

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	LICENSING COMMITTEE	25 OCTOBER 2023	5
CUMULATIVE IMPACT ASSESSMENT			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Social Wellbeing (Councillor Chris Dixon).

PURPOSE OF THE REPORT

A request has been received stating that, “A large number of Lytham residents are concerned regarding FBC’s policy regarding licensing in Lytham. Particularly the area commencing with the Henry Street/Queen Street Junction and ending at the Clifton Street/Station Road Junction (The Area). The Area merits a Cumulative Impact Policy in similar manner to other towns where there is an abundance of Licensing Premises.”

Section 5A of the Licensing Act 2003 prescribes the requirements for the introduction of such a Policy. The Committee will be requested to consider the request and determine whether to instruct Officers to commence a consultation, the results of which are to be reported in a subsequent report.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATION

1. That the Committee considers the report and determines whether to instruct Officers to commence a consultation process regarding the request for a Cumulative Impact Assessment in the specified area of Lytham, the results of which to be reported to a future meeting of the Licensing Committee.

REPORT

1. A request has been received by a Mr John Barker on behalf of some Lytham Residents for a Cumulative Impact Policy (CIA) for an area of Lytham, Lancs. The area requested is Henry Street/Queen Street Junction and ending at the Clifton Street/Station Road Junction (The Area). Further correspondence with the representative has confirmed the description to be “between the Green and Westby Street from Beach Street on the West and the Green and Westby Street to Station Road on the East side.” The area is within Lytham West Ward.



2. [Section 5A of the Licensing Act 2003](#) deals with Cumulative Impact Policies and states at (1) “ A licensing authority may publish a document (“a cumulative impact assessment”) stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.”
3. It is a requirement that when considering such a policy consultation is undertaken with:
 - a) the chief officer of police for the licensing authority's area,
 - b) the Fire and Rescue Authority for that area,
 - c) The Local Health Board for an area any part of which is in the licensing authority's area
 - d) Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
 - e) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
 - f) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
 - g) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority
 - h) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
4. When undertaking the consultation, the statutory consultees must be provided with :
 - a) the reasons why it is considering publishing a cumulative impact assessment.
 - b) a general indication of the part or parts of its area which it is considering describing in the assessment.
 - c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind

5. The [Statutory Guidance](#) issued under S182 of the Licensing Act 2003 at 14.20 onwards provide further information in relation relating to the introduction of a CIP and comments at 14.9 that, “As noted above, there must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - environmental health complaints, particularly in relation to litter and noise;
 - complaints recorded by the local authority, which may include complaints raised by local residents or residents’ associations;
 - residents’ questionnaires;
 - evidence from local and parish councillors; and
 - evidence obtained through local consultation.
6. The Guidance also helpfully provides the steps to be followed when publishing a CIP:
- Identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
 - Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).
 - For the purposes of the consultation provide the persons specified in section 5(3) with the following information:
 - the reasons why it is considering publishing a CIA;
 - a general indication of the part or parts of its area which it is considering describing in the assessment;
 - whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.
 - Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the particular kinds of premises the assessment relates to. Licensing authorities are not restricted to using general terms such as on-trade, off-trade and late-night refreshment providers, and can apply their own descriptions such as vertical-drinking bars and night clubs if appropriate.
 - Summarise the licensing authority’s opinion in light of the evidence of cumulative impact (or any revision to an existing opinion) in the licensing policy statement and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A. The summary within the licensing policy statement should include, but is not limited to: the nature of the problems identified and the evidence for such problems; the geographical extent of the area covered by the assessment; the types of premises described in the assessment; and the types of applications for which

it would likely be inconsistent with the licensing authority's duty to promote the licensing objectives to grant.

7. Members may wish to note that a CIA does not displace the rule that in the absence of any relevant representation in relation to an application, a licence is automatically granted. Secondly, that the power is discretionary, and that there is no statutory trigger to require one to be conducted.
8. The introduction of a CIA does not mean that new licences are automatically refused if there are relevant representations. Statutory guidance makes it clear that each application must still be considered on its merits. The existence of a CIA effectively sets up a presumption that new licence applications will be refused (if there is a relevant representation), but an applicant may seek to rebut that presumption at a panel hearing.
9. For members information, a copy of the request is included at appendix 1 and information from Lancashire Constabulary regarding crime and anti-social behaviour in the area at appendix 2.
10. The Committee is therefore requested to note the report and consider instructing Officers to commence a consultation exercise regarding the introduction of a CIA in Lytham, the results of which are to be reported to a future meeting of the Committee. Should members approve the request, the exercise will be a significant piece of work and funding may be requested for an external professional to conduct the exercise on the Licensing Authority's behalf.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	√
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	√

IMPLICATIONS	
Finance	There is insufficient resource within the Licensing Team currently to undertake a full consultation exercise and it is likely that financial support would be requested to conduct the exercise.
Legal	As contained within the report.
Community Safety	Current statistics relating to crime and ASB are included in the report.
Human Rights and Equalities	No implications arising directly from the report.
Sustainability and Environmental Impact	No implications arising directly from the report.
Health & Safety and Risk Management	No implications arising directly from the report.

SUMMARY OF PREVIOUS DECISIONS
There are no previous decisions relating to this matter.

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
S182 Guidance to the Licensing Act 2003	August 2023	https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	chris.hambly@fylde.gov.uk 01253 658422	13 th October 2023

Attached documents

App 1 – Request and Supporting Information

App 2 – Lytham Crime and ASB statistics