

**Name of meeting:** Environment and Climate Change Scrutiny Panel

**Date:** 4 July 2023

**Title of report:** Cumulative Impact Assessment

**Purpose of report:** The purpose of this report is to brief Members of the Environment and Climate Change Scrutiny Panel on proposals to introduce a Cumulative Impact Assessment (CIA) Policy under the Licensing Act 2003.

<b>Key Decision - Is it likely to result in spending or saving £500k 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.</b>	<b>Not Applicable</b>
<b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></b>	<b>Key Decision – No Private Report/Private Appendix – No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Not Applicable</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Colin Parr, Strategic Director, Environment and Climate Change - 22/06/2023</b>
<b>Is it also signed off by the Service Director for Finance?</b>	<b>N/A</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Julie Muscroft – 22/06/2023</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Naheed Mather</b>

**Electoral wards affected:** Newsome and Dewsbury East

**Ward councillors consulted:** None in the context of this report

**Public or private:** Public

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

## **1. Summary**

- 1.1 On the 28 June 2023 members of the Licensing and Safety Committee will consider a report outlining proposals to introduce a cumulative impact assessment ('CIA') for both Huddersfield and Dewsbury town centres.
- 1.2 This follows work undertaken with Public Health and West Yorkshire Police to establish if sufficient evidence existed to commence consultation on proposals to publish a Cumulative Impact Assessment policy for Huddersfield and Dewsbury town centres.
- 1.3 The evidence collated by public health and presented to the licensing service indicates there is a need to consider proposals to introduce a CIA in those two locations.

## **2 Information required to take a decision**

### Background

- 2.1 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').
- 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, the Council is setting out a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described in a CIA. 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 the

operating schedule, the steps that 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.

#### Existing Statement of Licensing Policy

- 2.7 The Council's existing Statement of Licensing Policy, which is scheduled to be reviewed during the 23 / 24 financial year, contains a section with general information on the cumulative impact of licensed premises but at the last review no assessments on specific areas were introduced.

#### Evidence to Support CIA

- 2.8 Working with colleagues in Public Health and with data provided by West Yorkshire Police, evidence was presented to members of the Licensing and Safety Committee that suggests offences with links to alcohol are an issue in both Dewsbury Town Centre and Huddersfield Town Centre, the evidence presented to the Licensing and Safety Committee can be seen at appendix I.
- 2.9 Due to the timescales for preparing this report, a verbal update on the decision of the Licensing and Safety Committee will be provided to Members of Board at the meeting on the 4 July 2023.
- 2.10 If Members of the Licensing and Safety Committee agree there is sufficient evidence to consult on proposals to introduce a CIA, then the following timescales will apply-
- July 2023 – September 2023 – 12-week consultation
  - October 2023 – November 2023 – analyse consultation, prepare report back to Licensing and Safety Committee to consider consultation results and recommendation to Full Council
  - January 2024 - Report to Full Council to consider recommendation from Licensing and Safety and adopt / reject CIA.

#### Public Health Perspective

- 2.11 In 2012 the Police and Social Responsibility Act 2011 introduced public health as a responsible authority under the Licensing Act 2003. However, there is still no licensing objective linked to 'public health' and it remains the case that in the absence of public health objective it is difficult for the Director of Public Health or their nominated officer, to make representations against individual applications under the licensing act.
- 2.12 However, given the impact upon population-level health that alcohol consumption can cause, public health in Kirklees, like other local authorities are working more closely with the licensing team on how data Public Health have access to can be utilised to
- shape and strengthen the Council's statement of licensing policy,

- assist responsible authorities and interested parties, to determine if an application in a specific area would impact on the licensing objectives,
- provide data and evidence to assess if the concentration of premises in a particular area impacts the Council's duties to promote the licensing objectives, and therefore warrant the introduction of a 'cumulative impact assessment'.

2.13 In addition, public health are looking at how the data they have access to can be used to, develop a 'alcohol toolkit' that will support other responsible authorities, ward members and the public to make their own representations against / or in support of an application.

#### Scope of Cumulative Impact Assessment

2.14 While officers have looked at the evidence for both Huddersfield and Dewsbury town centres, there is potential for ward members to request consideration be given to introducing CIA's in other areas of the district.

2.15 The evidence to support the introduction of a CIA has to be robust and able to stand up to judicial scrutiny; and as part of the full review of the Council's statement of Licensing Policy, officers can work with Members to explore whether consideration should be given to other areas, and whether the evidence is sufficient to support such a step.

#### Other Interventions

2.16 It is understood that introducing a CIA takes time but that the effects of alcohol related crime are being felt now.

2.17 Therefore, to mitigate the current risks officers are looking at what other interventions can be undertaken done to reduce the issues currently being experienced, interventions such as -

- Public Space Protection Orders ('PSPO')

Officers are reviewing the Council's current PSPO's to ensure they are more robust.

- High Strength Alcohol

Officers are working with premises to establish a voluntary agreement with convenience stores selling alcohol, to remove sale of single high strength cans of alcohol (6% or above)

- Licence review

Officers are collating evidence to support the potential review of individual premises licences.

- Multi-agency approach

2.18 Officers are looking at a multi-agency approach to tackling street drinkers, starting with Dewsbury, working with charities and the rough sleeping team to offer support to street drinkers, and use this opportunity to gather evidence as to which shops are selling alcohol the street drinkers.

### **3 Implications for the Council**

#### **3.1 Working with People**

Proposals to introduce a CIA policy requires a through 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.

Notwithstanding the work being undertaken on the CIA, officers are continuing to work with other external agencies to address the issues of 'on street drinking'.

#### **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 the information from the Kirklees Alcohol Toolkit, 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 are no Climate or Air Quality issues associated with this report.

#### **3.5 Improving outcomes for children**

The Council's plan set out two main areas for improving outcomes for children, they are "Best Start in Life" and "Aspire and Achieve."

It is too early to ascertain if the introduction on a cumulative impact assessment will impact these areas.

#### **3.6 Financial Implications for the people living or working in Kirklees**

There are no financial implications in the context of this report.

### **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.

#### 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.

#### Armed Forces Covenant

There will be no impact on the Armed Forces Covenant in the context of this report.

#### Integrated Impact Assessment (IIA)

An integrated impact assessment will be completed as part of the proposals.

## **4 Consultation**

Consultation is taking place in accordance with the requirements of the Licensing Act 2003

## **5 Next steps and timelines**

Subject to the decision of the Licensing and Safety Committee on the 28 June 2023, the next steps are:-

- July 2023 – September 2023 – 12-week consultation
- October 2023 – November 2023 – analyse consultation, prepare report back to Licensing and Safety Committee to consider consultation results and recommendation to Full Council
- January 2024 - Report to Full Council to consider recommendation from Licensing and Safety and adopt / reject CIA.

## **6 Officer recommendations and reasons**

Members of the Environment and Climate Change Scrutiny Board are asked to note the report and proposals to introduce a cumulative impact assessment for both Huddersfield and Dewsbury Town centres.

## **7 Cabinet Portfolio Holder's recommendations**

Not applicable in the context of this report; however, the Cabinet Portfolio Holder provided comments in relation to the report presented to the Licensing and Safety

Committee with those comments being that the Cabinet Member agreed with the officers recommendations to approve consultation.

## **8 Contact officer**

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## **9 Background Papers and History of Decisions**

Licensing and Safety Committee decision - [Agenda for Licensing and Safety Committee on Wednesday 28th June 2023, 10.00 am | Kirklees Council](#)

## **10 Service Director responsible**

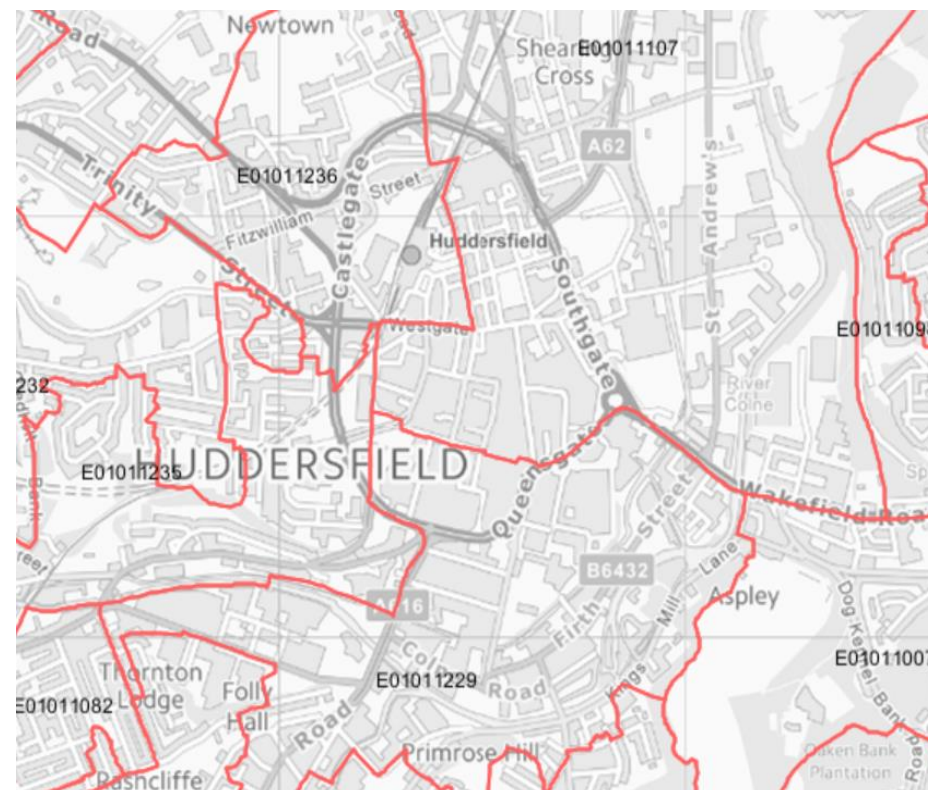
Katherine Armitage  
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## Huddersfield Centre

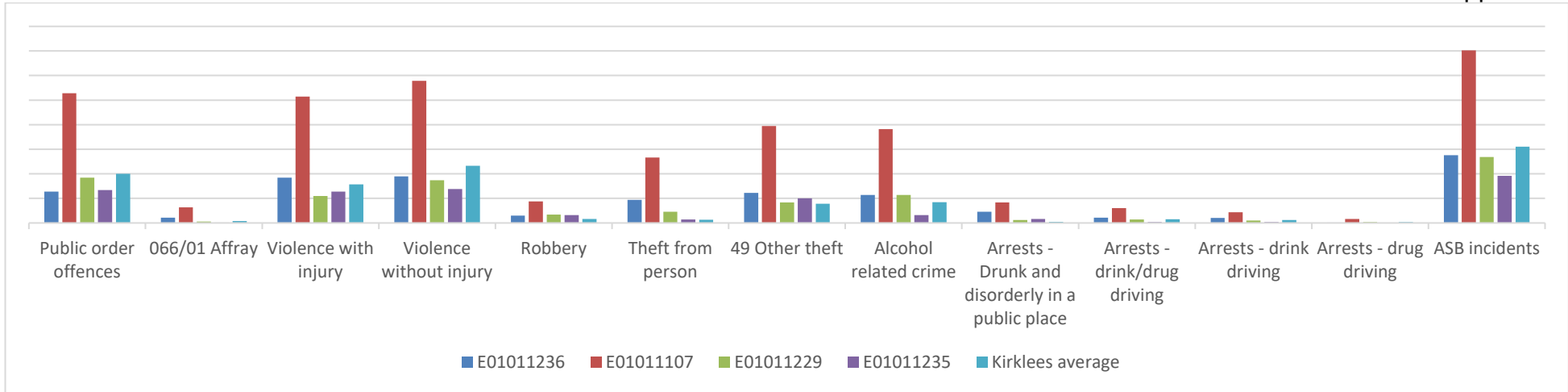
E01011236	Top of ring road - Trinity Street across to St John's Road
E01011107	Majority of town centre and out Leeds Road
E01011229	Bottom of centre - Queensgate to Lockwood Road
E01011235	Leisure centre, bus station over to Manchester Road

- 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		
Violence with injury	92	78
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		
Arrests - drink/drug driving		
Arrests - drink driving		
Arrests - drug driving		
ASB incidents	138	155
Total crime	563	810

