

Meeting: Cabinet **Date:** 15 August 2023

Wards affected: All

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

When does the decision need to be implemented? 22 August 2023

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1. Purpose of Report

- 1.1 In accordance with section 5A of the Licensing Act 2003, the Council is required, every 3 years, to review, consult and republish its Cumulative Impact Assessment. The current Cumulative Impact Assessment was published on 7 January 2023 and therefore is required to be consulted on.
- 1.2 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.

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.
- 2.2 The two cumulative impact areas, along with the Police Report and the Public Nuisance data need to be consulted on for 6 weeks between 23 August and 5 October 2023.

3. Recommendation(s) / Proposed Decision

1. That the draft Licensing Act 2003 – Cumulative Impact Assessment be launched for a six-week consultation period.

Appendices

Appendix 1: Draft Cumulative Impact Assessment 2024 - 2027

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 Cumulative Impact Assessment, 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 Cumulative Impact Assessment 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 cumulative impact assessment 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 Cumulative Impact Assessment (CIA) continues to cover the above-mentioned areas. Please refer to the Police's report in Appendix A of the draft Cumulative Impact Assessment 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.
- 1.7 It is intended that the public consultation on the Cumulative Impact Assessment will be open for six weeks. It is planned that the consultation process will provide all stakeholders,

interested parties and the public in general the opportunity to have their say on the content of the draft. Following the feedback from the consultation, the final version of the Cumulative Impact Assessment will then go before the Council for approval.

2. Options under consideration

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

3. Financial Opportunities and Implications

- 3.1 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.

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 There is a statutory requirement to consult as laid out in Section 5 (3) of the Act. Persons to be consulted will include:
 - 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

6. Purchasing or Hiring of Goods and/or Services

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

7. Tackling Climate Change

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

8. Associated Risks

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

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

The Cumulative Impact Assessment 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 health of the population of Torbay)			X

10. Cumulative Council Impact

None

11. Cumulative Community Impacts

None