

Part A

Report to: Licensing Committee

Date of meeting: Thursday, 11 January 2024

Report author: Senior Licensing Officer

Title: Review of Cumulative Impact Assessment under Statement of Licensing Policy 2023-2028

1.0 Summary

- 1.1 In its role as the licensing authority under the Licensing Act 2003 the council has a duty to prepare, and keep under review, a Statement of Licensing Policy. This policy was last reviewed in 2023 and has been in force since 20 November 2023.
- 1.2 Under this policy, the council has adopted a Cumulative Impact Policy within the town centre and is supported by a Cumulative Impact Assessment which sets out the justification for this policy.
- 1.3 The Cumulative Impact Assessment is required to be reviewed at least every three years. The current assessment expires in April 2024 and therefore the licensing authority are required to undertake a review of this assessment.
- 1.4 This report sets out the new evidence obtained from the Police with regards to maintaining and renewing the Cumulative Impact Assessment and Cumulative Impact Policy and details the proposed consultation for reviewing the assessment.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Legal challenge from failure to properly adopt the policy or follow legislation	Failure to meet requirements under the Licensing Act and policy not being able to be implemented	Ensure that Cumulative Impact Assessment and Cumulative Impact Policy are both reviewed before 1 April 2024 and any new policy and	Treat	2

and Government guidance		assessment are implemented by this date		
Legal challenge from failure to properly consult	Negative perception of council and its licensing functions, and challenge through the courts	Carry out consultation in accordance with legal requirements under the Licensing Act 2003 and in accordance with the Government's published principles of consultation	Treat	2
Policy is unreasonable, irrational, discriminatory etc	Legal challenge through the Courts	Ensure that the results of the public consultation are taken into account in the final Cumulative Impact Assessment	Treat	2
Further legislation or reported cases arising during course of consultation and adopting policy	Policy may be outdated as soon as it is published	Monitor situation and, if necessary, take amendments to subsequent committee meetings	Treat	2

3.0 Recommendations

- 3.1 That the Committee approve the renewal and continuation of the cumulative impact assessment and cumulative impact policy for the town centre.
- 3.2 That the cumulative impact assessment be put out to consultation as set out in paragraphs 7.1 to 7.3 of the report, with the results of the consultation being presented to the March Licensing Committee.

Further information:

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Report approved by: Justine Hoy, Associate Director Housing and Wellbeing

4.0 Detailed proposal

- 4.1 The council is the licensing authority under the Licensing Act 2003 for alcohol, regulated entertainment and late night refreshment within the Borough. It is required to prepare, consult and keep under review a Statement of Licensing Policy (SLP) that sets out how it approaches its responsibilities under the Act, so that applicants, other statutory bodies and local bodies can ascertain its general approach to particular situations.
- 4.2 As part of the council's SLP, it has adopted a cumulative impact policy for the town centre (see Policy LP3). To support the cumulative impact policy, the council has published a cumulative impact assessment as it is legally required to do. Cumulative impact assessments must be kept under regular review and must be reviewed at least once every three years. The council's current cumulative impact assessment is due to expire on 1 April 2024.
- 4.3 To support the review of the cumulative impact assessment, officers have requested data from the Police and it is the opinion of officers that this data does justify seeking a renewal of the cumulative impact assessment.
- 4.4 This reports details the analysis of the Police data and proposes a consultation timetable for the cumulative impact assessment. The results of the consultation will then be brought before the next Licensing Committee in March for a final decision.

5.0 Cumulative Impact Assessment

- 5.1 The Licensing Act 2003 was amended so that any licensing authority has the discretion to publish a 'Cumulative Impact Assessment'. If published, this document must set out that the licensing authority considers that the number of relevant authorisations within the specified area is such that it is likely that granting any further licences in respect of the relevant location(s) would be inconsistent with the promotion of the licensing objectives. This document must also publish the evidence considered by the licensing authority in adopting the policy.
- 5.2 For the avoidance of doubt, the term 'authorisations' refers to both premises licences and club premises certificates. Please note that temporary event notices are not covered. When referring to granting any further authorisations, this includes variations to existing licences or certificates, even those in force before the policy is adopted.
- 5.3 The existing cumulative impact assessment was adopted on 1 April 2021 and is attached at appendix 1. The cumulative impact policy applies to the town centre and specifically covers the Parade and the High Street (from its junction with Beechen Grove and The Parade).

5.4 The statutory guidance gives the following examples of evidence that may be considered when drawing up and reviewing a cumulative impact assessment:

- local crime and disorder statistics, including statistics on specific types of crime and
- crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by
- local residents or residents' associations;
- residents' questionnaires;
- evidence from local and parish councillors; and
- evidence obtained through local consultation.

5.5 In preparation for the review of the cumulative impact assessment, the following data has been collected and analysed in accordance with the Statutory Guidance:

- noise complaints logged with the council's environmental health authority from commercial premises for the period of 01/04/2021-01/11/2023
- complaints received by the council's licensing authority for the period of 01/04/2021-01/11/2023
- anti-social behaviour and community safety complaints received by the council's community safety team for the period of 01/04/2021-01/11/2023
- crime and disorder statistics from Hertfordshire Constabulary for the period of 01/04/2021-01/04/2023

5.6 This data was considered appropriate to collate and analyse in order to establish the cumulative impact of the licensed premises in the town centre and to compare to the existing cumulative impact assessment.

5.7 For the sake of allowing comparison, there were 98 licensed premises within the cumulative impact zone as of 31 October 2020 when the data was collected for the preparation of the existing cumulative impact assessment. As of 1 November 2023 when the data was collected for this review there were 85 licensed premises within the cumulative impact zone and a total of 364 licensed premises throughout the whole borough.

5.8 **Noise complaints**

- 5.9 The data for logged noise complaints did not explicitly show that there is a direct correlation between the number of licensed premises within the town centre and the level of complaints received from residents.
- 5.10 In general, the level of noise complaints received from licensed premises within the town centre did not show a consistent level of complaints and although there was an increase in complaints received the number of complaints received for licensed premises within the town centre was not significant enough to warrant a change in policy. The council received a total number of 38 noise complaints relating to licensed premises within the cumulative impact zone over the period of 01/04/2021 to 01/11/2023, with 12 of these complaints relating to one individual premises. A total of 144 complaints were logged against licensed premises throughout the whole borough. This equates to 26.38% of noise complaints about licensed premises occurring within the cumulative impact zone which in turn consist of 23.41% of all licensed premises.
- 5.11 This does not show that a majority of complaints relate to town centre premises, although the increase in complaints is something which officers will continue to monitor. It should also be noted that officers are still investigating complaints regarding the premises which generated 12 separate complaints and if this issue is addressed satisfactorily then that will have a positive impact on the town centre and residents.

5.12 Complaints received by the licensing authority

- 5.13 The evidence of complaints logged by the licensing authority did not show a direct correlation between the number of licensed premises within the town centre and the details of the complaints received from residents.
- 5.14 The overwhelming majority of complaints received and logged by the licensing authority were related to taxis. A total of 53 complaints were received relevant to the Licensing Act 2003, of which 12 were against premises located in the cumulative impact zone. There is no significant evidence obtained from analysing the complaints to the licensing authority to take into consideration with regards to the review of the cumulative impact assessment.

5.15 Community safety complaints

- 5.16 The evidence of complaints logged by the community safety team did not show a direct correlation between the number of licensed premises within the town centre and the details of the complaints received from residents or referrals or enquires made by partner agencies.
- 5.17 It is acknowledged that community safety complaints are not likely to be made specifically regarding commercial premises as these would be logged under

separate codes by officers, but the data is useful to analyse for any general comments or complaints made particular locations or hotspots of ASB.

5.18 Within the cumulative impact zone, the only complaints received were with regards to rough sleepers and street drinkers, although few complaints were made the council is aware of this issue anyway. The concerns raised over rough sleepers within the town centre are being managed by the Town Centre Action Group under the supervision of the council's Community Safety Manager. It is not felt that it is appropriate to address this issue through the council's licensing policy, and complaints about specific premises encouraging street drinking will be investigated on a case-by-case basis.

5.19 Police crime and disorder statistics

5.20 The data received from the Police forms the basis of the proposal to review and renew the cumulative impact assessment. There is a correlation between the number of incidents of alcohol-related crime and offences of theft in the High Street and The Parade and the incidents of crime within licensed premises.

5.21 It is acknowledged by the Police that the number of incidents over the reporting period do show an increase in offences but this was expected due to the relaxation of restrictions in place during the Covid-19 pandemic.

5.22 The number of offences remain very similar when compared to the data used for the existing cumulative impact assessment despite the restrictions which were in place over the pandemic and the reduction in licensed premises numbers. The Police do comment themselves that levels are comparable to 2019, i.e. the last full reporting period before the pandemic. This is a trend which was established when adopting the council's current cumulative impact assessment and one which has not shown signs of abating.

5.23 Using this data, a draft cumulative impact assessment has been prepared and is attached at appendix 2. This contains further justification for the proposed cumulative impact assessment.

5.24 In summary, the situation has not significantly improved, nor has it significantly worsened despite the number of licensed premises within the cumulative impact zone actually falling.

5.25 It is therefore the opinion of officers that this does establish justification in maintaining the cumulative impact assessment and the cumulative impact policy. It would be appropriate to continue with the cumulative impact zone and therefore the cumulative impact assessment.

- 5.26 While the total number of crimes reported has fallen (8054 offences in the 2020 dataset compared to 7433 in the 2023 dataset) the reporting period for 2020 was longer, covering 2 years and 2 months and the reporting period for 2023 was for 2 years only. Both reporting periods have been impacted by the pandemic and lockdowns, but the Police do establish that crime numbers have returned to a level similar to 2019 before the pandemic. As indicated earlier, there has also been a fall in the number of licensed premises within the town centre from 90 in 2020 to 85 in November 2023, albeit one which has shown signs of improvement with an increase from 82 premises in April 2023.
- 5.27 The Police also highlight that the hours between 22:00 and 04:00, which form the basis of the night-time economy hours, do see an increase of incidents particularly between the hours of midnight to 03:00 on Saturday morning and midnight to 04:00 on Sunday morning. The majority of premises within The Parade and the High Street are licensed to trade during these hours and are permitted to sell alcohol, and this is the same as was for 2020 when compiling the existing cumulative impact assessment. This would continue the link between these licensed premises and the instances of alcohol-related crime and disorder.
- 5.28 With regards to offences, it is highlighted that assault with injury is the primary offence committed within the council's night-time economy premises. In total, the level of assaults (with and without injury) reported are comparable to the level of assaults in the 2020 dataset. This shows that visitors to the town centre are more likely to be a victim of assault than any other offence.
- 5.29 To address this, officers propose continuing with the current cumulative impact assessment and the proposals contained within aimed at restricting vertical drinking establishments and encouraging more entertainment and food led venues, with particular conditions being considered for premises wishing to trade beyond 22:00 when levels of crime rise.
- 5.30 Members are reminded that the council has a duty under Section 17 of the Crime and Disorder Act 1998 to give due regard to the likely effect of the exercise of its functions on crime and disorder in its area and to do all it reasonably can to prevent these. In seeking to promote the licensing objective of the prevention of crime and disorder by putting alcohol premises under scrutiny and applying a specific policy to them, the council will be promoting its duty under this Act.

6.0 Statement of Licensing Policy

- 6.1 Officers are not proposing any changes to the cumulative impact assessment although it is acknowledged that the assessment must go out for consultation. At this time there are not proposed changes to the council's current statement of licensing policy which was adopted by the council in November 2023.

6.2 However, should the consultation result in changes to the assessment, it may be necessary to update or change the licensing policy. Such matters will be brought before Committee as appropriate.

7.0 Consultation

7.1 A cumulative impact assessment must go out for consultation with the following bodies:

- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- Public Health at Hertfordshire County Council
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area

This is the same as the list of bodies that must be consulted on any changes to the council's statement of licensing policy.

7.2 Officers would propose that we consult the following, as has been the case with previous licensing policy consultations and the previous consultation on the cumulative impact assessment:

- residents' associations
- all residents within The Parade and High Street, as special consideration is given to these areas
- Watford Community Safety Partnership
- Watford Town Centre BID
- all licensed premises and club premises (both as holders of authorisations and as representatives of personal licence holders)
- the statutory responsible authorities

7.3 Consultation will be undertaken in accordance with the Government's Consultation Principles and in conjunction with the council's communications team. It would commence within five working days and run until 16 February 2024, being at least 4 weeks.

8.0 Implications

8.1 **Financial**

8.2 The Chief Finance Officer comments that the recommendations can be delivered within existing resources.

8.3 **Legal Issues** (Monitoring Officer)

8.4 The Group Head of Democracy and Governance comments that the legal implications are contained within the body of the report.

8.5 **Equalities, Human Rights and Data Protection**

8.6 A new equalities impact assessment will need to be completed as a result of any changes to policy.

8.7 **Crime and Disorder**

8.8 The council is required to consider the effect on crime and disorder when adopting any new or revised policy. One of the licensing objectives is the prevention of crime and disorder.

Appendices

Appendix 1 – Existing cumulative impact assessment (2021-2024)

Appendix 2 – Proposed cumulative impact assessment (2024-2027)

Background papers

Revised Guidance issued under s182 of the Licensing Act 2003 (Home Office, December 2023)

Crime and disorder statistics from Hertfordshire Constabulary for the period of 01/04/2021-01/04/2023

noise complaints logged with the council's environmental health authority from commercial premises for the period of 01/04/2021-01/11/2023

complaints received by the council's licensing authority for the period of 01/04/2021-01/11/2023

anti-social behaviour and community safety complaints received by the council's community safety team for the period of 01/04/2021-01/11/2023

Cumulative Impact Assessment 2021-2024

Watford Borough Council's Statement of Licensing Policy (2023-2028)