

Part A

Report to: Licensing Committee

Date of meeting: Thursday, 7 March 2024

Report author: Environmental Health Manager (Business)

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. At its meeting on 11 January 2024 the Licensing Committee agreed to consult on renewing the Cumulative Impact Assessment and Cumulative Impact Policy.

1.4 This report details the results of the consultation and any amendments that need to be made as a result of the consultation.

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 if the policy is to be continued		
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Further legislation or reported cases arising during course of consultation and adopting policy	Policy may be outdated as soon as it is published	Monitor situation and, if necessary, take amendments to subsequent committee meetings	Treat	2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 having had regard to the consultation responses set out in appendix 2 the Committee recommends that the new Cumulative Impact Assessment, attached at appendix 1, be adopted .

Further information:

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Report approved by: Justine Hoy, Associate Director

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 At its meeting of 11 January 2024 the Committee agreed to consult on a draft Cumulative Impact Assessment which would see the Cumulative Impact Policy for the High Street and The Parade renewed and continuing until April 2027.
- 4.4 This reports details the consultation and the results of the consultation on the proposed Cumulative Impact Assessment.

5.0 Consultation

- 5.1 The consultation ran from 18 January 2024 to 16 February 2024. The justification for which parties were to be consulted was contained in the report presented to the Licensing Committee on 11 January 2024.
- 5.2 The following parties were consulted directly by email:
- Hertfordshire Constabulary
 - Public Health at Hertfordshire County Council
 - Trading Standards at Hertfordshire County Council
 - Hertfordshire Safeguarding Children Partnership
 - Home Office Immigration Enforcement
 - Development Management at Watford Borough Council
 - Housing & Wellbeing at Watford Borough Council
 - Watford Community Safety Partnership
 - Watford Town Centre Bid
 - All local ward Councillors
 - 17 residents' and community associations within the Borough
- 5.3 The following parties were consulted directly by letter:

- 126 premises and premises licence holders *
 - 42 agents who have represented premises licence holders in submitting applications over the previous 3 years
 - 366 residents living within the Cumulative Impact Policy areas of the High Street and The Parade
 - 4 residents' and community associations within the Borough (where no email contact was made available)
- * All licensed premises and premises licence holders within the High Street and The Parade were contacted, but it should be noted that some licence holders hold more than one licence so were only contacted once. No club premises certificate holders were consulted because there are no club premises certificates in force within the policy area.

5.4 The consultation was advertised on the council's licensing webpages during the consultation period and a press release was arranged for 18 January 2024. The webpage linked to a survey which asked for views on the proposed policy, but all consultees were also invited to contact the licensing team by email or in writing and not only through the survey.

6.0 Consultation responses

6.1 The survey responses are attached at appendix 2. Our last consultation in 2023 returned 3 responses. This consultation returned 32 responses. The responses are broadly in support of continuing the Cumulative Impact Assessment, although some specific comments were received upon which officers wish to comment. No responses from businesses, licence holders, residents, or any party representing these parties, were received by letter or by email.

6.2 Q1: Do you agree with the analysis of the Police data contained within the draft Cumulative Impact Assessment?

The majority of respondents voted yes to this question.

Specific comments made include -

"It has not taken into account the views of ordinary residents. The towns bars and pubs are closing so fast it will impact jobs and ultimately hurt the town centre longer term."

"Yes and it's important to get the right mix of a vibrant night-time economy and monitoring alcohol-related offences."

- 6.3 Q2: Do you agree with the proposed approach to dealing with licensing applications in the town centre, including suggested conditions for premises operating after 10pm and the list of premises which would be exempt from this policy?

The majority of respondents voted yes to this question.

Specific comments made include –

“Don’t tar all citizens with the same brush. Nothing wrong with eating and drinking after 10pm or into the early hours.”

“It’s scary to go to the city centre sometimes.”

- 6.4 Q3: Do you think that the area to which the proposed LP3 (Cumulative Impact Policy) applies is correct and supported by the Police evidence?

The majority of respondents voted yes to this question.

Specific comments made include –

“I live on the Queens Road. I think the area for this policy should be bigger than the High Stand the Parade.”

“Yes and those areas make sense given the businesses in those areas. You would expect say Clarendon Road to have less.”

- 6.5 Q4: Do you have any additional comments to make with regards to the policy which applies to the town centre that you would like the council to consider?

Specific comments made include –

“As the number of homes built in and around this area are increasing I believe it is incredibly vital to ensure all is being done to lower the crime rate around the Parade and the high st.”

“While not having been a victim of crime within these areas it feels very uncomfortable walking down the Parade mid to late evening and also in St Albans Road near the pubs and Kentucky.”

7.0 Responsible authority responses

- 7.1 It is noted that Trading Standards replied through the consultation survey (confirmed through the email address, name, and postal address provided as part of the respondents personal details) and did not have any specific comments to make.

7.2 The Police were consulted on the Cumulative Impact Assessment as a matter of course since they are a responsible authority, but it is also noted that the evidence for the policy relies upon Police crime statistics.

7.3 The Watford Police responded:-

We would still encourage having the Cumulative Impact Policy because of the data Police recently supplied to you. That data is sourced from crime reporting and recording, and calls to Police, so it is accurate. The High Street and The Parade are a couple of our hotspot areas for alcohol related ASB, and the areas attribute to the increase in crime and disorder, so we wouldn't want it to be removed. Since Pryzm Nightclub has only recently closed, we do not currently know what long-term effect or implications this will have on the NTE. However, it is clear to Police that in the past 6 weeks since it's closure, there has still been a degree of NTE alcohol related crime and ASB reported and recorded. The timings of this consultation have come at a time when one of our biggest licensed premises has closed, so leaves us withing this unknown entity, and to remove the CIP at this time would be detrimental to the four Licensing Objectives for Crime & Disorder, Public Safety, Public Nuisance.'

7.4 The Watford Senior Environmental Health Officer responded:-

After reviewing the above policy on behalf of environmental health, a responsible authority we support its retention.

Although there is no explicit correlation between the number of licenced premises in the town centre and the level of complaints from residents, owing to the introduction of high-density residential blocks/ conversions through permitted development, the town centre is becoming more domestic in nature. Therefore, retaining this policy will help promote the prevention of public nuisance licensing objective as the town centre continues to go through this process.

8.0 Statement of Licensing Policy

8.1 The Cumulative Impact Assessment sets out the evidence and the justification for the Cumulative Impact Policy, with the policy sitting within the statement of licensing policy. The council's current statement of licensing policy was adopted by the council in November 2023.

8.2 With the consultation responses broadly supporting the renewal and continuation of the Cumulative Impact Policy, with no proposed amendments to the policy area or premises types, there is no requirement to amend the council's statement of licensing policy. Approving the Cumulative Impact Assessment confirms that the Cumulative Impact Policy remains in place which is the position of the current statement of licensing principles.

9.0 Implications

9.1 Financial

9.2 The Chief Finance Officer comments that there are no financial implications arising directly from this report.

9.3 Legal Issues (Monitoring Officer)

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

9.5 Equalities, Human Rights and Data Protection

9.6 Under s149 (1) of the Equality Act the council must have due regard, in the exercise of its functions, to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them
- foster good relations between persons who share relevant protected characteristics and persons who do not share them.

9.7 As this is a proposal to continue an existing policy, an equalities impact analysis has been undertaken. The analysis is attached as appendix 3 to this report. The main conclusions of that analysis are that there are no significant impacts on any one particular group from the implementation of this policy. This is the same result as the previous equalities impact analysis, but has been revised to take into account up to date information. The application process is set out in legislation, including how applications are to be determined, and businesses or applicants who wish to be considered as an exemption to policy have a legal right to represent themselves, or be represented, at a licensing hearing where a hearing is required.

10.0 Crime and Disorder

10.1 Section 17 of the Crime and Disorder Act 1998 requires the council 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. The prevention of crime and disorder is one of four licensing objectives that guides all licensing decisions, and which we must aim to address through policy and the implementation of the Licensing Act 2003. We have adopted a policy based on evidence from the Police with steps that we consider promote this licensing objective.

10.2

The evidence does not support any Cumulative Impact Zone expansion into other Streets such as Queens Road as per 6.4 of this report. The Community Safety Manager commented that he shares the Police sentiment:

That while we have seen a reduction in ASB crime since the closure of Pryzam , it is, however, it is too early to make any request to change on the cumulative impact policy as we need to see if other businesses will (all be it) on a small scale 'step in to provide alternative entertainment within the NTE availing themselves of currently disused venues in the parade, thus the policy should stay in place to accommodate any such change.

Appendices

Appendix 1 – Proposed cumulative impact assessment (2024-2027)

Appendix 2 – Survey responses

Appendix 3 – Equalities Impact Analysis

Background papers

Consultation responses for the period 18/01/2024-16/02/2024

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

Cumulative Impact Assessment 2021-2024

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