.1 or not, and that they provide evidence to support their opinion.

4. Consultation

4.1 It is proposed to consult with the following:

- Kent Police
- Kent Fire and Rescue Service
- Medway Council's Director of Public Health
- 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
- Persons/Bodies representative of businesses and residents in the area

4.2 A consultation of four weeks is proposed. Methods of consultation will be via the Council's website and by direct email and mail shots.

5. Post-consultation

5.1 All incoming responses to the consultation will be collated and put before the Licensing and Safety Committee when it meets on 8 April 2021 for further, post-consultation consideration.

5.2 At that meeting the Committee will be asked to consider whether it remains of the view that the number of premises licences and/or club premises certificates in one or more part of the area are such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives, or not, having had regard to the consultation outcomes.

6. Financial implications

- 6.1 The cost of consultation will be met from within existing budgets.
- 6.2 The Cumulative Impact Assessment consultation process is not envisaged to place any new financial pressures on the Council.

7. Legal implications

- 7.1 There is no legal requirement for a Cumulative Impact Assessment and associated Cumulative Impact Policy.

8. Recommendation

- 8.1 That Members agree for officers to proceed with the proposed consultation methodology.

Lead officer contact:

Franco De Fazio - Senior Licensing Officer (Gravesham and Medway Shared Licensing Service)

Email: franco.defazio@gravesham.gov.uk

Appendices:

None

Background papers:

None