

Licensing and Safety Committee

6 August 2026

Cumulative Impact Assessment - Medway

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Summary

This report provides an overview of the current Cumulative Impact Assessment (CIA) in Medway, including its purpose, operation, and relevance within the licensing framework.

The report seeks approval from Members to undertake a consultation on the future of the current CIA, reviewing cumulative impact more broadly and consider how it is best reflected and integrated within the Council's Statement of Licensing Policy.

1. Recommendation

- 1.1. The Committee is recommended to approve the commencement of a public consultation on the future of the Cumulative Impact Assessment (CIA) for Medway. This consultation will enable stakeholders, residents, and responsible authorities to provide their views on whether the CIA remains necessary and to comment on proposed alternative strategies.

2. Budget and policy framework

- 2.1. This report has no budgetary implication. Under the Licensing Act 2003, Medway Council publish a Statement of Licensing Policy every 5 years, setting out how they will exercise their licensing functions. It ensures decisions on licences are consistent, transparent, and promote the statutory licensing objectives. A Cumulative Impact Assessment sits alongside the Statement of Licensing Policy and is adopted where evidence shows that the number or density of licensed premises is undermining the licensing objectives.

3. Background

- 3.1. At the meeting of the Medway Licensing and Safety Committee held on the 19th March 2024, the Committee were presented with a report following

consultation on the existing Cumulative Impact Assessment 2021-2024 which was due for renewal. The Committee was asked to consider whether there was enough evidence collected within that consultation to renew the Cumulative Impact Assessment for another term of 3 years. The Committee remained of the opinion that there was, and recommended renewal of a Cumulative Impact Assessment (CIA) for 2024-2027, subject to Cabinet and Full Council approval. Cabinet subsequently considered the matter at their meeting of 9th April and recommended approval of the CIA by Full Council, which was given at their meeting on 18th April 2024.

- 3.2. In 2027 the CIA will be due for renewal again and the process of consultation must therefore commence no later than the end of 2026, therefore Members are asked to consider whether to renew the CIA for a third term or not.
- 3.3. The Licensing Team have requested initial comments from the Police and Public Health Team in order to gain their views on the renewal of the CIA. Their responses are included at Appendix A.

4. Cumulative Impact Assessment in Practice

- 4.1. In some cases, application of the CIA has helped to limit the prevalence of premises in identified areas, however it has also been seen to create conflicting views resulting in appeals to Magistrates' Court from both applicants and Responsible Authorities.
- 4.2. The application of the CIA has also resulted in well-known retail businesses being refused licences in CIA areas, whilst other retailers have been able to obtain a licence metres outside of a CIA area, since the policy ceases to take effect outside of the specific designated area(s). This in itself can be seen to be a weakness with CIA regime, whereby businesses which might contribute positively to, and be welcomed by, the local community are unable to gain a licence/operate, whilst others which might not be as desirable to the local community are able to obtain a licence and operate in the immediate vicinity.
- 4.3. The above observations have been outlined for transparency. They need not mean that the existence and correct application of CIAs cannot positively contribute to the mitigation of cumulative impact, but may indicate that an alternative such as integration of requirements and expectations within the Statement of Licensing Policy, could be more practical.

5. Recent Developments

- 5.1. The guidance issued by the Home Office in relation to Section 182 of the Licensing Act 2003 has been updated since the last Policy was adopted. The guidance is now clearer in relation to the consideration of local economic growth when developing policy and making licensing decisions.
- 5.2. According to the Home Office guidance, a CIA is a "strong statement of intent" about an authority's approach to licence applications. A CIA will explain that it is *likely* that granting further premises and/or club premises certificates in an

area would be inconsistent with an authority's duty to promote the licensing objectives. But the publication of a CIA does not change the way that licensing decisions are made. Applications for new licences or variations to existing licences must still be considered on an individual basis.

- 5.3. Due to the additional administrative work involved in having a separate CIA policy, some local authorities have chosen to move away from the more traditional Cumulative Impact Assessment Policy and have created a more integrated approach. One of the ways that local authorities have chosen to consider applications that fall within areas identified under the CIA is using a matrix system within the existing Statement of Licensing Policy.
- 5.4. Although this means that applications falling in those areas are not subject to a blanket presumption of refusal, all applications within an identified CIA zone or area will instead be scrutinised against the Matrix Approach, meaning that applications which do not comply with the Matrix are likely to be refused (and the Licensing Authority acting as a responsible authority will generally make relevant representations objecting to the grant of a licence in these circumstances).
- 5.5. Example Matrix System (Brighton and Hove Council)

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relate to licensable activities)

Type of venue	City Safety Area	Special Stress Area	Other areas
Food and dining venues	1am	1am	1am
Fast food premises	No	Midnight (deliveries until 2am)	Midnight (deliveries until 2am)
Cafe	10pm	10pm	10pm
Performance venues	Midnight	Midnight	Midnight
Grassroots music venues	Midnight	1am	1am
Nightclubs	No	No	No
Public houses and bars	No	Midnight	Midnight
Non-alcohol led venues	Midnight	Midnight	Midnight
Off licences	No	No	Yes (up to 11pm - see note f below)
Shared workplaces, co-working offices	Midnight	Midnight	Midnight
Members' clubs	11pm	Midnight	Midnight

- 5.6. It has also been seen, especially following the pandemic, that a number of LAs have chosen not to renew their CIAs as part of measures to support local business development and economic growth, and as the statutory guidance issued under S182 of the Licensing Act 2003 confirms that objections to licence applications can still be made on grounds of cumulative impact in the absence of a CIA (or alternative integrated policy).
- 5.7. Following the announcement of Local Government Reorganisation (LGR), Medway Council, Gravesham Borough Council and Dartford Borough Council are expected to come together to form a new unitary authority. The transition to the new authority will result in significant changes to local governance arrangements and the delivery of regulatory services. Whilst detailed implementation arrangements are still being developed, it is recognised that the three existing authorities currently operate different approaches to licensing policy and evidence gathering. In particular, Medway currently operates Cumulative Impact Assessments, whereas this has not formed part of the licensing framework in the same way within Gravesham and Dartford. Consideration will therefore need to be given to how these differing approaches are aligned within the new authority area.
- 5.8. As part of the LGR transition process, there will be an expectation that key regulatory policies, including licensing policies, are reviewed and harmonised across the new authority area. It is therefore possible that any decision taken regarding the future of Medway's CIA may need to be revisited as part of a wider policy harmonisation exercise and therefore prudent to proactively seek alignment on such policy matters proactively.
- 5.9. Options: retaining the current CIA or integrating cumulative impact into the Statement of Licensing Policy using a matrix approach

Option	Positive	Negative
A. Continue with the current Cumulative Impact Assessment	• Maintains a clear, established policy position for areas where evidence indicates that the number or density of licensed premises may undermine the licensing objectives. • Provides a strong statement of intent and a clear framework for applicants, residents, Responsible Authorities and Members. • May support the Council in resisting	• Requires robust, current and area-specific evidence to justify renewal and continued application. • Creates additional administrative work because the CIA must be reviewed, consulted on and published separately at least every three years, which does not align with the Statement of Licensing Policy renewal period • Can be perceived as restrictive or disproportionate,

	applications that are likely to add to cumulative impact, where relevant representations are received. Retains a familiar approach that has already been consulted on and applied locally.	particularly where responsible operators or community-beneficial businesses are affected. - May create boundary issues where applications just outside the CIA area are not subject to the same policy approach. - May increase appeal or legal challenge risk if decisions rely on evidence that is no longer sufficiently up to date.
B. Integrate cumulative impact into the Statement of Licensing Policy using a matrix approach	- Places cumulative impact considerations within the wider five-year Statement of Licensing Policy, creating a more integrated and accessible policy framework. - Allows the Council to identify different expectations for different types of premises, hours and locations, rather than applying a broad presumption across all applications in a defined area. - Supports a more nuanced, proportionate and case-by-case assessment while still enabling Responsible Authorities to object where applications do not meet policy expectations. - May better reflect local economic growth considerations and support appropriate,	- May be perceived as a weakening of the current CIA approach if not clearly explained through consultation. - Requires careful drafting so that the matrix is transparent, evidence-led and capable of consistent application. - May provide less immediate clarity than a defined CIA unless the matrix, maps and expectations are easy to understand. - Responsible Authorities may need to adapt their representation processes to align with the matrix criteria. - Could still be challenged if the evidence base, consultation process or policy wording is insufficiently robust.

	well-managed businesses. • Reduces reliance on a separate CIA document while retaining policy tools to address cumulative impact concerns.	
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6. Climate change implications

6.1. There are no climate change implications.

7. Financial implications

7.1. The cost of any consultation would be met from within existing budgets.

8. Legal implications

8.1. If the Cumulative Impact Assessment (CIA) remains in place without robust and up-to-date evidence to justify its continuation, the Council may be exposed to an increased risk of legal challenge. Recent cases have demonstrated that where CIAs are not adequately supported, decisions relying on them can be successfully appealed, resulting in determinations being overturned and, in some instances, costs being awarded against the authority. Maintaining the CIA in such circumstances could therefore undermine the Council's position and financial standing.

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Appendices

Appendix A – Initial responses from Public Health and Kent Police

Background Documents

None