

Licensing and Safety Committee

12 December 2023

Review of Cumulative Impact Assessment

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Summary

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

1. Recommendations

- 1.1. Members to note the consultation process and instruct officers to proceed with the same.

2. Budget and policy framework

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

3. Background

- 3.1. The Cumulative Impact Assessment is used alongside the Statement of Licensing Policy to set down a clear and transparent guide of how the Licensing Authority determines licensing applications in respect of premises situated in Cumulative Impact and Stress areas in the Medway towns.
- 3.2. The assessment was first published 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.
- 3.3. The existence of the assessment has proved to be an effective tool for achieving a balance between the needs of the local businesses and the local community, whilst trying to protect individuals from the alcohol related harms identified in these areas.

- 3.4. The assessment has introduced consistency in the decision-making process, raising awareness of the alcohol harms in these areas, engaging with applicants and in promoting the licensing objectives.
- 3.5. The Cumulative Impact Assessment must be reviewed every three years. The current assessment is due to expire on 30 April 2024.

4. Cumulative Impact Assessment Review

- 4.1. 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, being:
 - 4.1.1. the prevention of crime and disorder
 - 4.1.2. public safety
 - 4.1.3. the prevention of public nuisance
 - 4.1.4. the protection of children from harm
- 4.2. To reach that decision, the licensing authority must consult with the statutory consultees set out in Section 5(3) of the Licensing Act 2003.

5. Consultation

- 5.1. It is therefore proposed to consult with the following:
 - 5.1.1. Kent Police
 - 5.1.2. Kent Fire and Rescue Service
 - 5.1.3. Medway Council's Director of Public Health
 - 5.1.4. Persons/Bodies representative of local premises licence holders, including all current premises licence holders, the Kent Licensed Victuallers Association, British Beer and Pub Association
 - 5.1.5. Persons/Bodies representative of local club premises certificate holders, including all current Club Premises Certificate holders.
 - 5.1.6. Persons/Bodies representative of local personal licence holders, including the British Institute of Innkeeping
 - 5.1.7. Persons/Bodies representative of businesses and residents in the area, including Medway Councillors, Parish Councils and the Community Safety Team.
- 5.2. A four-week consultation period is proposed, commencing no later than 8 January 2024. Methods of consultation shall be via the website and by email and mail shots.
- 5.3. The Assistant Licensing Manager, in conjunction with other officers of the Licensing Authority, will conduct an evaluation of each response and any evidence provided, give a recommendation as to whether to amend the assessment and if so, to what extent.

- 5.4. The over-arching options available to Members upon consideration of the consultation responses and evidence will be:
 - 5.4.1. To determine that the evidence shows a Cumulative Impact Assessment is no longer necessary and publish a statement to this effect.
 - 5.4.2. To keep the Cumulative Impact Assessment as it is and republish it for a further three years.
 - 5.4.3. To publish a new Cumulative Impact Assessment with amendments/changes for a further three years
- 5.5. All responses and the recommendations will be brought to the Licensing and Safety Committee when it meets on 19 March 2024 for post consultation consideration.
- 5.6. The recommendations of the Licensing and Safety Committee will then be presented to Full Council for determination at their meeting on 9 April 2024.
6. Financial implications
 - 6.1. The cost of consultation will be met from within existing budgets.
7. Legal implications
 - 7.1. There is no legal requirement for a Cumulative Impact Policy, but an Assessment must be carried out to support the need for one to be enforced.

Lead officer contact

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Appendices

Appendix 1 – Cumulative Impact Policy 2021 to 2024

Background papers

None