

City Centre Cumulative Impact Assessment 2024

Date: 23rd January 2024

Report of: Chief Officer Elections and Regulatory

Report to: Licensing Committee

Will the decision be open for call in?

Yes No

Does the report contain confidential or exempt information?

Yes No

Brief summary

Under the Licensing Act 2003 the licensing authority must review the Statement of Licensing Policy every five years.

Under the same Act the licensing authority can produce an assessment of cumulative impact of licensed premises in its area and this must be reviewed every three years. The Cumulative Impact Assessment was last produced in 2023.

Due to the dynamic nature of the night-time economy, the cumulative impact area for the city centre is subject to an annual review.

This report presents the latest review of the city centre cumulative impact assessment at Appendix A which was subject to a brief public consultation in January. The consultation responses are included in the review.

Recommendations

- a) For Licensing Committee to approve the City Centre Cumulative Impact Assessment 2024.

What is this report about?

- 1 Under the Licensing Act 2003 the licensing authority must review the Statement of Licensing Policy (“Policy”) every five years. The existing Statement of Licensing Policy is for the period 2023-2027.
- 2 Under the same Act the licensing authority can produce an assessment of cumulative impact of licensed premises in its area and this must be reviewed every three years. The Cumulative Impact Assessment (“CIA”) was last produced in 2023. Any change to the scope of the CIA also requires review, consultation, and adoption of a new Policy.
- 3 Due to the dynamic nature of the city centre night-time economy the Council usually reviews the crime statistics for the city centre each year and recommends any necessary changes to the cumulative impact assessment. This may be either expansion or contraction of the cumulative impact area or the red zones within it. The review also confirms or amends the peak hours.
- 4 This provides the information necessary for the Licensing Authority and the Police to decide if a representation is necessary to bring any applications to the attention of Licensing committee for decision.
- 5 This year the crime statistics show that the overall area and the areas designated as red zones are still appropriate. It shows there has been an overall decrease in crime in the city centre, but those crimes associated with the night-time economy are still high and increasing. For example public order offences have seen a 23% increase, violence without injury shows a 22% increase, and violence with injury has seen a 4% increase, all from the pre-Covid average. Sexual offences and rape have also seen an increase, but this may be affected by the work undertaken by the Police to encourage reporting of this type of crime. Although theft from person, bicycle theft and other theft have seen a 27-30% decrease, this is not the experience from the local NPT who feel that the theft type offences are taking a disproportionate amount of time since the reopening of premises after the Covid lockdowns – however these are predominantly daytime offences experienced in the retail dominated areas, and so out of scope of this assessment.
- 6 Overall, it is recommended that the cumulative impact areas are correctly described in and illustrated in the map provided at the front of this document. The peak hours for the upper red zone are 23:00 to 03:00 and for the lower red zone are 23:00 to 04:00. As the Police report does not specify days of the week these hours are relevant, consideration will be given to applications for any days that fall within those hours, recognising that operators generally chose the later hours at the weekends when demand is highest.
- 7 The City Centre Cumulative Impact Assessment 2024 is attached at Appendix 1.

What impact will this proposal have?

- 8 Statute dictates that any cumulative impact assessment is reviewed at least every three years. The Licensing authority chooses to review the city centre cumulative impact assessment more often due to the dynamic nature of the night-time economy.
- 9 This review provides up to date statistics that can be considered when making decisions on licensing applications in the city centre. These statistics, which show a large increase in the night-time economy related crime when compared to the pre-Covid average, confirms and supports the policy that it would be inconsistent with the council’s duty to promote the licensing objectives to grant new and variation application for any premises licence (on sales, off sales

and late night takeaways) that seek to operate during the peak hours described in the cumulative impact assessment for the city centre.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

What consultation and engagement has taken place?

Wards affected: All

Have ward members been consulted?

Yes

No

10 In line with the licensing authority's usual practice the Policy has undergone a public consultation with those affected by the proposed changes. However due to the nature of the proposed change, a light touch approach has been applied.

What are the resource implications?

11 The licensing of alcohol and entertainment venues attracts a fee which can only be used to pay for the costs associated with the licence application. As such the cumulative impact assessment review is a cost to the council, which is not recovered by the licence fee.

What are the key risks and how are they being managed?

12 The report recommends that reviewed and updated cumulative impact assessment be approved. Should Licensing Committee decide not to approve the cumulative impact assessment, the existing assessment would remain in place for a further two years or until reviewed again.

13 The key risk is a legal challenge to the voracity of the cumulative impact assessment or its validity. All measures have been taken to ensure that the review is undertaken in accordance with both the Licensing Act 2003 and the Governments s182 guidance. . The Council also follows the Cabinet Office guidance in relation to consultations and follows the EDCI Assessment undertaken for the three yearly review of the CIA and the five yearly review of the Licensing Policy.

What are the legal implications?

14 The legal implications are described in paragraph 12.

Options, timescales and measuring success

What other options were considered?

15 The assessment could have been undertaken using the usual timescale of every three years. However this would require the Police to either use out of date crime statistics or to provide updated statistics that may indicate a different approach be used without the formal review and consultation of the assessment.

How will success be measured?

16 Success will be measured by cumulative impact assessment being approved.

What is the timetable and who will be responsible for implementation?

17 The cumulative assessment will come into effect as soon as it is approved by Licensing Committee

18 Entertainment Licensing will ensure the cumulative impact assessment is published in accordance with the statutory requirements.

Appendices

19 Appendix 1 – City Centre Cumulative Impact Assessment 2024.

Background papers

20 None