Title: Review of Cumulative Impact Assessment

North Tyneside Council
Report to Licensing Committee
Date: 1 April 2021

Report Author: **Mr P Scott**
Head of Environment and Leisure

Wards affected: **All**

PART 1

1.1 Purpose:

The purpose of this report is to advise the Committee of the process that will be adopted for the review of the Cumulative Impact Assessment ("CIA") that has to be completed by 11 October 2021 at the latest.

1.2 Recommendation

It is recommended that the Committee:

a) Note the process that will be adopted for the review of the Cumulative Impact Assessment that has to be undertaken in accordance with the Licensing Act 2003.
b) Note that a further report will be presented to the Committee in September 2021 at the conclusion of the review of the Cumulative Impact Assessment so that Committee can determine what steps, if any, should be taken once the findings of the Assessment are known.

2.0 Background Information

2.1.1 Licensing Act 2003 ("the Act")

Section 5A of the Act permits a Licensing Authority to publish a "Cumulative Impact Assessment" and states that if: -

"the licensing authority considers that the number of relevant authorisations in respect of premises in one or more of its area described in the assessment is such that it is likely that it would be inconsistent with the duty under section 4(1) [of the Licensing Act 2003 – the duty to promote the licensing objectives] to grant any further relevant authorisations in respect of premises in that part or those parts."

The concept of cumulative impact is a recognition that the number of licensed premises or clubs concentrated in one area can result in problems such as public nuisance, crime

and disorder or anti-social behaviour at or near licensed premises. Such problems may occur because of large numbers of people being concentrated in a particular area.

Prior to April 2018, any Licensing Authority that wished to introduce a “Cumulative Impact Policy” did so when reviewing its Statement of Licensing Policy. If there was to be a presumption against the grant or substantial variation of premises licences in a particular area because of cumulative impact that would be stated as being so in an Authority’s Statement of Licensing Policy.

Section 5A of the Act requires the CIA to set out the evidence that the Authority has relied upon for arriving at its opinion that issuing further premises licences or club premises certificates in a particular area, or areas, would undermine the licensing objectives.

On 11 October 2018 this Committee approved the publication of a CIA. The Committee’s opinion was that no further licences for alcohol led premises should be granted to such premises in South Parade in Whitley Bay and an area around Front Street in Tynemouth. The Committee considered that granting further such licences or variations thereof would fail to promote the licensing objectives.

On 22 November 2018 full Council endorsed that opinion and the Statement of Licensing Policy approved by Council included a rebuttable presumption against granting premises licences for alcohol led establishments permitting the consumption of alcohol on licensed premises such as public houses in the areas of Whitley Bay and Tynemouth mentioned above.

Section 5A of the Act requires that where a Licensing Authority publishes a CIA it must, before the end of the “relevant period”, which is 3 years from the publication of the CIA in October 2018, consider whether its opinion remains as stated in the CIA published then. Therefore, the Authority must have completed its consideration of the CIA by October 2021 at the latest.

If as a result of the consultation the Committee’s opinion is to amend the CIA to either remove an aspect of the CIA or reflect a new area, this amendment will be required to be reflected in the Statement of Licensing Policy. The appropriate steps will then be undertaken to enable Council to consider any proposed changes.

<u>Covid-19</u>

It is understood that Covid-19 and the associated closures have had wide ranging implications for the hospitality trade both in North Tyneside across the country. This will be considered as part of the review of the CIA and any long-term effects that the closure of licensed premises has had. Any consultation on the CIA will hopefully be made when the current Covid-19 restrictions have been eased and licensed premises have fully opened.

2.1.2 Timetable for Review of the Cumulative Impact Assessment

The intention is to review the Assessment to the following timetable:

Action	Date
Working Group commence amendment of Cumulative Impact Assessment	April
Responsible Authority to consider any required amendments	May
Amended 1st draft CIA	May
Receipt of amendments from Responsible Authorities	June
6 week consultation start date	July/August
Responses collated	August
CIA amended as required	September
Licensing Committee consider draft CIA	September

3.0 Decision Options

3.1 The options available to Committee are:

Committee is not being asked to make a decision in relation to this matter. This report is for Committee to note the review of the Cumulative Impact Assessment under the Licensing Act 2003 and the fact that a report will be brought to the Committee in September 2021 for its consideration of the Assessment.

4.0 Appendices:

There are no appendices to this report.

5.0 Contact Officers:

5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 643 6620
Joanne Lee, Public Protection Manager, Tel: 643 6901
Stephanie Graham, Senior Licensing Officer, Tel: 643 6969

6.0 Background Information:

6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

North Tyneside Council's Statement of Licensing Policy
The Cumulative Impact Assessment published in October 2018
The Licensing Act 2003

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications for the Council arising from this report. The cost of reviewing the Assessment can be met from the existing Licensing revenue budget.

2.2 Legal

The Authority is required to review and publish any revised Cumulative Impact Assessment every three years. This must be completed by October 2021.

The Authority is required to undertake statutory consultation on the review of the Assessment.

2.3 Consultation/Community Engagement:

Before determining whether or not the Committee remains of the view that granting licences in the particular areas of Whitley Bay and Tynemouth would undermine the promotion of the licensing objectives, the Authority is required to consult with the Chief Officer of Police, the fire and rescue authority, the Director of Public Health, representatives of licence holders and club premises certificates, representatives of businesses and residents in its area.

2.4 Human Rights:

There are no human rights implications in relation to this report.

2.5 Equalities and Diversity:

There are no equality and diversity implications arising from this report. An Equality Impact Assessment will be prepared prior to consultation on the CIA.

2.6 Risk Management:

There are no significant risk management implications to the Authority arising from this report.

2.7 Crime and Disorder:

It is not considered that there are any crime and disorder implications arising from this report.

2.8 Environment and Sustainability:

It is not considered that there are any environment and sustainability implications arising from this report.