

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – THURSDAY 20 FEBRUARY 2025



Title of Report	REVIEW OF CUMULATIVE IMPACT ASSESSMENT OF LICENSED PREMISES IN ASHBY DE-LA-ZOUCH	
Presented by	Councillor Michael Wyatt Portfolio Holder for Community Services	
Background Papers	Revised Guidance issued under Section 182 of the Licensing Act 2003 (publishing.service.gov.uk) Statement of Licensing Policy 2024-2029 Licensing Act - Cumulative Impact Assessment 2022 to 2025 Agenda for Licensing Committee on Wednesday, 6th November, 2024, 6.30 pm - North West Leicestershire District Council	Public Report: Yes
Financial Implications	The risk of incurring costs arising from any challenge against the assessment via judicial review.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Cumulative impact assessments are open to challenge where the relevant grounds are met. Legal advice has been sought in the review of the Council's Cumulative Impact Assessment to mitigate the risk of any such challenge.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The workload associated with the review of the assessment shall be undertaken within existing resources.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	For members to consider the review of the Cumulative Impact Assessment for Ashby De La Zouch town centre.	
Recommendations	THAT COUNCIL: CONSIDERS AND APPROVES THE CUMULATIVE IMPACT ASSESSMENT ATTACHED AT APPENDIX 1 FOLLOWING RECOMENDATION BY THE LICENSING COMMITTEE AT THE MEETING ON 6 NOVEMBER 2024	

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 five years. The review period was changed from three to five 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 licensed 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 three years between 2005 and 2014. In 2017 the review period for the policy changed from three to five years resulting in the Council’s 2014 policy remaining in place until 2019. The current Statement of Licensing Policy (issue 8) was approved by Full Council on 14 November 2023, came into force on 26 March 2024, and remains valid until 25 March 2029 unless amendments are necessary before this date.

1.5 Whilst the review period for the Statement of Licensing Policy changed from three to five years the requirement to review a cumulative impact assessment remains every three years. The CIA was approved by Full Council on 24 February 2022, came into force on 26 March 2022 and remains valid until 25 March 2025.

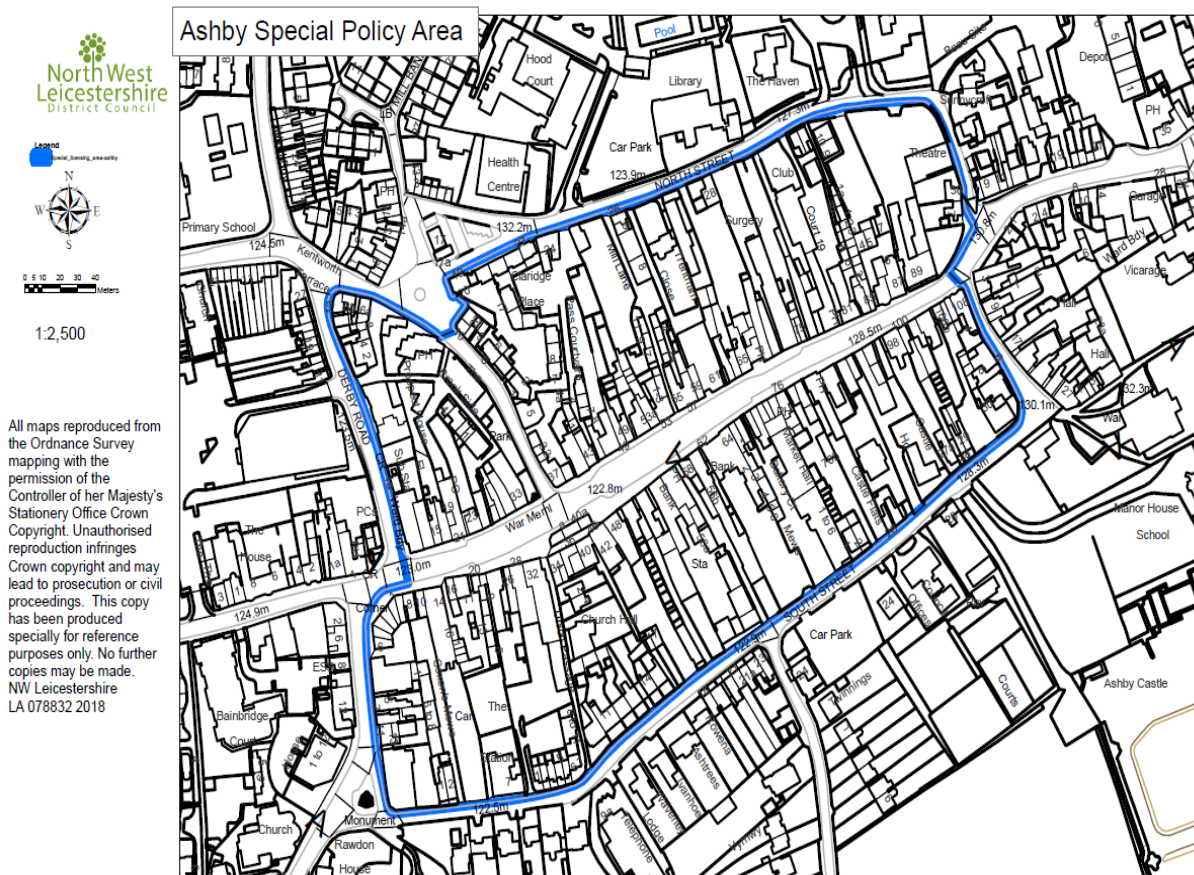
1.6 A CIA may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates, as well as 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, 2019 and 2022.

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 the Council's duty to promote the licensing objectives. The map outlining the CIZ is as follows.



3. CRIME AND DISORDER IN ASHBY DE LA ZOUCHE TOWN CENTRE

3.1 Leicestershire Police has 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**.

4. 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 on 7 June 2024 and ended on 30 September 2024. The following groups were consulted:

- Chief Officer of police for the area;
- Chief Officer of fire and 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 licenses;
- Persons/bodies representative of local holders of club premises certificates;
- Persons/bodies representative of local holders of personal licenses;
- Persons/bodies representative of local holders of businesses and residents in its area.

5. CONSULTATION FEEDBACK

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

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

5.2 Three consultee responses were received from Ashby Town Council, Ashby Civic Society and a resident that uses Ashby Town Centre via the Council's consultation portal.

Level of concern

All three 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;

- 10pm until 12am – one response
- 12am until 4am – 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 – three responses

- Off-licences – one response
- Late night refreshment houses – two responses
- Public entertainment events (open spaces) – no responses.

6. 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.

In summary, in the last three years (1 January 2021 to 31 December 2023), there were 397 public place offences in Ashby de la Zouch town centre.

65% of the offences were classified as actual bodily harm, followed by 14% as public order offences.

Offences peaked in 2023 with 153 offences, compared to 133 in 2022 and 111 in 2021.

Offences peak on Saturday, with 111 offences and Sunday with 94 offences.

Levels were higher from 11pm – 3am, peaking at 1am with 52 offences, followed by 12am with 36 and 2am with 35.

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

7. 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 apply between 10pm and 6am.

Policies and other considerations, as appropriate	
Council Priorities:	Communities and Housing, Planning and Regeneration
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:	Cumulative impact assessments are open to challenge where the relevant grounds are met. Legal advice has been sought in the review of the Council's CIA in order to mitigate the risk of any such challenge.
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