



NORWICH City Council

Committee name: Licensing

Committee date: 01/12/2022

Report title: Consideration of cumulative impact assessment

Portfolio: Councillor Jones, Cabinet member for safe, strong and inclusive neighbourhoods

Report from: Head of planning and regulatory services

Wards: All wards

OPEN PUBLIC ITEM

Purpose

To hear the information provided by Norfolk Constabulary and to consider if it is an appropriate time to undertake a cumulative impact assessment.

Recommendation:

It is recommended that members hear the information provided by Norfolk Constabulary and consider if it is an appropriate time to undertake a cumulative impact assessment under the Licensing Act 2003, the Guidance issued under section 182 of that act and Norwich City Council's statement of licensing policy.

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the 'People live independently and well in a diverse and safe city' and 'The city has an inclusive economy in which residents have equal opportunity to flourish' priorities.

Report details

1. The Licensing Act 2003 requires licensing authorities to have a statement of licensing policy for the local area. Section 5a of the [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk) was introduced in 2017, giving licensing authorities the option to consider cumulative impact assessments.
2. The Guidance issued under section 182 of the Licensing Act 2003 provides explanations of what cumulative impact is and how cumulative impact assessments are to be carried out (paragraphs 14.20 to 14.48) [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)
3. Norwich City Council's current statement of licensing policy under the Licensing Act 2003 came into effect in December 2021 [Licensing policy | Licensing policy | Norwich City Council](#)
4. The current licensing policy does not have a special policy on cumulative impact. The previous cumulative impact special policy was removed due to legislative change (requiring a more detailed consultation and evidential basis) along with the Covid19 pandemic. Many premises were restricted from normal trading for extended periods of time and it was not considered possible to accurately assess the long-term impacts of the pandemic or to assess cumulative impact of the number or density of licensed premises and the effect on the licensing objectives.
5. The statement of licensing policy contains the following paragraph:

‘Due to the current Covid-19 pandemic and the changing restrictions on licenced premises, it is not possible to carry out an appropriate cumulative impact assessment at this time. It is the intention of this authority to perform a cumulative impact assessment at an appropriate time. This committee will review the possible introduction at a six-month interval from the introduction of this policy and thereafter as needed.’
6. Responsible authorities were asked in the summer if there were any concerns over cumulative impact, but none were raised. Members last considered the issue of cumulative impact in June 2022 where it was decided to review again after a six-month period.
7. Norfolk Constabulary have been invited to attend this meeting to provide information on licensed premises through crime and disorder statistics and operational experiences. They are the responsible authority under the Licensing Act 2003 with expertise on the licensing objective of crime and disorder and a valued partner in all licensing activities.
8. If publishing a cumulative impact policy, a licensing authority is required to set out evidence of problems that are being caused by the cumulative impact of licensed premises in a particular area. The evidence is used to justify the special policy on cumulative impact that granting further premises licences and/or club premises certificates in a specified area is likely to be inconsistent with the licensing authority's duty to promote the licensing objectives.

9. Paragraph 14.34 of the s182 Guidance directs licensing authorities to:
- Identify concerns about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
10. Sources of evidence suggested include 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 councillors; and evidence obtained through local consultation.
11. A cumulative impact policy does not affect how licensing decisions are made. The process of application, consultation and hearing remains the same. The licensing authority can grant an application where it considers it is appropriate and where the applicant can demonstrate in their application that they would not be adding to the cumulative impact.
12. The options available to members are to:
- Request work to begin on a cumulative impact assessment (this would require a scoping and project planning exercise)
 - Request further information on whether a cumulative impact assessment is necessary
 - Not to conduct a cumulative impact assessment at this time but to schedule another review point
13. Members are reminded that a cumulative impact assessment can be begun at any point in time they deem appropriate. The method of conducting a cumulative impact assessment is detailed in the section 182 Guidance issued under the Licensing Act 2003.

Consultation

14. None

Implications

Financial and resources

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its

Corporate Plan 2022-26 and budget.

15. There are no proposals in this report that would reduce or increase resources.

Legal

16. [Legal implications should include:

- [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- [Licensing policy | Licensing policy | Norwich City Council](#)

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	No implications, no measures proposed
Health, social and economic impact	No implications, no measures proposed
Crime and disorder	Norfolk Constabulary are attending this meeting, no further measures proposed
Children and adults safeguarding	No implications, no measures proposed
Environmental impact	No implications, no measures proposed

Risk management

Risk	Consequence	Controls required
Operational	Would require dedicated project approach	Likely to require separate funding
Legal	To ensure compliance	nplaw will attend the meeting
Reputational risks to the council	Risk of challenge if incorrectly applied or if problems arise	nplaw will attend the meeting

Other options considered

17. None

Reasons for the decision/recommendation

18. To comply with the statement made in the statement of licensing policy to keep a cumulative impact assessment under review.

Background papers: None

Appendices: None

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