

<b>Title of Report</b>	<b>REVIEW OF CUMULATIVE IMPACT ASSESSMENT OF LICENSED PREMISES IN ASHBY DE-LA-ZOUCH TOWN CENTRE</b>	
<b>Presented by</b>	Andrew Cooper Licensing Team Leader	
<b>Background Papers</b>	<a href="#">Licensing Act 2003 Section 182 Guidance</a> April 2018  <a href="#">Cumulative Impact Assessment 2019-2022</a>	<b>Public Report:</b> Yes
<b>Financial Implications</b>	The risk of incurring costs arising from any challenge against the assessment via judicial review	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	There is a risk that the council's Cumulative Impact Assessment is challenged via judicicia review. Legal advice has been sought in its preparation to mitigate the risk of any challenge.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	The workload associated with the review of the assessment shall be undertaken within existing resources.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	For members to consider the review of the Cumulative Impact Assessment for Ashby De La Zouch town centre.	
<b>Recommendations</b>	<b>THAT LICENSING COMMITTEE CONSIDERS THE CUMULATIVE IMPACT ASSESSMENT ATTACHED AT APPENDIX 1 AND RECOMMENDS THE RETENTION OF THE CUMULATIVE IMPACT ASSESSMENT TO FULL COUNCIL AT ITS MEETING ON 24 FEBRUARY 2022</b>	

## 1. BACKGROUND

1.1 The Licensing Act 2003 (the "Act") made local authorities, as licensing authorities, responsible for the administration of licences and certificates for:

- The sale/supply of alcohol;
- The provision of regulated entertainment; and
- The provision of late-night refreshment.

There are four licensing objectives, which underpin the Act, and these are:

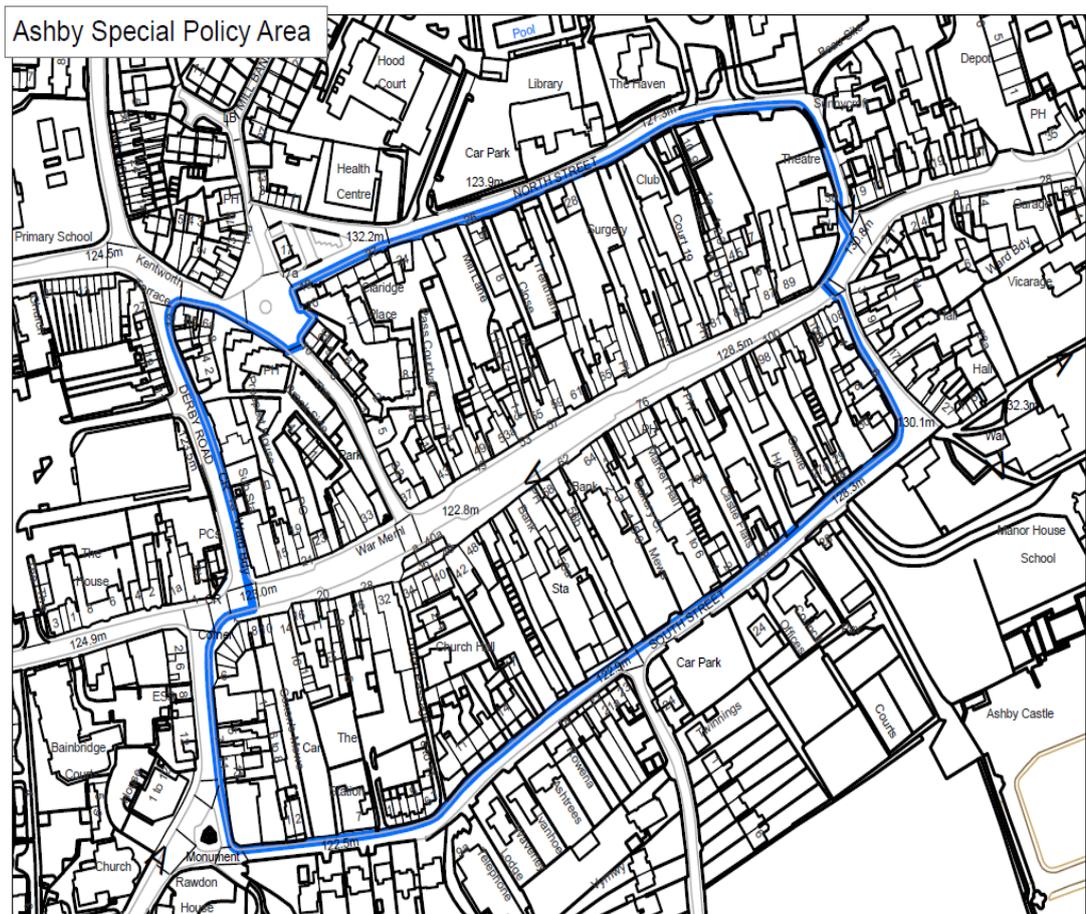
- The prevention of crime and disorder;
- The prevention of public nuisance;
- Public safety; and
- The protection of children from harm.

All decisions under the Act must be taken with a view to promoting these licensing objectives.

- 1.2 In addition to processing applications, the Act requires each licensing authority to determine and publish a policy setting out how it will exercise its functions under the Act, its Statement of Licensing Policy. The Act requires the council to review and re publish its Statement of Licensing Policy (SOLP) every 5 years. The review period was changed from 3 to 5 years in 2017.
- 1.3 Since the Act was enacted, the Government has produced statutory guidance to accompany it and the concept of 'cumulative impact' has always been detailed in this statutory guidance. The statutory guidance was updated in April 2018 to reflect an amendment to the Act, which placed cumulative impact assessments on a statutory footing. Cumulative impact is the potential impact on the promotion of the licensing objectives (listed at 1.1 above) of a number of licensed premises concentrated in one area. If a licensing authority is of the view that the number of licenced premises in an area is such that, granting licences to any further premises in that area, would undermine the licensing objectives, it is required to publish a Cumulative Impact Assessment (CIA).
- 1.4 A cumulative impact zone in Ashby De La Zouch town centre was approved and included within the original Statement of Licensing Policy in 2005. The policy was reviewed every 3 years between 2005 and 2014. In 2017 the review period for the policy changed from 3 to 5 years resulting in the councils 2014 policy remaining in place until 2019. The current Statement of Licensing Policy (issue 7) was approved by Full Council on 26 February 2019, came into force on 26 March 2019, and remains valid until 25 March 2024 unless amendments are necessary before this date.
- 1.5 Whilst the review period for the SOLP changed from 3 to 5 years the requirement to review a cumulative impact assessment remains every 3 years. The CIA was approved by Full Council on 26 February 2019, came into force on 26 March 2019 and remains valid until 25 March 2022.
- 1.6 A CIA may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIA's relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 1.7 If, having consulted, the licensing authority decides that it remains of the opinion set out in the CIA, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion.

## **2. CUMULATIVE IMPACT – ASHBY DE LA ZOUCHE TOWN CENTRE**

- 2.1 As explained above a cumulative impact zone was contained within the Statement of Licensing Policy adopted by the council in November 2005 because of the impact on the prevention of crime and disorder licensing objective. A policy relating to cumulative impact in respect of Ashby de la Zouch town centre has been retained following reviews of the Statement of Licensing policy in 2008, 2011, 2014 and 2019.
- 2.2 The council considers that, in a specified part of Ashby de la Zouch town centre, known as the Cumulative Impact Zone (CIZ), the number of premises licences and club premises certificates are such that it is likely that granting further licences or variations to existing premises licences and/or club premises certificates would be inconsistent with our duty to promote the licensing objectives. The map outlining the CIZ is as follows.



### 3.0 Crime and Disorder in Ashby De La Zouch Town Centre

3.1 Leicestershire Police have continued to monitor crime data in relation to the late-night economy for Ashby De La Zouch since the implementation of the CIA. Crime data relating to the night-time economy in Ashby De La Zouch town centre from 2002 to present is detailed within the CIA attached as **Appendix 1**. For comparison purposes day-time crime data (05:00 to 20:00) relating to Ashby De La Zouch town centre and night-time crime data relating to Coalville town centre has been included. The data demonstrates that the crime levels during the night-time economy continue to significantly exceed daytime crime levels.

### 4.0 Consultation

4.1 The council, as a licensing authority, is required by the Act to consult on the review of the CIA. The consultation commenced in June 2021 for a period of 12 weeks, ending on 30 September. The following groups were consulted;

- Chief Officer of police for the area;
- Chief Officer of fire & rescue service for the area;
- The Local Health Board (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),
- Persons/bodies representative of local holders of premises licences;
- Persons/bodies representative of local holders of club premises certificates;
- Persons/bodies representative of local holders of personal licences;
- Persons/bodies representative of local holders of businesses and residents in its area.

## **5.0 Consultation feedback**

- 5.1 The Chief Officer of Police continues to support the retention of the policy based on the level of crime identified within the night-time economy.

The Licensing Authority have not received any requests from the police to change the geographical area covered by the CIA policy or the times to which it relates.

- 5.2 Four consultee responses were received from Ashby Town Council and trade representatives via the Council's consultation portal.

Level of concern

All four consultees stated they currently have a concern relating to Ashby De La Zouch town centre and the number and density of premises licensed to sell alcohol by retail. The main concerns related to crime and disorder and public safety, however one of the consultees also expressed a concern about public nuisance levels and protection of children from harm.

- 5.3 Location

All consultee concerns related to the geographical area detailed within the existing CIZ.

- 5.4 Times

Consultee responses commented that the following time periods contribute to the problems being experienced;

- 8pm until 6am – two responses
- 10pm until 6am – two responses

- 5.5 Types of premises

Consultees identified the following types of premises that contribute to the problems being experienced;

- Night clubs – two responses
- Public houses – four responses
- Off-licences – nil responses
- Late night refreshment houses – one response
- Public entertainment events (open spaces) – one response

## **6.0 Summary of data analysis**

The vast majority of crimes in Ashby De La Zouch town centre continue to take place during the night-time economy.

The Covid-19 pandemic impacted upon the crime data for years 2020 and 2021. Lower crimes were reported in 2020 as the late night economy was subject to government closures and tier restrictions. When the businesses were permitted to reopen and as legal restrictions were removed the number of reported crimes began to increase.

The total number of reported crimes in 2021 is at its highest level since 2006/2007 and, are projected to be the highest since the commencement of the cumulative impact assessment in 2005.

With the exception of years 2020/21 (pandemic and immediate post pandemic recovery), the analysis of the crime data indicates that the number of reported crimes has remained stable since 2012.

It is considered that the statistical data together with a written statement from Leicestershire Police supports the retention of the cumulative impact assessment in Ashby De La Zouch town centre.

## 7.0 Conclusions

1. The number and density of premises licensed to sell alcohol by retail remains an issue that continues to require control;
2. The level of crime and disorder continues to be the primary concern;
3. The geographical area requiring control remains unchanged;
4. All premises types licensed to sell alcohol by retail to remain within the scope of the CIA; and
5. CIA to continue to apply between 8pm and 6am.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Business and Jobs, Homes and Communities
Policy Considerations:	Cumulative Impact Assessment
Safeguarding:	Not applicable
Equalities/Diversity:	An Initial Equality and Human Rights Impact Assessment (EHRIA) has been carried out (25 October 2021) and no negative impacts have been identified
Customer Impact:	Businesses may be impacted by any decision made
Economic and Social Impact:	Any proposals to change the number and operating times of licensed premises within Ashby De La Zouch town centre may be impacted by the decision made
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Statutory consultation process has been undertaken
Risks:	There is a risk that the council's Cumulative Impact Assessment is challenged. Legal advice sought in its preparation to mitigate the risk of challenge.
Officer Contact	<p>Andrew Cooper Licensing Team Leader <a href="mailto:andy.cooper@nwleicestershire.gov.uk">andy.cooper@nwleicestershire.gov.uk</a></p> <p>Lee Mansfield Environmental Health Team Manager <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a></p>