

REPORT TITLE: Cumulative Impact Assessment – Consultation Results

Meeting:	Licensing and Safety Committee
Date:	Wednesday 18 th December 2024
Cabinet Member (if applicable)	Cllr Tyler Hawkins
Key Decision Eligible for Call In	No No
Purpose of Report To submit for members consideration the results of the consultation for Cumulative Impact Assessments in Huddersfield and Dewsbury Town Centres in relation to premises licensed to sell alcohol with off sales.	
Recommendations <ul style="list-style-type: none"> Members are asked to consider the introduction of a Cumulative Impact Assessment for both Huddersfield and Dewsbury Town Centres and recommend it to Full Council for adoption. Reasons for Recommendations <ul style="list-style-type: none"> The Licensing Act 2003 says that the Licensing Authority can produce an assessment of cumulative impact of licensing premises in appropriate circumstances in its area where there is sufficient evidence to support the impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The assessment must set out evidence to support the Authorities opinion and must be consulted upon before it is published. 	
Resource Implications: There are no resource implications relating to this report.	
Date signed off by <u>Executive Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?	David Shepherd – 24 th November 2024 Kevin Mulvaney – 2 nd December 2024 Samantha Lawton – 25 th November 2024

Electoral wards affected: Newsome and Dewsbury East

Ward councillors consulted: All (as part of the formal consultation of the policy)

Public or private: Public

Has GDPR been considered? Yes, any personal data has been redacted for the purposes of this report.

1. Executive Summary

1.1 At the meeting of the Licensing and Safety Committee on Wednesday 19th July 2023 members were asked to consider the information in their report and whether there was sufficient indicative evidence to consult on proposals to introduce a 'cumulative impact assessment for both Huddersfield and Dewsbury Town Centres.

1.2 Members resolved to authorise officers to commence a formal consultation, with results of the consultation being presented to a future Licensing and Safety Committee meeting.

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.

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.

Evidence to Support CIA

2.8 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 1**.

2.9 The evidence presented at **Appendix 1**, is based on previous five years data. The police data is an accumulated total for each offence over those five years.

2.10 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.

2.11 Having considered the police data and the views expressed by those who responded to the consultation, it is felt that there is sufficient evidence for the authority to consider publishing a cumulative impact assessment for both Huddersfield and Dewsbury town centres.

Consultation

2.12 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,

2.13 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,

2.14 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.

2.15 The decision to introduce a Cumulative Impact Assessment isn't purely based on hard data, such as the police data, it can be based on perception and public views. As you will see from the comments in the consultation response at **Appendix 2** there are strong views from the respondents relating to the Cumulative Impact of premises with off-sales within Huddersfield and Dewsbury Town Centres.

2.16 The consultation was carried out for 8-weeks between Thursday 18th July 2024 and Wednesday 11th September 2024. The consultation results and the Council's response to comments can be seen at **Appendix 2**.

2.17 The draft Cumulative Impact Assessment can be seen at **Appendix 3**.

3. Implications for the Council

3.1 Council Plan

The issuing of licenses supports the Council's vision for a strong and sustainable economy, playing a key role in the management of the evening and night-time economy.

3.2 Financial Implications

The fees charged under the Licensing Act 2003 are statutory and therefore, and as such are not set by the Local Authority, the fee levels are intended to provide full cost recovery of all licensing functions. Where Licensing Authorities exceed these requirements, they are required to absorb those costs themselves. The cost of the consultations are met by the service, however, if these costs exceed the income generation this will result in the service being required to cover the costs from external funding.

3.3 Legal Implications

The introduction of any policy opens the Council to risk of Judicial Review.

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

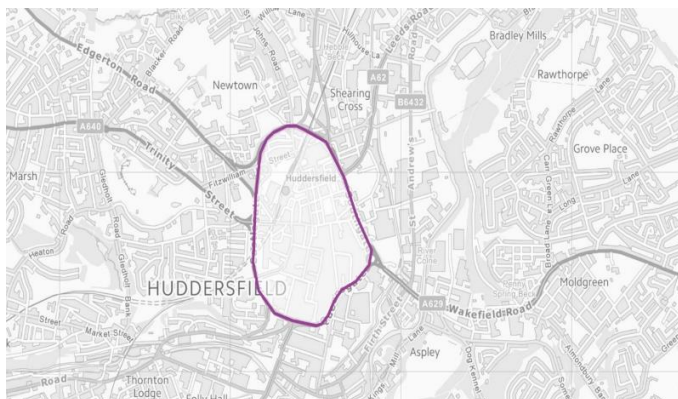
3.4 Other (eg Risk, Integrated Impact Assessment or Human Resources)

An integrated Impact Assessment has been completed and can be accessed on the Council's website here [Integrated Impact Assessments - IntegratedImpactAssessment](#)

4 Consultation

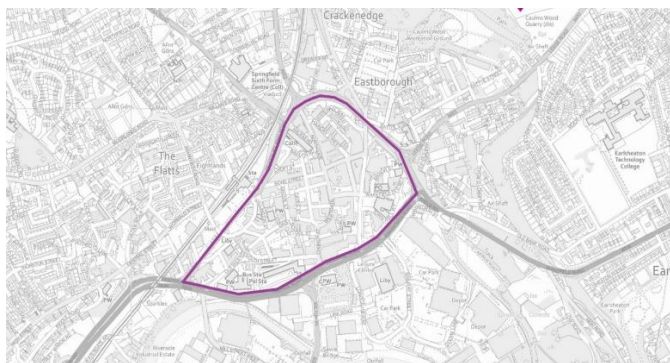
4.1 The purpose of the consultation was to seek a wider view on the impact the number of premises licensed to sell alcohol is having (relating to off-sales only), within Huddersfield Town Centre and Dewsbury Town Centre, and whether those consulted feel that there is a need to publish a Cumulative Impact assessment for the areas shown below: -

Huddersfield Town Centre



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Dewsbury Town Centre



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4.2 Consultation has been carried out in accordance with the requirements as set out in the Licensing Act 2003. The consultation period was 8-weeks long from Thursday 18th July 2024 to Wednesday 11th September 2024. Those consulted are as follows:

- All Elected Members
- All Local MPs
- Parish and Town Councils
- All licence holders
- All Responsible Authorities:
 - West Yorkshire Police
 - West Yorkshire Fire Service
 - Environmental Health and Health and Safety at Work
 - Planning
 - Public Health
 - West Yorkshire Joint Services (Trading Standards)
 - Secretary of State (Immigration Enforcement)
 - Kirklees Safeguarding Children Partnership
- The Council's Climate Team
- Community Safety Partnership
- Chamber of Commerce
- Huddersfield BID
- Huddersfield University
- Huddersfield NHS
- Members of the Public and local businesses via Council Comms

- Letters hand delivered to local businesses in both Huddersfield and Dewsbury Town Centre.

4.2 In total 135 respondents completed the questionnaire (please note that the below is 146 but people may have fallen into more than one category making it 146); those responses were received from: -

- 92 Residents of Kirklees living outside the boundary of both Town Centres
- 26 Residents of Huddersfield Town Centre
- 9 Residents of Dewsbury Town Centre
- 7 Representatives for personal licence holders
- 3 Representatives for the licensed trade
- 3 representatives for a local business in Dewsbury Town Centre
- 1 Representative for a local business in Huddersfield Town Centre
- 1 Ward Councillor
- 1 West Yorkshire Police
- 0 West Yorkshire Fire and Rescue
- 0 Local Health Board
- 3 Other (1 Lives in Kirklees & works for NHS, 1 Kirklees Resident, 1 Parish Council)

4.3 The responses to the consultation, along with officer's comments can be seen at **Appendix 2.**

5 Engagement

Prior to consultation the licensing service engaged with colleagues in public health and with data provided by West Yorkshire Police found there was indicative evidence to support the theory that there are links between crime and the sale of alcohol in both Huddersfield and Dewsbury Town Centres.

6 Options

6.1 Options considered

Having considered the supporting data and the consultation results and responses, members are asked to consider the introduction of Cumulative Impact Assessments in both Huddersfield and Dewsbury Town Centres and recommend it to Full Council for adoption.

Members can resolve to: -

- Introduce Cumulative Impact Assessments in both Dewsbury and Huddersfield Town Centres, for premises with off-sales only.
- Introduce a Cumulative Impact Assessment in Huddersfield Town Centre only, for premises with off-sales only.
- Introduce a Cumulative Impact Assessment in Dewsbury Town Centre only for premises with off-sales only.
- Not introduce Cumulative Impact Assessments in Kirklees.

6.2 Reasons for recommended option

The Licensing Act 2003 says that the Licensing Authority can produce an assessment of cumulative impact of licensing premises in appropriate circumstances in its area where there is sufficient evidence to support the impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

7 Next steps and timelines

7.1 Members are asked to consider the proposed Options and agree the Cumulative Impact Assessment shown at **Appendix 3**.

7.2 Members are asked to make a formal recommendation to Full Council on Wednesday 15th January 2024 that the proposed Cumulative Impact Assessment be adopted for the next three years.

8 Contact officer

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9 Background Papers and History of Decisions

[Agenda for Licensing and Safety Committee on Wednesday 19th July 2023, 10.00 am | Kirklees Council](#)

10 Appendices

- **Appendix 1** – West Yorkshire Police Data
- **Appendix 2** – Consultation Responses
- **Appendix 3** – Cumulative Impact Assessment – Huddersfield and Dewsbury Town Centres

11 Service Director responsible

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