

Council

18 April 2024

Cumulative Impact Assessment

Portfolio Holder: Councillor Tristan Osborne, Portfolio Holder for Community Safety and Enforcement

Report from: Bhupinder Gill, Assistant Director, Legal and Governance

Author: Emily Lane-Blackwell, Assistant Licensing Manager

Summary

This report requests that the Council approves the Cumulative Impact Assessment 2024 to 2027, following consideration by the Licensing and Safety Committee on 19 March 2024 and by the Cabinet on 9 April 2024, details of which are set out in sections 6 and 7 of this report.

1. Recommendation

1.1. The Council is requested to approve the Cumulative Impact Assessment 2024 to 2027, as set out in Appendix E to the report.

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.

2.2. The Licensing and Safety Committee's terms of reference state that the committee will make recommendations to Council for approval of the Statement of Licensing Policy. The Cumulative Impact Policy forms part of the Council's Statement of Licensing Policy.

3. Background

3.1. A Cumulative Impact Assessment must set out the evidence for the authority's opinion. Provisions under s5(A) cover the consultation requirements and additional requirements including:

3.1.1. The need to give reasons for the Cumulative Impact Assessment,

- 3.1.2. The need to indicate the areas to which the Cumulative Impact Assessment will apply and
 - 3.1.3. The need to state which authorisations the Cumulative Impact Assessment relate to.
- 3.2. A Cumulative Impact Assessment may relate to all relevant authorisations or only to relevant authorisations of a kind described in the assessment.
- 3.3. “Relevant authorisations” means:
 - 3.3.1. Premises Licence
 - 3.3.2. Club Premises Certificate
- 3.4. The current Cumulative Impact Assessment was approved by Full Council on 22 April 2021.
- 3.5. A Cumulative Impact Assessment must be reviewed every three years, which means that the current Assessment expires on 30 April 2024.
- 3.6. A copy of the current Cumulative Impact Assessment can be found at **Appendix A**.

4. Cumulative Impact Assessment

- 4.1. At the meeting held on 12 December 2023, the Licensing and Safety Committee noted the proposed consultation process as outlined in the report and instructed the Assistant Licensing Manager to proceed with the same.

5. Consultation

- 5.1. The consultation commenced on 8 January 2024 and ran for four weeks until 5 February 2024 in accordance with the methodology previously outlined to the Licensing and Safety Committee.
- 5.2. We received comments from 2 Councillors, 3 members of public and 3 licensed premises during the consultation period.
- 5.3. We also received comments from 3 Responsible Authorities. Medway Safeguarding Children Partnership, Public Health and Kent Police.
- 5.4. The comments from those mentioned in 5.2 and the Medway Safeguarding Children Partnership can be found at **Appendix B**.
- 5.5. Kent Police submitted their response on 31 January 2024. Their recommendations are as follows:

With regards to the following CIP areas, Kent Police request the following are considered for these areas:

- Area 1 - Chatham High Street – Remain but with amendments.

Extend CIP area to include area from Sun Pier to Riverside gardens, along Medway Street to the river front.

- Area 2 - Gillingham High Street – Remain as is.
- Area 3 - Luton Road and Chatham central – Remain as is.
Kent Police request that these three areas remain subject to a CIP in relation to off sale premises only.
- Area 4 – Rochester High Street – Remain but with amendments –
The temporal evidence in relation to crime & anti-social behaviour shows this occurs throughout the week and across the day, from late morning to late evening, which Kent police believe are linked to licensed premises, in the majority of cases. With regards to Rochester High Street and the surrounding area as defined in the Cumulative Impact Area, Kent Police request that there is consideration for amendment of the assessment for Rochester to include premises licence applications for on licences, however not to the same standard as to what off licences are, but on licence applications should be considered to ensure that applicants are taking into account the Cumulative Impact Assessment within their operating schedule.

- 5.6. The full response from Kent Police, with their supporting evidence can be found at **Appendix C**.
- 5.7. Public Health submitted their response on 1 February 2024.
- 5.8. The Director of Public Health believes there is sufficient evidence to continue the Cumulative Impact Policy in the current four areas, but with the following amendments:
 - Area 1 - Chatham High Street amendment
The addition of the area north of Chatham bus station (as shown in shaded red on the map) to the Chatham Cumulative Impact area was considered by the Licensing Committee. This was excluded when the original areas were drawn up as it was a car park. With the extensive building work being carried out in this area and the potential for retail property such as shops, the addition of this area will ensure the requirement is consistent across all of Chatham High Street.
 - Area 4 Rochester High Street amendment
Currently the assessment for Rochester High Street only covers applications and variations for off licensed premises. The Director asked the Licensing Committee to consider extending the assessment in Rochester to include those applications and variations with an 'on licence' element, as it did prior to the last review in 2021.
- 5.9. The full response from Public Health, with their supporting evidence can be found at **Appendix D**.
- 5.10. A summary of the comments from Kent Police and Public Health for each area can be found below.

- 5.10.1. Chatham High Street – To remain for premises with off sales of alcohol only. To extend the area to include Sun Pier to Riverside Gardens, along Medway Street to the river front.
- 5.10.2. Gillingham High Street – No proposed changes, area to remain the same and for premises with off sales of alcohol only.
- 5.10.3. Luton Road and Chatham central – No proposed changes, area to remain the same and for premises with off sales of alcohol only.
- 5.10.4. Rochester High Street – To remain for premises with off sales of alcohol, but to include premises with on sales of alcohol. Area to remain the same.
- 5.11. Within Appendix C, Kent Police make reference to the Stress Areas that are mentioned in the current assessment:
 - 5.11.1. Strood Town Centre.
 - 5.11.2. Chatham High Street and New Road.
 - 5.11.3. Gillingham South.
- 5.12. The Police support the continuance of these stress areas.
- 5.13. The Assistant Licensing Manager has drafted an assessment which takes into account all the evidence provided through the consultation period. This assessment is written as if all the above recommendations are accepted. This can be found at **Appendix E**.

6. Licensing and Safety Committee

- 6.1. On 19 March 2024, the Licensing and Safety Committee considered the draft Cumulative Impact Assessment.
- 6.2. The Committee determined that it was still of the opinion that the evidence in the assessment showed that it would be inconsistent with the licensing objectives to grant applications for premises licenses that have specified categories in the areas identified. Following such a finding, subject to the agreement of Cabinet and Full Council, the Cumulative Impact Assessment and the Statement of Licensing Policy must be revised to include a statement to that effect and set out the evidence as to why it remains of that opinion.
- 6.3. The Committee considered the evidence contained within this report and the appendices and determined that it was of the opinion that the Stress areas should continue.

7. Cabinet

- 7.1. The Cabinet considered the report on 9 April 2024 and its decision is set out below:
- 7.2. The Cabinet recommended to Full Council approval of the Cumulative Impact Assessment 2024 to 2027.

8. Financial implications

- 8.1. The cost of consultation was met from within existing budgets.

9. Legal implications

- 9.1. 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.
- 9.2. The Licensing Act 2003 requires the Cumulative Impact Assessment review to be carried out every three years and for the result of the review to be confirmed by publishing a statement setting out the conclusions. The Authority must have a Statement of Licencing Policy which can, where appropriate, include a Cumulative Impact Policy. Decisions of the Licensing Authority must be made in line with these documents.

Lead officer contact:

Emily Lane-Blackwell, Assistant Licensing Manager
emily.lane-blackwell@gravesham.gov.uk

Appendices

Appendix A – Cumulative Impact Policy 2021 to 2024.

Appendix B – Responses to consultation

Appendix C – Kent Police comments and supporting evidence.

Appendix D – Public Health comments and supporting evidence.

Appendix E – Draft Cumulative Impact Assessment 2024 to 2027

Background papers

None