



Name of meeting: Licensing and Safety Committee

Date: Wednesday 28th June 2023

Title of report: Cumulative Impact Assessment

Purpose of report: The purpose of the report to inform Members of proposals, and to seek approval, to consult on the need for a Cumulative Impact Assessment in Huddersfield and Dewsbury town centres.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision –No Private Report/Private Appendix –No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Colin Parr – 19.06.2023
Is it also signed off by the Service Director for Finance?	Dean Langton – 08.06.2023
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 12.06.2023
Cabinet member:	Councillor Naheed Mather

Electoral wards affected: Newsome and Dewsbury East

Ward councillors consulted: None.

Public or private: Public

Has GDPR been considered? Yes, there is no personal data contained in this report.

1. Summary

1.1 The purpose of this report is to inform Members of work that has been undertaken with Public Health and West Yorkshire Police to ascertain if sufficient evidence exists to commence consultation on proposals to publish a Cumulative Impact Assessment policy for Huddersfield and Dewsbury town centres.

2. Information required to take a decision

2.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate. The existing Statement of Licensing Policy for Kirklees Council became effective on 15th January 2020.

2.2 In April 2018 the Police and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A. This provision provides that a licensing authority may, in appropriate circumstances, publish a cumulative impact assessment ('the Assessment'), placing Assessments on a statutory footing.

2.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

2.4 The Assessment must set out the evidence to support the authority's opinion, must be consulted upon before it is published, it must be reviewed at least every three years, with any review having to be consulted upon and any revisions published along with the evidence.

2.5 By publishing an Assessment, a Local Authority sets down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in a specific area(s). The Council must have regard to the Assessment when determining or revising the Statement of Licensing Policy. The Assessment does not change the fundamental way that a licensing decision is made, as each application will be considered on its own merits; and it is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

2.6 An applicant wishing to obtain a new licence or vary a licence for premises, within a cumulative impact area, will be expected to demonstrate through their operating schedule, the steps they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.

2.7 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact.

Existing Statement of Licensing Policy

2.8 The Council's existing Statement of Licensing Policy contains a section with general information on the cumulative impact of licensed premises but at the last review no assessments on specific area were introduced.

2.9 The current policy at paragraph 11.6 states –

'11.6 Any imposition of special provisions to combat the effect of cumulative impact will only be introduced after widespread consultation, including those bodies/persons indicated in section 5(3) of the Act, and the establishment of clear evidence of a problem and its links with licensed activities. Any special policy, once adopted, will be the subject of regular reviews.'

2.10 The Council's existing Statement of Licensing Policy is scheduled to be reviewed during the 23 / 24 financial year with a view to publishing the revised policy in the later stages of 2024 following consultation.

2.11 Notwithstanding the scheduled review of the Council's Statement of Licensing Policy, it is felt that, given the evidence available and issues being experienced, consultation on introducing and publishing a cumulative impact assessment should take place outside the general review of the policy.

Evidence to Support CIA

2.12 Working with colleagues in Public Health and with data provided by West Yorkshire Police, there is indicative evidence to suggest that offences with links to alcohol are an issue in both Dewsbury Town Centre and Huddersfield Town Centre, this evidence can be seen at appendix I.

2.13 The evidence presented at appendix I, is based on previous five years data. The police data is an accumulated total for each offence over those five years.

2.14 It can be seen even with the pandemic, alcohol related crime is causing issues. In addition, in the case of Huddersfield Town Centre, in particular LSOA E0101107 (majority of town centre out to Leeds Road) the levels of offending are significantly above the Kirklees Average.

2.15 Having considered the police data, it is senior officers view there is sufficient evidence for the authority to consider publishing a cumulative impact assessment for both Huddersfield and Dewsbury town centres.

Consultation

2.16 Before a cumulative impact assessment can be introduced the Council, in its capacity as Licensing Authority, are duty bound to consult with the following –

- West Yorkshire Police,
- West Yorkshire Fire and Rescue,
- Local Health Board,
- Public Health,
- Representatives for the licensed trade,
- Representatives for personal licence holders,
- Such other persons as the licensing authority considers to be representatives of business and residents,

2.17 As part of this consultation the Council must provide those mentioned in paragraph 2.16 above, the following information –

- The reasons why consideration is being given to publishing a CIA,
- A general indication of the part or parts of the area that will form part of the CIA,
- Whether the CIA will apply to all types of licensed premises or only a specified type for example those premises authorised for off sales only,

2.18 The purpose of this consultation is to seek a wider view on the impact the number of premises is having and whether those consulted agree there is a need to publish a cumulative impact assessment.

2.19 Following consultation, a further report will be presented to Members of the Licensing and safety Committee on the results and, whether the Council in its capacity as Licensing Authority should seek to amend its statement of licensing policy and introduce a cumulative impact assessment for the affected areas.

3 Implications for the Council

3.1 Working with People

Proposals to introduce a CIA policy requires a thorough consultation process. Officers will work with the Councils Consultation and Engagement team to ensure the consultation reaches as many residents as possible to ensure their views are taken into account.

3.2 Working with Partners

Officers have worked alongside Public Health and West Yorkshire Police to ensure the evidence is robust and can stand up to any potential challenge.

3.3 Place Based Working

Information from Public Health and West Yorkshire Police has been utilised to identify that there is a need to consult upon the introduction of a CIA. By using this information as well as information from Ward Councillors and residents it will be possible to ensure the CIA is targeted where it will be the most effective.

3.4 Climate Change and Air Quality

There is no impact in the context of this report.

3.5 Improving outcomes for children

The Council wants to ensure that children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm.

3.6 Financial Implications for the people living or working in Kirklees

There are no financial implications for people living or working in Kirklees.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

Legal

The introduction of a CIA will result in sections of the Council's existing statement of licensing policy being reviewed, which in turn opens the Council to risk of Judicial Review.

As the introduction of a CIA will not impact existing operators, only new applications or applications to vary a premises licence, officers consider this risk to be low.

Finance

There are no financial implications for the Council arising from the recommendations in this report.

Human Resources

There will be no impact on HR in the context of this report. Resources will be required to facilitate the consultation; these will be met by existing staff members within the Licensing Service.

Integrated Impact Assessment (IIA)

An integrated impact assessment has been completed as part of the proposals.

4 Consultation

4.1 Consultation will be carried out in accordance with the requirements of the Licensing Act 2003.

5 Next steps and timelines

5.1 Officers to draw up relevant consultation documents with a view to commencing a 12-week consultation at the end of July. Following consultation, a further report will be presented to Committee in January 2024. Having taken into account the evidence available at the time and the results of the consultations Members will be asked to take on a decision on whether they feel a cumulative impact assessment should be published.

5.2 If the answer to that question is 'yes' then a further report will be required to Full Council with a recommendation that Council's statement of licensing policy be amended so as to include the publication of the cumulative impact assessment.

6 Officer recommendations and reasons

6.1 Members are recommended to consider the information in this report and whether there is sufficient indicative evidence to consult on proposals to introduce a 'cumulative impact assessment' for both Huddersfield and Dewsbury town centres.

6.2 If Members agree there is sufficient evidence to consult, Members are recommended to authorise officers to commence formal consultation at the end of July, with results of the consultation being presented to a future Licensing and Safety Committee meeting.

7 Cabinet Portfolio Holder's recommendations

Councillor Naheed Mather agrees with the officer recommendation.

8 Contact officer

Fiona Goldsmith – Group Leader Licensing
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Email: Fiona.goldsmith@kirklees.gov.uk

9 Background Papers and History of Decisions

- Adoption of current statement of licensing policy - [Agenda for Council on Wednesday 15th January 2020, 5.30 pm | Kirklees Council](#)

10 Service Director responsible

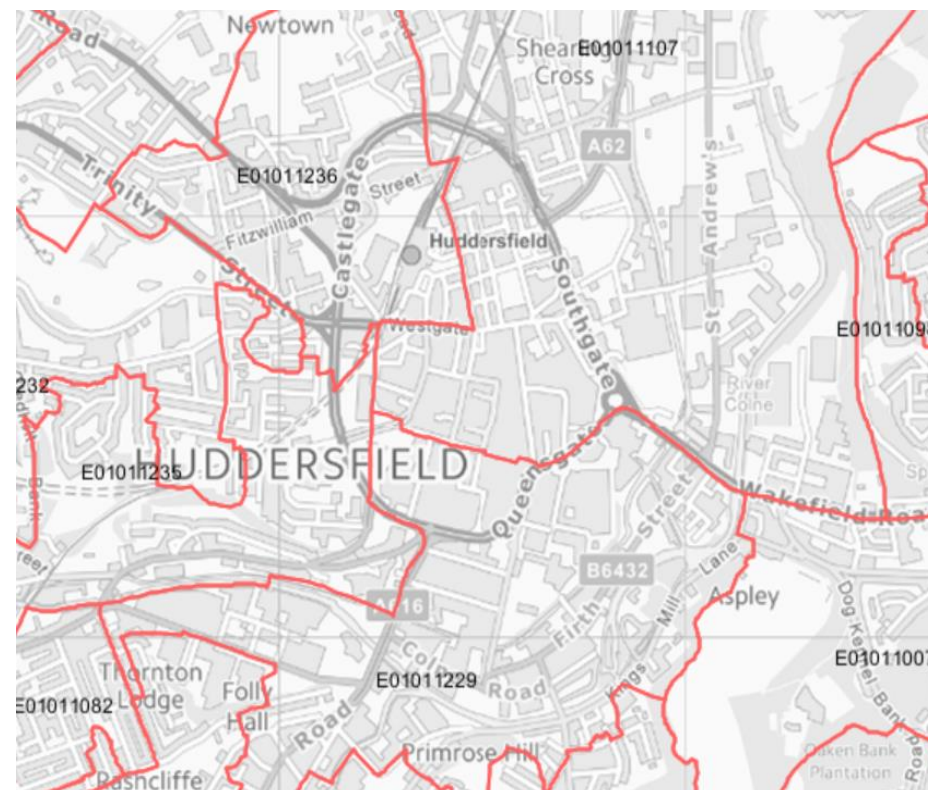
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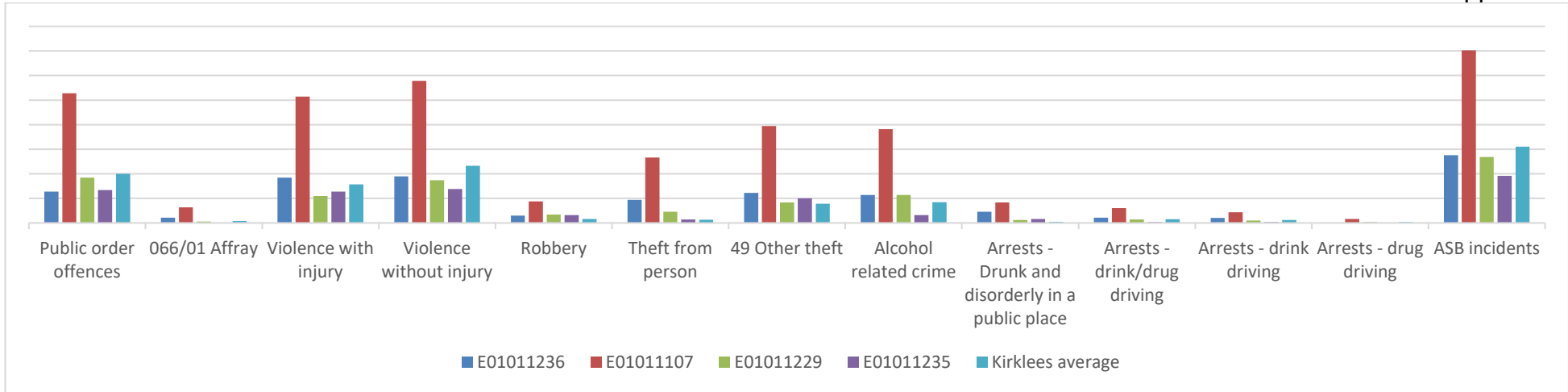
Huddersfield Centre

E01011236	Top of ring road - Trinity Street across to St John's Road
E01011107	Majority of town centre and out Leeds Road
E01011229	Bottom of centre - Queensgate to Lockwood Road
E01011235	Leisure centre, bus station over to Manchester Road

- Value less than 50

Offence	LSOA				Kirklees Average
	E01011236	E01011107	E01011229	E01011235	
Public order offences	64	264	92	67	100
066/01 Affray					
Violence with injury	92	257	55	64	78
Violence without injury	95	289	87	69	116
Robbery					
Theft from person		133			
49 Other theft	61	197		50	
Alcohol related crime	57	191	57		
Arrests - Drunk and disorderly in a public place					
Arrests - drink/drug driving					
Arrests - drink driving					
Arrests - drug driving					
ASB incidents	138	351	134	96	155
Total crime	563	2301	850	483	810





Dewsbury Centre

Offence	LSOA	Kirklees average
	E01011236	
Public order offences	64	100
066/01 Affray		
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Violence without injury	95	116
Robbery		
Theft from person		
49 Other theft	61	
Alcohol related crime	57	
Arrests - Drunk and disorderly in a public place		
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