

Licensing and Safety Committee

28 October 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 as a standalone policy, reviewing cumulative impact more broadly and consider how it could be 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 consider whether alternative strategies could be adopted.

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 19 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 9 April and recommended approval of the CIA by Full Council, which was given at their meeting on 18 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. At the meeting of the Licensing and Safety Committee on the 6 August 2026, approval was sought to undertake a consultation on the future of the CIA. The Committee agreed to defer consideration of the report, and that the report would be brought back to a future meeting of the Committee with additional information on timescales, engagement with consultees and the implications of the forthcoming Local Government Reorganisation.

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. While the CIA is one mechanism to address the physical and societal harms caused by excessive alcohol consumption it has limitations and there are likely to be other mechanisms that can achieve the same or improved outcomes. These options can be explored as part of any consultation. The intention is not to remove the ambitions of the CIA but to review whether a separate standalone policy in its current form is necessary.
- 5.4. 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.
- 5.5. 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 could instead be scrutinised against a 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). Considerable work would need to be undertaken in order to create a CIA Matrix that would be applied to Medway, possibly integrating this with other alternative methods for assessing impact of both the night time economy and retail sales.

5.6. Example of a 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

- 5.7. It has been seen, especially following the pandemic, that some LAs (Brighton and Hove, Newham) 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).
- 5.8. Any integrated approach to addressing cumulative impact will acknowledge the different roles of Public Health, Licensing, planning and others within local government, there are significant overlapping priorities that necessitate a collaborative approach. It is therefore important that these teams are working to a common purpose when considering alternative methods.
- 5.9. Any review of the CIA should be undertaken within the context of other work to improve the economy, environment and health of Medway. This includes initiatives such as Clear, Hold, Build; Marmot Place; Rough Sleeping Initiative; Neighbourhood Health model to support those facing severe and multiple disadvantage; the Medway Combatting Drugs Partnership; and substance misuse treatment support.

6. Options

- 6.1. Options: retaining the current CIA or integrating cumulative impact into the Statement of Licensing Policy using an alternative 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 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.	• 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, 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 an alternative 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	• 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.

	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, well-managed businesses. • Reduces reliance on a separate CIA document while retaining policy tools to address cumulative impact concerns.	• 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.
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7. Timescales

- 7.1. A consultation period of 28 days, commencing no later than Friday 8 January 2027 is proposed. Methods of consultation shall be via the website and by email and mail distribution lists. The Licensing Act 2003 does not set a statutory time period for consultations.
- 7.2. All responses and the recommendations will be brought to the Licensing and Safety Committee when it meets on 17 March 2027 for post consultation consideration.
- 7.3. The 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.
- 7.4. The over-arching options available to Members upon consideration of the consultation responses will be:

- To determine that the evidence shows a standalone Cumulative Impact Assessment is no longer necessary and publish a statement to this effect acknowledging that an alternative approach to CIA will be taken within the Statement of Licensing Policy.
- To keep the standalone Cumulative Impact Assessment as it is and republish it for a further three years.
- To publish a new Cumulative Impact Assessment with amendments/changes for a further three years

7.5. Following the recommendations of Licensing and Safety Committee, the report will be required to go through Business Support and Digital Overview and Scrutiny Committee on 24 March 2027 and then Cabinet on the 6 April 2027.

7.6. The recommendations of the Licensing and Safety Committee and Cabinet will then be presented to Full Council for determination at their meeting on 22 April 2027.

8. Risk Management

8.1 This section identifies any significant risks associated with the project.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Low response to consultation	Too few responses may limit the evidence available.	Publicise widely and contact key groups directly.	B3
Decision based on weak evidence	The final approach may be challenged if evidence is not current.	Review current data, consultation responses and legal advice.	C2
Delay to the review	Delay could affect approval before the current assessment expires.	Monitor the timetable and raise delays early.	C2

9. Consultation

9.1. The Council has a statutory duty to consult when reviewing whether its Cumulative Impact Assessment should remain in place. Under sections 5A(7) and 5A(8) of the Licensing Act 2003, a licensing authority must review its assessment before the end of each three-year period and, before deciding

whether it remains of the opinion stated in the assessment, must consult the persons specified in section 5(3). This consultation is necessary to ensure that the decision is informed by current local evidence and the views of statutory partners, licence holders, businesses and residents, so that any retained, revised or withdrawn approach is transparent, proportionate and capable of supporting the licensing objectives.

9.2. The consultation will be publicised through a range of communication methods, including the Medway Council website, direct email distribution and postal correspondence where appropriate. The consultation materials will clearly set out the proposals and explain how responses may be submitted, ensuring that members of the public and other consultees are able to view and access the information and provide comments during the consultation period.

9.3. In accordance with the prescribed consultation requirements set out within the Licensing Act 2003. The Licensing Authority will 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, including all current premises licence holders, the Kent Licensed Victuallers Association, British Beer and Pub Association
- Persons/Bodies representative of local club premises certificate holders, including all current Club Premises Certificate holders.
- Persons/Bodies representative of local personal licence holders, including the British Institute of Innkeeping
- Persons/Bodies representative of businesses and residents in the area, including Medway Councillors, Parish Councils and the Community Safety Team.

10. Local Government Reorganisation

10.1. Following the announcement of the pause on 7 September 2026, officers will monitor the ongoing situation and will consider any relevant impacts as they arise.

11. Climate change implications

11.1. There are no climate change implications.

12. Financial implications

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

13. Legal implications

- 13.1. 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

None

Background Papers

None