

# Agenda Item 19.

<b>TITLE</b>	<b>Cumulative Impact Assessment</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee 4 September 2018
<b>WARD</b>	None-specific
<b>DIRECTOR</b>	Sean Murphy - Public Protection Manager

## **OUTCOME / BENEFITS TO THE COMMUNITY**

Section 14.24 of the guidance issued under section 182 of the Licensing Act 2003 ('s182 Guidance') states as follows: "A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives".

## **RECOMMENDATION**

That the Committee determines one of the following courses of action:

- 1) To pursue the making of a cumulative impact assessment for the Remenham area, or;
- 2) To stop the current consultation and process and recommence following the revised s182 Guidance, or;
- 3) To stop the current consultation and process altogether, whilst acknowledging that the process could be commenced in the future for any part of the borough, should circumstances arise that suggest a cumulative impact assessment should be considered.

## **SUMMARY OF REPORT**

The process of consideration of a CIA for Remenham began prior to amendments to the Licensing Act 2003 and revisions to the s182 Guidance which took place in April 2018. The amended legislation and revised s182 Guidance contain specific instructions on the development of CIAs and the Committee must therefore determine the appropriate course of action from the above options.

## **Background**

Further to the report brought before the Committee in June, it was noted that there have been changes to the process in respect of cumulative impact, which took effect from 6 April 2018.

As a result of section 141(3) of the Policing and Crime Act 2017, a new section 5A was added to the Licensing Act to place CIAs on a statutory footing, and s5A(1) states as follows: *A licensing authority may publish a document ("a cumulative impact assessment") stating that the licensing authority considers that the number of relevant authorisations in respect of premises 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 promote the licensing objectives] to grant any further authorisations in respect of premises in that part or those parts.*

Section 5A(5) confirms the persons who must be consulted, and s5A(6) confirms the information to be provided for the purposes of the consultation, including the reasons why it is considering publishing a CIA, a general indication of the area concerned and whether it considers that the CIA will relate to all licences or only licences of a particular kind.

In addition, the guidance issued under s182 of the Licensing Act 2003 was revised and published which sets out how a CIA should be adopted, with a detailed set of steps detailed at 14.34 which act as a checklist for the consultation process and guidance at 14.29-14.33 on the gathering of evidence to be considered.

### **Analysis of Issues**

The legal implications will be provided by the legal advisor to the Committee in Part 2.

Should the Licensing Committee resolve to pursue a cumulative impact assessment for the Remenham area, or indeed any other area, this would have resource implications for officers, in addition to external legal advice that would be required.

Also, s5A of the Licensing Act 2003 would also require that where a licensing authority publishes a CIA, it must, before the end of every three year period, carry out a further consultation and consider whether it remains of the opinion stated in the assessment. This is likely to require the collation of up to date evidence in respect of cumulative impact in the specific area and must be repeated at least once every three years if a CIA has been published.

### **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Legal advice (estimated between £5000-£10000) and significant officer resources	N - Additional officer resource may need to be brought in to carry out the work involved	R
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

### **Other financial information relevant to the Recommendation/Decision**

None

**Cross-Council Implications**

There are no implications arising from the recommendation in this report.

**Reasons for considering the report in Part 2**

The Committee may go into part 2 in order to discuss the legal implications which will be provided by a legal advisor.

**List of Background Papers**

Statement of Licensing Policy (Sept 2013)  
Section 182 Guidance (April 2018)

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