

The Role of Cumulative Impact Assessments

Report of the Corporate Director for Place and Regeneration

1. Introduction

1.1 The purpose of this report is to set out the background Cumulative Impact Assessments following a request at the last meeting of the LEAS Committee.

2. Background

2.1 The government introduced a cumulative impact assessment as a tool for licensing authorities to limit the growth of licensed premises (both on and off-licences) in a problem area.

The “Cumulative Impact” of licensed premises is not mentioned in the Licensing Act but is covered in the Guidance issued under section 182 to Licensing Authorities (3.13 - 3.28).

The Guidance recognises that the saturation of licensed venues in a particular area can impact on public nuisance and disorder. See Section 14.20 from page 109 onwards

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

A licensing authority can state in its licensing policy statement whether it thinks that a concentration of licensed premises in a particular area is already causing a cumulative impact on one or more of the licensing objectives.

Before finalising its policy, and deciding whether an area is nearing this point, the licensing authority has to consult a number of statutory consultees as well as local representatives of residents and businesses.

If, after consulting those individuals, a licensing authority is satisfied that it is appropriate and necessary to tackle cumulative impact in its policy statement, it should indicate in the statement that it has adopted a policy of refusing licences when it receives relevant representations about the cumulative impact on the licensing objectives, from responsible authorities and interested parties which it concludes, after hearing those representations, should lead to refusal.

Applicants should therefore be aware of the policy and will need to address the issues in their operating schedules in order to show that they would not add to the “cumulative impact”.

2.2 Evidence needed for a cumulative impact assessment

There must be an evidential basis for the decision to publish a Cumulative Impact Assessment. Information which licensing authorities can use 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.

2.3 Effect of a cumulative impact assessment

Any Cumulative Impact Assessment would have to be approved by Full Council and is subject to review every three years.

According to the Home Office guidance, a Cumulative Impact Assessment 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.

However, 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. Applications that are unlikely to add to the cumulative impact on the licensing objectives should be granted.

2.4 Current position in Stockport

Stockport Council's Licensing Policy was last approved in 2016 and is due to be renewed imminently. The current policy contains the following about Cumulative Impact Assessments.

14. Cumulative Impact

14.1 A Licensing Authority may adopt a cumulative impact policy where a concentration of

licensed premises have led to exceptional problems arising in the area and even some

distance away from the premises, which have resulted in a negative impact on the

Licensing Objectives. In such circumstances the impact of those premises when taken

as a whole can be far greater than that arising from an individual premises and it may

not be possible to distinguish individual premises as being the sole cause or even a major contributing factor of a particular problem. It is the cumulative impact of all the premises which can cause a problem for the wider area.

14.2 The Licensing Authority may refuse applications on this basis where there is a cumulative impact policy in place for a particular area.

14.3 The Licensing Authority recognises that cumulative impact policies can restrict the

expansion of supply in certain areas but can also result in the removal of improvement

pressures from competition on poorly performing businesses.

14.4 The Licensing Authority does not consider that there are areas where cumulative

impact occurs in Stockport at the time of publishing this policy, nor is there a need at this time for the Licensing Authority to adopt a special policy relative to designating 'stress areas'.

14.5 The Licensing Authority may consider the introduction of such a policy at any time

should evidence of need for such be provided.

3. Conclusion

3.1 The report is for information only so that Members of LEAS can consider the background and approach to Cumulative Impact Assessments and make any recommendations.

BACKGROUND PAPERS

None

Anyone wishing to inspect the above background papers or requiring further information should contact Ian O'Donnell on telephone number 0161 474 4175 or alternatively email ian.odonnell@stockport.gov.uk.