

LICENSING COMMITTEE - 16 JUNE 2021

PART I - DELEGATED

6. AN OVERVIEW OF CUMULATIVE IMPACT ASSESSMENT / POLICY & COMPLAINTS ABOUT PREMISES LICENCES (DCES)

1 Summary

- 1.1 Following the Licensing Committee on 10 February 2021 it was agreed that Officers would produce a report underlining the criteria for a Cumulative Impact Assessment (CIA) being prepared to consider the introduction of a Cumulative Impact Policy (CIP) in a specific area of the District. In addition it was agreed that a procedure would be implemented in order for any relevant complaint(s) concerning a premises licence within the District to be logged and reported at every Licensing Committee. This was to enable Members to be made aware of and understand where, if any, areas of concern within the District might be, and therefore consider whether any concerns or problems could or should lead to the inclusion of a CIP.
- 1.2 As it stands the Licensing Authority does not have a CIA or a CIP. The Statement of Licensing Policy 2021-2026 was recently adopted whereby it was agreed that at the current time no CIA was required as no area within the District is an area of concern at present. However, subject to evidence, this could change over the 5 year period when the policy is in force.
- 1.3 The department works closely with the Police and Environment Health & Community Safety Partnership at the Council to ensure all licenced premises are working within the legislation and their licence. In addition, Officers undertake various ad hoc visits to premises to ensure compliance with the terms of the premise licences. The Council also are active in the Pub Watch scheme.
- 1.4 Due to the pandemic in 2020 and 2021, and with the hospitality sector only recently re-opening there have been no complaints which are of cause for concern in the District in relation to suggesting the need for a CIA.

2 Overview of CIP

- 2.1 Cumulative impact is defined as '...the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area', where licensing can be refused on the basis of Cumulative Impact.
- 2.2 A CIA was first introduced when section 141 of the Policing and Crime Act 2017 came into force which gave CIAs a statutory basis in the Licensing Act 2003. A CIA was introduced to strengthen the ability for authorities to control the availability of alcohol and reduce alcohol-related crime and disorder.
- 2.3 The Home Office guidance (revised April 2018) on the Licensing Act covers CIAs and gives some examples of how cumulative impact can impact on licensing objectives:
 - In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

- Queuing in itself may lead to conflict, disorder and antisocial behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises

2.4 A CIA can be published by a licensing authority to help limit the number of type of licence applications granted where there is evidence showing that the number or density of premises in an area is having a cumulative impact and leading to problems which are undermining the licensing objectives. However, for this to occur, there must be an evidential basis and the following information can and must be used to justify the implementation of a CIA:

- Local crime and disorder statistics
- Statistics on local anti-social behaviour offences
- Health-related statistics
- Environmental health complaints, particularly in relation to litter and noise
- Complaints recorded by the local authority, which may include issues raised by local residents or residents' associations
- Evidence from local and parish councillors
- Evidence obtained through local consultation

2.5 It should be noted that the evidential basis of a CIA requires detailed analysis of data and takes considerable time to collate in order to justify the need for a Policy. By way of example, we refer to the CIA produced in April 2021 by Watford Borough Council for 2021-2024 (see at **Appendix 1**). Watford Borough Council contains a significantly higher number of premises licences and a town centre night-time economy with nightclubs etc. in comparison to our District.

2.6 Section 5A of the Licensing Act 2003 details the process for publishing a CIA including the requirement to provide the detailed evidence relied upon by the authority and undertake consultation with all relevant premises or clubs.

2.7 The effect of a CIA, according to the Home Office guidance, is a "strong statement of intent"; however, it will not change the way that licensing decisions are made as they must still be made on an individual basis and the applications that are unlikely to add to the cumulative impact on the licensing objectives should be granted. A CIA must also be reviewed every three years.

3 Alternatives to CIAs:

- 3.1 There are various tools/mechanisms at our disposal that would be used before a CIA is considered such as Community Protection Notices, Public Space Protection Orders, provision of CCTV surveillance in town centres, prosecuting offenders under ASB legislation and the Licensing Act 2003, powers to close down premises or temporary event on grounds of disorder and of course reviews of premises licences and possible revocation of such licences etc..
- 3.2 When residents wish to make a complaint about a licenced premises they must do so by the most appropriate means which could be by reporting to either or all of the following:
1. Environmental Health
 2. The Licensing Authority
 3. The Police
- 3.3 For example, in respect of noise complaints these should, in the first instance be dealt with by Environment Health, via the noise app. If the complaint relates specifically to a licenced premises, the EH Officers will notify the licensing department.
- 3.4 A full investigation will be undertaken by the licensing department and if it appears that the premises is at fault or in breach of its licence conditions, action will be taken. This will be dependent on the level and seriousness of the complaints/breach of any licensing conditions as a whole, but would include the following
- Verbal warning
 - Formal written warning
 - A review of the licence and hearing before a Sub-Committee.
- 3.5 The above would be the same if there are issues with ASB, and any other issues related to public nuisance.
- 3.6 If complaints are received on a single premises or relating a group of premises each would be dealt with individually. The Police also have powers to issue community resolution orders (allow for low level offences and offenders to be punished without recourse to criminal justice sanctions e.g. compensation/apology) if it is found individuals are the responsible party.
- 3.7 Community Resolutions provide an opportunity for the police to deal with appropriate low level offences and offenders without recourse to formal criminal justice sanctions. This could include a simple apology, an offer of compensation or a promise to clear up any graffiti or criminal damage.
- 3.8 Complaints in relation to a licenced premises should not be accepted by Parish Councils or Councillors as this may not be recorded accurately and must come directly from the resident. Third party accounts would not be accepted as evidence. Councillors must advise their constituents to address complaints to TRDC via CSC/Licensing or Environmental Health departments on 01923 776611 or by email.
- 3.9 It is also important to understand the nature of the complaint, as some incidents may not be linked to a premise licence. For example, if individuals decide to sit on a local green and consume alcohol, residents making a complaint must be sure that the alcohol was purchased from the premises they are reporting. Additionally, any ASB being reported outside a licensed premises may not actually have anything to do with that particular premises.

- 3.10 However, if the authority starts to receive a number of complaints from residents regarding a number of premises licences or receives evidence from the police or other relevant bodies suggesting that there are serious concerns relating to crime & disorder and ASB in a specific area, the licensing authority can consider whether a CIA is appropriate and follow the required procedure under the Licensing Act 2003 to produce a CIA and then consult on a CIP

4 Implications of a CIA / CIP

- 4.1 Following recent national lockdowns and brief relaxations with the Eat Out to Help Out scheme it is evident that everyone involved in hospitality has been significantly impacted by the pandemic. This has meant that many licensing authorities have removed their Cumulative Impact Policies altogether given the restrictions they would have on the hospitality sector. Two articles are shared below which highlight this point:

4.2 Article from Claire Eames Poppleston Allen 19.01.2021

Trafford and Hereford have now made the decision to remove their existing Cumulative Impact Policy as part of their recent licensing policy consultation. The new policies have now come into force.

Link: <https://www.popall.co.uk/news-publications/news/more-councils-removing-cumulative-impact-policy-areas>

4.3 Local Government Lawyer article 16.07.2020

Bristol City Council is to scrap its cumulative impact policies on alcohol licensing after police said many of them were unnecessary.

Link: <https://www.localgovernmentlawyer.co.uk/licensing/399-licensing-news/44312-council-to-remove-all-cumulative-impact-policies-in-august-but-may-reinstate-one-for-city-centre>

- 4.4 The attached evidence highlights the fact that a Licensing Authority must take a realistic approach to assessing the need for a Cumulative Impact Policy in the short term, and only take steps to consider CIA in the event of significant evidence of the detrimental effect on the licensing objectives in a certain area of the District.

5 Evidence to date regarding CIA

- 5.1 The licensing team can confirm that they have not received any reports from the public or the Police that would raise concerns that would warrant a CIA being published in any area of the Three Rivers District.

6 Complaints about Licensed Premises since last Licensing Committee meeting

- 6.1 The Licensing team have not received any complaints since March 2020 about any licensed premises in TRDC (this excludes complaints relating to COVID). This is largely due to the pandemic and the fact that premises have been closed due to lockdown. Premises only opened for a short period in 2021 and only reopened in April 2021. The licensing team would expect this to change in the coming months as the hospitality sector opens up fully and premises and the public adapt to new ways of trading e.g. many premises are using more outdoor areas.

6.2 In the preparation of this report we have consulted with both the police Licensing Officer and Environmental Health Officers who have both confirmed there have been no reported incidents since the start of 2020 which is largely due to the pandemic and the hospitality industry being either closed or only open for take away services.

6.3 The Licensing team have prepared the following as a summary template to be included in future Committee reports:

AREA	PREMISES LICENCES IN EXISTENCE	COMPLAINTS RECEIVED BETWEEN [] and []	TYPE: ASB/NOISE/BREACH OF CONDITION/OTHER	ACTION TAKE IF ANY
MILL END				
SOUTH OXHEY				
MOOR PARK				
RICKMANSWORTH TOWN CENTRE				
CHORLEYWOOD				
LEAVESDEN				
ETC				

6.4 Licensing Officers work very closely with the Police Licensing Officer and Environmental Health Officers. When complaints have been received by the abovementioned Officers, the information is copied to all three. Officer's then communicate directly with the complainant and the premises in question when required and decide on the most appropriate approach.

6.5 Although Officers routinely provide information and pass on complaints received from other Council departments to the licensing department, Officers have a double checking system which has been implemented to ensure complaints or concerns relating to licensed premises are passed on. The Police and Environmental Health are routinely copied into emails to ensure they are aware of any issues arising. In addition, the Licensing Officer has also liaised with the Police Licensing Officer who also provides updates and relevant information relating to premises licences in the District. The Police as Responsible Authority have confirmed that their systems will ensure that any matters "relevant" to an application for a current premises licence will be passed on to the Council.

6.6 The Customer Service Team also have scripting in place to ensure complaints received are logged correctly and passed to the relevant team.

7 Options and Reasons for Recommendations

7.1 Members to note the report and agree that Officers report any trends in complaints regarding licence premises at future Licencing Committees.

8 Policy/Budget Reference and Implications

8.1 None specific.

9 Staffing, Environmental, Community Safety & Public Health Implications

9.1 None specific.

10 Financial Implications

6.1 There are no financial implications.

11 Legal Implications

11.1 As detailed above.

12 Equal Opportunities Implications

12.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	N/A

12.2 Impact Assessment, Customer Services Centre, Communications and Website and Risk and Health & Safety Implications

12.3 None specific.

13 Recommendation

13.1 It is recommended that:

Members note the report and advise Officers to report any trends in complaints regarding licence premises at future Licencing Committees

Report prepared by: (Lorna Fryer, Lead Licensing Officer)

Data Quality

Data sources:

[Home Office: Revised Guidance issued under section 182 of the Licensing Act 2003 \(April 2018\)](#)

[Popleston Allen](#)

[Local Government Lawyer](#)

Data checked by: Matthew Roberts, Team Leader, Development Management

Data rating:

1	Poor	
2	Sufficient	
3	High	X

Background Papers: None.

APPENDICES

Appendix 1: Watford's Cumulative Impact Assessment (April 2021)