

LICENSING COMMITTEE	AGENDA ITEM No. 4
20 NOVEMBER 2023	PUBLIC REPORT

Report of:	Adrian Chapman – Executive Director Place and Economy	
Cabinet Member(s) responsible:	Councillor Gavin Eley – Infrastructure, Environment and Climate Change	
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LICENSING ACT 2003 – CUMULATIVE IMPACT POLICY (CIP) AND CUMULATIVE IMPACT ASSESSMENT (CIA) - REVIEW, CONSULTATION AND RESPONSES

RECOMMENDATIONS	
FROM: Jacqui Harvey - Head of Operations Environmental Health, Licensing & Trading Standards	Deadline date: 6 December 2023
<p>It is recommended that the Licensing Committee:</p> <ol style="list-style-type: none"> 1. Note the contents of the report and consultation responses as detailed in section 7 and Officers comments as detailed in section 8. 2. Make recommendation to Full Council to retain the CIP in its current format in relation to applications affected (those requesting 'Off sales') and boundary, update and republish the CIA with the current evidence obtained during the consultation. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Licensing Committee following a consultation carried out between 7th September 2023 to 18th October 2023, on the council's Cumulative Impact Policy (CIP) and Cumulative Impact Assessment (CIA) and consideration of the responses received.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide members with details of the consultation, including responses and evidence received. Members are requested to note and consider the contents of the report and give due consideration to the responses and evidence received following the public consultation.
- 2.2 This report is for the Licensing Committee to consider under its Terms of Reference No. 2.5.2.7, whereby the licensing committee recommend its decision to full council for formal adoption under its Terms of Reference 1.1.4(e)

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	YES	If yes, date for Cabinet meeting	N/A
Date for relevant Council meeting	06 December 2023	Date for submission to Government Dept. <i>(Please specify which Government Dept.)</i>	N/A

4. BACKGROUND AND KEY ISSUES

- 4.1 Under Section 5 of the Licensing Act 2003 (The Act), it is a requirement for each council to produce, adopt and publish a Statement of Licensing Policy. The policy governs the way decisions are made by the council and how it will administer its duties under the Act. The Cumulative Impact Policy (CIP) forms Section 12 of the overarching Statement of Licensing Policy.
- 4.2 The Cumulative Impact Policy (CIP) was originally adopted in 2013, as the saturation of licensed premises in the area known as Op-Can-Do in Millfield and New England, was having a negative impact on the licensing objectives. The CIP applied to all new applications and variations of premises licenses within the boundary.
- 4.3 The policy was subject to review, consultation and readoption in 2015, as the evidence and responses received revealed that the saturation of licensed premises continued to negatively impact on the licensing objectives.
- 4.4 Up to that point, cumulative impact was only ever described in section 182 guidance, however, from 6 April 2018, cumulative impact was incorporated within section 5A of the Licensing Act 2003, following commencement of Section 141 of the Policing and Crime Act 2017. This put Cumulative Impact Policies on a statutory footing, and required authorities to set out the evidence as to why the authority is of the opinion that a CIP is required for those types of premises and that defined boundary area, in the form of a Cumulative Impact Assessment (CIA). It also required CIP's to be subject to a review and consultation every 3 years.
- 4.5 A review and consultation were carried out in 2018 and it was determined that the CIP should be retained, and a CIA was published.
- 4.6 In 2020 a further review and consultation were carried out. The responses and evidence received resulted in a modification to the CIP, as the identified problems related to premises with 'Off Sale' provision. A revised CIA was published evidencing why the licensing authority considered that the number of premises licenses and/or club premises certificates offering 'Off sales' of alcohol within the defined boundary was such, that it was likely, that the granting of further licenses of this type, would be inconsistent with the authority's duty to promote the licensing objectives. This current CIP took effect on 07/01/21, it is therefore due for review and consultation in 2023.
- 4.7 **General Background – Number of licenses**

Overall Licensed Premises in Peterborough (approximate):				
Licensed premises type	2015	2018	2020	2023*
Alcohol Consumption on	97	83	86	82
Alcohol Consumption off	183	195	196	208
Alcohol Consumption on and off	199	194	186	177
No alcohol sold **	136	99	50	50
Total	615	571	518	517

Licensed premises within the cumulative impact defined boundary (approximate):				
Licensed premises type	2015	2018	2020	2023*
Alcohol Consumption on	12	14	18	18
Alcohol Consumption off	29	35	30	29
Alcohol Consumption on and off	16	24	19	18
No alcohol sold **	16	27	18	19
Total	73	100	85	84

*2023 figures as of 3 August 2023

** Premises licensed where no alcohol is sold, are mostly licensed for late-night refreshment only, with a few premises licensed for regulated entertainment only.

4.8 A summary of relevant applications in the cumulative impact defined boundary between 26 October 2020 (when the last report was provided) to 3 August 2023 when the data was collated is attached at **Appendix A**

The applications breakdown as follows:

- Five applications were rejected for failing to advertise in accordance with the regulations. All five re-submitted an application.
- One licence is suspended due to non-payment of annual fee.
- Three licenses have lapsed as the company which held the licence was dissolved.
- Seven licenses have been surrendered.
- Two applications were submitted then withdrawn by the applicant.
- Ten applications were granted under delegated authority, of which:
 - o One authorised Off sales of alcohol.
 - o Four authorised On sales of alcohol.
 - o One authorised On and Off sales of alcohol.
 - o Four had no alcohol.
- Six applications went before the committee for determination, of which:
 - o One new application for Off sales was granted.
 - o Two licenses were revoked following an application to review.
 - o One transfer was refused.
 - o One review, the DPS was removed, and conditions were added to the licence.
 - o One new application for Off sales was refused.

5. CORPORATE PRIORITIES

5.1 The recommendation links to the following Council's Corporate Priorities:

1. The Economy & Inclusive Growth

The Licensing Act 2003 and the Guidance issued under s.182 have a significant impact on the community both in terms of its protection and the furtherance of the provisions of entertainment and economic growth.

- ### 2. Our Places & Communities
- Places and Safety
 - Lives and Work
 - Health and Wellbeing

The CIP aims to restrict applications which are evidenced to negatively impact on the licensing objectives and the everyday life of residents, businesses, and visitors to the defined boundary area, with the aim of creating a healthy and safe environment.

Further information on the Council's Priorities can be found here - [Link to Corporate Strategy and Priorities Webpage](#)

6. CONSULTATION

6.1 The Cumulative Impact Policy consultation was carried out between 7th September 2023 to 18th October 2023, with those identified under Section 5(3) of the Act and specified in paragraph 5.2 of the Statement of Licensing Policy. Those being:

- The Chief Officer of the Police for Cambridgeshire
- The Fire and Rescue Authority
- The Director of Public Health
- Representatives of holders of premises licenses
- Representatives of holders of club premises certificates
- Representatives of holders of personal licenses
- Representatives of businesses and residents

6.2 For information purposes, a list of consultees and website data is attached as **Appendix B**

6.3 The consultation took place over 6 weeks. Emails containing information about the consultation, how to respond, links to further information and a copy of the consultation notice, were sent to all those listed on **Appendix B**, at the start of the consultation period and again towards the end of the consultation period.

6.4 The consultation notice was also made available on the council's website and displayed at Sand Martin House, Town Hall (external public notice board) and Central Library. For information purposes, the consultation notice is attached at **Appendix C**

6.5 A Public notice was placed in the local newspaper on 14th September 2023, a copy is attached at **Appendix D**

7. CONSULTATION RESPONSES

7.1 A total of five responses were received, two from Councillors, two from Responsible Authorities: Public Health, Cambridgeshire Constabulary, and one from Safer Communities.

7.2 The report from Cambridgeshire Police notes that the COVID pandemic and lockdowns between March 2020 and July 2021, will have impacted on the number of recorded crimes and incidents. Across Peterborough alcohol related crime decreased by 18% between April 2019 and March 2023.

It also demonstrates that alcohol related crime in the CIP area did not decline during the Covid period, and the CIP area continues to have a higher concentration of alcohol related crime and incidents. A decline in crime and incidents in the CIP area is noted between April 22 to March 23 and suggests this is due to the positive impact of the CIP and Police / Partnership working initiatives.

The response from Northern Area Commander for Cambridgeshire Police, Superintendent Neil Billany confirms full support of the continuation of the CIP, stating that *'it is both necessary and proportionate to prevent crime, disorder and nuisance, promote public safety and prevent children from harm.'* and that *'The special policy on concentration of premises is seen as a vital tool in preventing further escalation of crime and disorder levels.'* The response from Cambridgeshire Police Northern Area Commander is attached at **Appendix E**

7.3 The Safer Communities response also recommends the continuation of the CIP for the defined boundary, as it is an area prone to suffer the effects of alcohol related anti-social behaviour. They confirm that the Public Spaces Protection Order (PSPO) which covers this area was implemented again in October 2021. This PSPO comprises conditions to tackle quality of life issues, such as

alcohol-related and other forms of anti-social behaviour such as littering, spitting and urination and defecation.

They confirm that the frequency of cleaning for streets and open spaces in the CIA area continues to be significantly higher in comparison to other areas of the city, due to alcohol related litter and anti-social behaviour such as public toileting.

Their response lists alcohol related complaints received from businesses, residents, Ward Councillors and mosque leaders and other factors to consider, such as Public Health and Police statistics. It also details measures being implemented such as Home Office initiatives involving multi-agency partnership working, i.e. 'Safer Streets' and the Police lead operation 'Clear, Hold, Build' to tackle crime and improve community safety.

They also provide details where they have made representations to relevant applications and are concerned that if the CIP is not continued in this area, it could lead to an increase in anti-social behaviour with insufficient Police or Council resources to tackle it. The response from Safer Communities is attached at **Appendix F**

- 7.4 The Director of Public Health also supports the continuation of the CIP for the defined boundary. They refer to a Public Health England review, which states that alcohol is now the leading risk factor for ill health, premature death and disability in people aged between 15 and 49, the fifth leading risk factor for ill-health across all age groups.

Alcohol is known to be a cause of over 200 health conditions and has a number of social negative impacts, including loss of earnings, unemployment, family or relationship problems and problems with the law. Many of these harms effect both the drinker and those around them, including families, friends and strangers, and place a considerable economic burden on the government, health, criminal justice, and social care systems and budgets.

The CIP area is among the most deprived in the city and has a high density of premises selling alcohol. The relationship between Alcohol Outlet Density (AOD) and alcohol-related harms has been well researched. It shows that areas with more deprivation tend to have greater AOD which means that regulating the local availability of alcohol has the potential to reduce inequalities.

Alcohol related hospital admissions in some of the wards within or close by to the CIP area are a concern, Central ward is the highest overall. Minimising growth of alcohol related premises in the Can-Do area is therefore important in preventing crime and disorder and protecting the health and wellbeing of the local population. The response from the Director of Public Health is attached at **Appendix G**.

- 7.5 Councillor Jackie Allen refers to the Home Office 'Clear, Hold, Build' initiative being implemented in the Op-Can-Do area, which is a Police lead, multi-agency measure developed to tackle crime and improve community safety. The response from Cllr Allen is attached at **Appendix H**

- 7.6 Councillor Nick Thulbourn is also in support of the continuation of the CIP restricting 'Off sales' particularly late at night. But believes that the policy should be implicit in encouraging the application for new 'On sales' i.e. pubs and restaurants, which makes consumption a community based social activity. The response from Cllr Thulbourn is attached at **Appendix I**

8 OFFICER COMMENTS

- 8.1 The first table in paragraph 4.7 of this report, details the overall numbers of licensed premises in Peterborough by type.

It demonstrates that the number of premises licensed only for 'Off Sales', has increased year on year from 183 in 2015, to 208 in 2023.

It also demonstrates that premises licensed for 'On sales' and 'On and Off sales' has decreased from 296 in 2015 to 259 in 2023.

- 8.2 The second table in paragraph 4.7, details the numbers of licensed premises in the CIP boundary by type.
- It demonstrates that the number of premises licensed for 'Off sales' only, are at the same level in 2023 as they were in 2015, despite the increase in 2018. (The CIP amendment in 2020 meant that the policy related to applications requesting 'Off sales'.)
- It also shows that premises licensed for 'On sales' and 'On and Off sales' has increased from 28 in 2015 to 36 in 2023.
- 8.3 This demonstrates that despite the overall growth in 'Off Sales' licensed premises in Peterborough increasing year-on-year, they have declined in the CIP area.
- It also demonstrates that the CIP area is encouraging more premises where consumption takes place on the premises, despite the overall fall in Peterborough as a whole.
- This also correlates with a decrease in police statistics relating to reported alcohol related crime and incidents in the CIP area from April 2022 to March 2023. Whilst also noting that the CIP area remains to have a higher concentration of alcohol related crime and incidents than other areas of Peterborough.
- 8.4 The Public Health statistics demonstrate that two of the most deprived wards (North and Central) are within the CIP area. These two wards also have significantly higher rates of alcohol specific hospital admissions in relation to other areas of Peterborough and England as a whole.
- 8.5 Safer Communities confirm that the CIP area is prone to suffer from the effects of alcohol related anti-social behaviour and provide a summary of continuing complaints.
- The PSPO which comprises conditions to tackle quality of life issues, such as alcohol-related and other forms of anti-social behaviour such as littering, spitting and urination and defecation covering this area was implemented again in October 2021.
- The area has significantly higher frequency of cleaning for streets and open spaces.
- 8.6 Partnership working and enforcement involving the Licensing Authority, Cambridgeshire Constabulary, Trading Standards, UKBA and HMRC and other Responsible Authorities continues with a view to improving the standards and compliance with general law in the Can-Do area.
- All efforts and various multi-agency initiatives and partnership working to reduce crime and alcohol related problems have been implemented and continue to operate in the CIP boundary to improve the area for residents and businesses.
- 8.7 The current CIA which expires on 7 January 2024 is attached at **Appendix J**
- 8.8 Each application is determined on its own merits. A CIP provides the opportunity for a greater scrutiny of relevant applications. Members are aware that the policy is not absolute, relevant applications can and have been granted, where the applicant can demonstrate that the application will not further negatively impact on the licensing objectives or add to the problems evidenced and identified in the CIA.
- 8.9 When reviewing the CIP, the licensing authority must ensure that it remains relevant to the current problems described geographically and evidentially robustly supported.
- 8.10 It is clear from the consultation responses and evidence received, that the concentration of 'Off' licensed premises in the CIP boundary continues to negatively impact on the promotion of the licensing objectives.

Whilst a decline of reported alcohol related crime and incidents in the CIP area is noted, the CIP area continues to have alcohol related problems which continue to affect those who reside, work or visit the area.

It remains to have a higher concentration of alcohol related crime and incidents, has high levels of deprivation and alcohol related hospital admissions (Central ward the highest overall).

The evidence indicates that partnership working and multi-agency initiatives in combination with the CIP are starting to have a positive effect. It appears that the area is encouraging a range of licensed premises, with a decrease in the number of alcohol related crimes and incidents reported to the police in 2022 to 2023.

All responses received are in support of retaining the CIP in its current format. Retention of the CIP is viewed as an important measure to continue this progress, to support and complement the multi-agency initiatives, and promote the licensing objectives.

Based on the evidence obtained during consultation, it is Officers recommendation to retain the existing CIP for applications requesting 'Off sales' of alcohol within the current boundary and re-publish the CIA with the new evidence obtained during consultation.

- 8.11 Members are advised that paragraphs 14.39, 14.35 and 14.36 of Statutory Guidance issued under section 182 of the Licensing Act 2003 are relevant when making their decision.

9. ANTICIPATED OUTCOMES OR IMPACT

- 9.1 Members will review the report, responses received and agree with Officers recommendation and make the same recommendation for adoption to full council.

- 9.2 Alternative options have been considered and are contained within section 11 of this report.

- 9.3 Should members determine against Officer recommendation, the following options are available:
- i. Do nothing. Retain the current CIP and CIA
 - i. Modify the current CIP (I.e. types of applications and/or boundary) and re-publish a CIA
 - i. Resolve that the CIP no longer applies, publish a notice to that effect and remove it from the policy at the earliest opportunity.

- 9.4 The determination must set out the reasons and evidence for that opinion and make a recommendation to Full Council, when it meets on 06 December 2023.

10. REASON FOR THE RECOMMENDATION

- 10.1 To comply with statutory requirements of the Licensing Act 2003 as amended by the Policing and Crime Act 2017

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 Do nothing. Retain the existing policy and CIA which does not reflect the current problems evidenced and be in breach of statutory requirements. Any decisions based on an out-of-date CIA would be subject to challenge.

- 11.2 Revise the CIP boundary. There is insufficient evidence to substantiate extension or reduction of the current defined area. Whilst the response from Public Health lists wards with high levels of deprivation and alcohol specific hospital admissions in wards outside the CIP boundary, there is no evidence to suggest that this is being caused by the cumulative impact of licensed premises in the area.

- 11.3 Extend the CIP so that it applies to applications requesting other types of licensable activities other than 'Off sales' of alcohol. This is not supported by the evidence obtained during the consultation process. The evidence demonstrates that the policy should only apply to applications requesting 'Off sales' of alcohol.
- 11.4 Resolve that the CIP is no longer required. This is not supported by the evidence which indicates that the cumulative impact of premises licensed for 'Off sales' of alcohol continue to negatively impact on the licensing objectives which the licensing authority have a statutory obligation to promote. The granting of further licenses authorising 'Off sales' in the defined area would be inconsistent with the authority's duty to promote the licensing objectives.

12. IMPLICATIONS

Financial Implications

- 12.1 None foreseen. The statutory set fees are intended to provide full cost recovery of all licensing functions including the preparation and publication of a Statement of Licensing Policy.

Legal Implications

- 12.2 Legal Services will be required to provide legal representation in the event of any appeals to the Magistrates Court against decisions of the council, prosecutions being instigated, or enforcement action being undertaken by the authority.

Equalities Implications

- 12.3 None foreseen.

13. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 13.1 The Council's Statement of Licensing Policy
The Licensing Act 2003 as amended
Revised Guidance issued under Section 182 – August 2023

14. APPENDICES

- 14.1 Appendix A – Summary of relevant applications since the last review
Appendix B – List of consultees and website data
Appendix C – Consultation notice
Appendix D – Public notice
Appendix E – Response from Cambridgeshire Police
Appendix F – Response from Safer Communities
Appendix G – Response from the Director of Public Health
Appendix H – Response from Councillor Allen
Appendix I – Response from Councillor Thulbourn
Appendix J – Current CIA