

Meeting: Cabinet **Date:** 21 November 2023

Wards affected: All

Report Title: Licensing Act 2003 – Cumulative Impact Assessment 2024 - 2027

When does the decision need to be implemented? 7 January 2023

Cabinet Member Contact Details: Councillor Hayley Tranter, Hayley.tranter@torbay.gov.uk

Director/Divisional Director Contact Details: Joanna Williams, Director of Adult and Community and Customer Services

1. Purpose of Report

- 1.1 Cumulative Impact Assessments (CIA) were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.
- 1.2 The two current cumulative impact areas, along with the Police and Public Nuisance evidence were consulted on for over six weeks between 16 August 2023 and 5 October 2023. This report contains details of the consultation responses and the cumulative impact areas proposed to be adopted.

2. Reason for Proposal and its benefits

- 2.1 The proposal is made in order to meet a statutory obligation as prescribed in section 5a of the Licensing Act 2003. After publishing a CIA the Licensing Authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance and republish the final version after consideration of the responses received as part of the consultation process.

3. Recommendation(s) / Proposed Decision

- 3.1 That Cabinet recommend to Council that the Cumulative Impact Assessment (CIA) is maintained and the revised assessment contained in Appendix 1 is adopted and published and will come into effect from 7 January 2024.
- 3.2 That Cabinet recommend to Council that the Licensing Committee be authorised to approve future reviews and adoption of the CIA. Since the introduction of section 5A of the Licensing Act 2003, all matters regarding CIA's are now the responsibility of the statutory licensing

committee, by virtue of section 7(1), as it is no longer part of the Licensing Act 2003 Statement of Policy.

▪ **Appendices**

- Appendix A: Cumulative Impact Assessment 2024 – 2027
- Appendix B: Cumulative Impact Consultation responses

▪ **Background Documents**

1. Current Cumulative Impact Policy - [cumulative-impact-policy-2021-24-by-easepdf-without-watermark.pdf \(torbay.gov.uk\)](#)
2. Licensing Act 2003
<http://www.legislation.gov.uk/ukpga/2003/17/contents>
3. Section 182 guidance - [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](#)

Supporting Information

1. Introduction

- 1.1 The Licensing Act 2003 regulates the sale of alcohol, provision of certain entertainment and late-night refreshment. This is achieved by the use of a licensing system administered by the Council.
- 1.2 Under the Licensing Act 2003, a Licensing Authority may publish a CIA, stating that the licensing authority considers that the number of premises licences and club premises certificates in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part of those parts. A cumulative impact assessment must set out the evidence for the authority's opinion.
- 1.3 The current CIA was last reviewed in 2020 and was effective from 7 January 2021. Section 5a of the Licensing Act 2003 requires the Cumulative Impact Policy to be reviewed every 3 years to consider whether it remains of that opinion. If the Local Authority remains of that opinion, then it must revise the CIA so that it a) includes a statement to that effect and b) sets out the evidence as to why the authority remains of that opinion.
- 1.4 Cumulative impact means the potential impact that a significant number of licensed premises in one area can have based on the following four licensing objectives.
- Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm

There are currently two designated cumulative impact areas in Torquay:

- The Strand
 - Castle Circus
- 1.5 It is proposed that the CIA continues to cover the above- mentioned areas. Please refer to the Police's report in Appendix A of the draft CIA 2024 - 2027 which details the evidence as to why the two areas should remain.
- 1.6 Appendix B of the CIA assessment, shows the number of noise and odour complaints within each CIA during 2017 - 2022. This shows the effect of the concentrated number of premises on the local residents by way of public nuisance. For example, noise or odour from the premises and from residents shouting in the street. A number of these complaints cannot be associated with one particular premises and is caused by the effect of the number of premises and the number of customers frequenting the areas at particular times of day and night.

2. Consultation Process

2.1 A six-week public consultation process took place between 16 August 2023 and 5 October 2023. The consultation process provided all stakeholders, interested parties and the public in general, the opportunity to have their say on the content of the draft. The following people were consulted:

- a) The Chief Officer of Devon and Cornwall Police
- b) The Chief Officer of Devon and Somerset Fire and Rescue Service
- c) The Director of Public Health
- d) Residents and businesses of Torbay
- e) Bodies representing businesses
- f) Holders of Premises Licences and Club Premises Certificates
- g) Bodies representing existing registered clubs
- h) Bodies representing holders of existing premises licences and personal licences
- i) Torbay and Southern Devon Health & Care NHS Trust
- j) Torbay Council: Children's Services
- k) Torbay Council: Planning, Environmental Health and Highways Authorities
- l) The Torbay Safer Communities Partnership
- m) The Maritime and Coastguard Agency
- n) Faith groups via Torbay Interfaith Forum and the Street Pastors
- o) Safer Torbay
- p) Torbay Development Agency
- q) English Riviera BID Company
- r) Torbay Harbour Authority
- s) Best Bar None
- t) Ward Councillors

2.2 All premises with email addresses on our database that hold either a 'premises licence' or 'club premises licence' and personal licence holders were sent details of the consultation. A similar email was sent to resident/community groups and faith groups for which contact details were available. Details of the consultation were posted on our webpages and social media pages with a link to an online form to encourage feedback. In addition, the responsible authorities were consulted (Police, Child Protection, Fire and Rescue Service, Trading Standards, Environmental Health, Public Health, Planning Authority, HSE, Maritime and Coastguard Agency, Torbay Harbour Masters' and the Home Office). All ward councillors were sent copies of the consultation documentation.

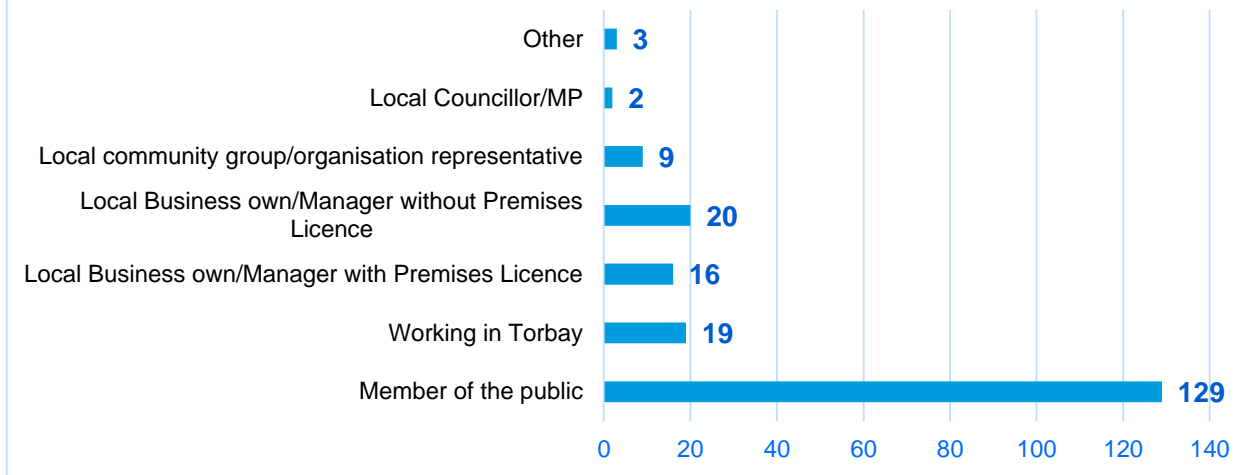
Members of the Licensing Committee also considered the draft assessment on 14 September 2023 and recommended that this is adopted by the Council.

3 Consultation Findings

3.1 A total of 201 responses were received following the consultation process, 199 were received via the online form and two were received by letter.

3.2 The majority of responses were from local residents.

Responses received from the following groups

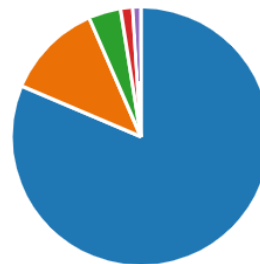


3.3 The majority of responses (93%) 'agreed' or 'strongly agreed' that the CIA should continue to cover the Castle Circus Area.

3. How strongly do you agree or disagree the Castle Circus area of Torquay, shown in the shaded area in the plan, should remain as a Cumulative Impact Assessment area in the new CIA policy?

[More Details](#)

Strongly agree	162
Agree	24
Neutral	8
Disagree	3
Strongly disagree	2



The majority of responses (81%) 'agreed' or 'strongly agreed' that the CIA should continue to cover the Strand Area.

4. How strongly do you agree or disagree the Harbourside and Fleet Street, Torquay, known as The Strand area, shown in the shaded area in the plan, should remain as a Cumulative Impact Assessment area in the new CIA policy?

[More Details](#)

[Insights](#)

Strongly agree	139
Agree	22
Neutral	16
Disagree	8
Strongly disagree	14



- 3.4 112 responses were received for the final question 'any other comments' and these can be found in Appendix B. Two written responses were received via email and these are shown in Table 1 at the end of Appendix B.
- 3.5 The majority of consultation responses received, referred to Castle Circus and the surrounding area. The Council, in partnership with Devon and Cornwall Police, are aware of these same concerns and continue to work with other partners, licensed premises and businesses in this area to overcome these. The Council has utilised the Safer Streets funding in the Castle Circus and Harbourside area and this has resulted in additional CCTV in Factory Row to enhance coverage and help identify and action any anti-social behaviour in this area.
- 3.6 The responses received in relation to the CIA Consultation were in support of keeping the two CIA areas. It is therefore recommended that the Council agree to maintain a CIA in the two areas and publish the updated CIA 2024 – 2027 with effect from 7 January 2024.

4. Options under consideration

- 4.1 As the review of a CIA is a statutory requirement, no other options have been considered.
- 4.2 It was not deemed appropriate to withdraw the CIA areas altogether based on current evidence.

5. Financial Opportunities and Implications

- 5.1 There are no financial opportunities or implications arising from the change to the CIA, save for minimal consultation costs, which were met from existing budgets.

6. Legal Implications

- 6.1 None. However, this is a statutory requirement so failure to review every three years could lead to legal challenge by businesses.

7. Purchasing or Hiring of Goods and/or Services

- 7.1 This proposal does not require the purchase or hire of goods or services.

8. Tackling Climate Change

- 8.1 There is no aspect of this Statement that will impact negatively or positively on climate.

9. Associated Risks

- 9.1 There are no risks with agreeing the consultation process which is necessary to comply with the legislative requirements.

10. Equality Impacts - Identify the potential positive and negative impacts on specific groups

10.1 The CIA is a review of an existing Assessment and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The four licensing objectives are also designed to ensure consideration of any impacts.

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	X		
People with caring Responsibilities			X
People with a disability			X
Women or men			X
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			X
Religion or belief (including lack of belief)			X
People who are lesbian, gay or bisexual			X
People who are transgendered			X
People who are in a marriage or civil partnership			X
Women who are pregnant / on maternity leave			x
Socio-economic impacts (Including impact on child poverty issues and deprivation)			X
Public Health impacts (How will your proposal impact on the general			X

health of the population of Torbay)			
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11. Cumulative Council Impact

None

12. Cumulative Community Impacts

None