

**LICENSING ACT 2003 – PROPOSED PUBLICATION OF A CUMULATIVE  
IMPACT ASSESSMENT**

**REPORT OF THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE**

**1. Purpose of the Report**

- 1.1 To brief the Cabinet upon the proposed publication of a Cumulative Impact Assessment in accordance with Section 5A of the Licensing Act 2003.

**2. Description of Decision (Recommendations)**

- 2.1 The Cabinet is asked:
- (1) to consider the outcome of the consultation exercise undertaken in relation to the proposed cumulative impact assessment to be published under the Licensing Act 2003 (“the Act”);
  - (2) to consider any amendment required as a result of the consultation responses received; and, subject thereto:
  - (3) to recommend to Council that the cumulative impact assessment be published in accordance with section 5A of the Act.

**3. Introduction/Background**

- 3.1 The Act permits a licensing authority to publish a document known as a “cumulative impact assessment” which states 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 to promote the licensing objectives, namely:

- Prevention of crime and disorder,
- Public safety,
- Prevention of public nuisance, and
- Protection of children from harm,

to grant any further relevant authorisations in the area or areas identified. The term “relevant authorisations” means premises licences and club premises certificates.

3.1 A cumulative impact assessment does not prevent the grant or variation of a licence and a responsible authority or other person would still need to make a representation to challenge an application. However, the existence of the assessment would give rise to a presumption that an application for a licence that would be likely to add to the existing cumulative impact will normally be refused, or subjected to limitations, unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives.

3.3 Before publishing such a document the Act requires the licensing authority to consult certain persons, namely:

- The chief officer of police for the licensing authority's area;
- The fire and rescue authority for that area;
- Each Local Health Board for an area, any part of which is in the licensing authority's area;
- Each local authority exercising public health functions within the meaning of the National Health Service Act 2006 in the area;
- Such persons as the licensing authority considers to be representative of holders of premises licences, club premises certificates and personal licences issued by the authority; and
- Such other persons as the licensing authority considers to be representative of businesses and residents in the area.

In accordance with the above, the consultation exercise undertaken upon the proposed cumulative impact assessment (attached as Appendix A) included consultation with the parties identified in Appendix B.

3.4 The Act further requires that the licensing authority must review any cumulative impact assessment no later than three years after its publication.

3.5 On 5 February 2018 the Licensing Committee received a report with regard to a proposal that the Council should introduce a policy relating to the cumulative impact of licensed premises. The Licensing Committee agreed that the Council should commence the process necessary to introduce such a policy. Subsequently, on 2 July 2018, the Licensing Committee were invited to consider the outcome of a consultation exercise, consider any amendment of the cumulative impact assessment following the consultation and to consider recommending the assessment to Council. The Licensing Committee considered the report and recommended it proceed to Council with no amendments.

#### **4. Current Position**

4.1 Comments on the proposed cumulative impact assessment were received from the following person and organisations:

- The Council's Director of Public Health;
- Northumbria Police;
- Sunderland NHS Clinical Commissioning Group;

- The Council's Associate Lead for Community Safety; and
- Balance, the North East Alcohol Office.

- 4.2 The consultation responses are attached as Appendix C.
- 4.3 The responses from the consultees were supportive of the proposed cumulative impact assessment.
- 4.4 The Cabinet is invited to consider the following detailed points in relation to the response received from Northumbria Police.
- 4.5 The Police wish Hylton Road near Millfield Metro Station, Sulgrave and Concord to be included within cumulative impact assessment areas and it can be confirmed that these areas are included within the proposal.
- 4.6 The Police suggest that other parts of City, not identified in the proposal, should be considered for inclusion in a cumulative impact assessment area. In response, the Cabinet may wish to note that, although the City-wide evidence-gathering exercise which supports the current proposal did not suggest a need for coverage of other areas, the licensing authority is, as mentioned above, required to periodically review the document and so other areas can be considered for designation at that time.
- 4.7 In respect of the proposed cumulative impact assessment for Southwick, the Police comment that there are a number of large off licensed premises near the area and so a new cumulative impact assessment area is unlikely to improve the levels of alcohol- related crime. The Cabinet may wish to accept this point but consider that, given that the evidence exists to support the introduction of a cumulative impact assessment area in Southwick, the licensing authority may legitimately act to prevent the situation deteriorating should new licences be granted.
- 4.8 In respect of the Millfield and Pallion area, the Police make a comment with regard to the numbers of public houses in that area. In response, the Cabinet may wish to note that the proposals relate to off licences also.
- 4.9 The Police comment that a cumulative impact assessment area may not be necessary in Shiney Row as the proposed area contains few licensed premises and they do not foresee expansion of this number other than regard to fast food outlets. In response, the Cabinet may wish to note that the evidence exists to support the introduction of a cumulative impact assessment area in that area and that the operators of fast food outlets are entitled to apply for licences to sell alcohol.
- 4.10 In light of the generally positive comments upon the proposals, it is not considered necessary, subject to the view of the Cabinet, to suggest any changes to the document proposed for consideration by full Council.

## **5. Reasons for the Decision**

- 5.1 To enable the Council to fulfil its statutory duty of carrying out its functions under the Act with a view to promoting the licensing objectives

## **6. Alternative Options**

- 6.1 No alternative options are suggested as, given the evidence available, it appears necessary, in order to fulfil a statutory duty, that the Council publishes a cumulative impact assessment.

## **7. Relevant Considerations/Consultation**

### **7.1 Financial Implications**

There are no financial implications associated with these proposals.

- 7.2 Consultation was conducted in accordance with statutory guidance.

## **8. Glossary**

- 8.1 None.

## **9. List of Appendices**

- 9.1 Appendix A – Proposed cumulative impact assessment  
Appendix B – List of consultees  
Appendix C – Consultation responses