



Doncaster Council

Report

Date: 18 June 2020

**To the Chair and Members of the
Licensing Committee**

**Statement of Licensing Policy – Licensing Act 2003
Cumulative Impact Assessment**

EXECUTIVE SUMMARY

1. To request that members of the Committee consider the responses received during the consultation of the existing Cumulative Impact areas and determine if the evidence supports that the existing areas should remain, be amended or removed.
2. This decision will form the basis of a Cumulative Impact Assessment ('the assessment') which is to be published and reviewed every 3 years and includes a statement of the authority's opinion and the evidence in support of that opinion.

RECOMMENDATIONS

3. It is recommended that the members of the Committee consider the evidence received during the consultation and determine if there remains to be a Cumulative Impact of licensed premises in the local authority area.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Doncaster Council is required to review the Cumulative Impact areas and publish a Cumulative Impact Assessment which includes a statement of the authority's opinion and sets out the evidence as to why the authority is of that opinion. The assessment must be reviewed at least every 3 years and be determined by the Licensing Committee.

BACKGROUND

5. There are currently 3 Cumulative Impact Areas in Doncaster which, where an application is made for a licensed premises within these areas and the application is subject to representations, then it is the policy of the Council to refuse a licence where it determines that by granting the application it would contribute to the cumulative impact on the area.

6. 'Licensed premises' are any premises authorised by a Premises licence or Club Premises Certificate to carry on any licensable activity, including the sale of alcohol for consumption on and off the premises, and the provision of late night refreshment.
7. A Cumulative Impact policy is not a means of automatic refusal to grant a licence. As with all applications for a new licence or certificate (or a variation to an existing licence or certificate) which receives representations, those within a Cumulative Impact Area will be considered and determined by the Licensing Committee (or sub-committee) on its own merits, taking account of the evidence before it and the potential for impact on the four licensing objectives.
8. The existing Cumulative Impact areas are detailed at Appendix A.
9. The Home Office Statutory Guidance states the steps that should be followed by licensing authorities when adopting a cumulative impact policy: (Policy)
 - Identify concern about crime and disorder or public nuisance;
 - Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
 - Identify the boundaries of the area where problems are occurring;
 - Consult with those specified in section 5(3) of the 2003 Licensing Act; and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.
10. Once the licensing authority has adopted a Policy it must include within its policy statement full justification as to why the Policy has been adopted, including what problems there are and why these cannot be resolved other than by restricting further licensed premises. Evidence must be collated to support this and should be summarised in the policy.
11. The Policy should also clearly specify the geographical area where the saturation policy is to apply. The policy statement must make clear that the special policy is not absolute and that the circumstances of each application will be considered properly. Moreover, where licences are unlikely to add significantly to the cumulative impact on the licensing objectives, the licence will be granted.
12. There should be a clear statement regarding the difference between commercial need and the cumulative impact of premises in an area. Need is a matter for the planning committee and for market forces, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its committee to consider.
13. Section 5A of the Act requires that the Licensing Authority reviews the existing Cumulative Impact Policy by way of a formal consultation and then determines if they are of the opinion that the Cumulative Impact areas should remain and evidence their decision by publishing a Cumulative Impact Assessment ('the assessment').
14. The Council must have regard to the assessment when determining or revising the Statement of Licensing Policy. The Policy is currently under

review and will be brought before this Committee for a recommendation that Council adopt the new Policy later in the year.

15. A formal consultation of the Cumulative Impact areas took place from 1st – 30th April 2020 with a wide range of bodies and members of the public including:

- Representatives of local business
- Local residents and their representatives
- Representatives of local Premises Licence holders
- Representatives of local Club Certificate holders
- Representatives of local Personal Licence holders
- Local licensing solicitors
- Charitable organisations that deal with the social impact of alcohol misuse
- The Responsible Authorities namely:
 - Chief officer of South Yorkshire Police
 - Chief officer of South Yorkshire Fire and Rescue Service
 - Doncaster Council – Environmental Health
 - Doncaster Council – Health & Safety
 - Doncaster Council – Safeguarding Children & Adults
 - Doncaster Council – Planning
 - Doncaster Council – Director of Public Health
 - Doncaster Council – Trading Standards
 - Home Office (Immigration Services)

16. Responses to the consultation were received from South Yorkshire Police and Public Health, both of which are responsible authorities under the Licensing Act 2003. These responses are presented to the Licensing Committee for consideration at Appendix B.

17. Licensing Authority data, showing the number of licensed premises at the end of the financial years 2018/19 and 2019/20 for each of the areas is shown at Appendix C.

OPTIONS CONSIDERED

18. The Licensing Authority is required to consider the evidence received during the consultation and reach its determination.

19. A statement of the Licensing Authority's opinion, along with the evidence considered in reaching that opinion, must be published in a Cumulative Impact Assessment which is reviewed every 3 years.

20. After considering the evidence, the Authority may determine to:

- Keep one, two or all of the existing Cumulative Impact Areas without the need for amendment.
- Increase an existing Cumulative Impact Area or create a new one based on the evidence and define the location accordingly.
- Reduce an existing Cumulative Impact Area and specify which streets are no longer subject to cumulative impact and the reasons why.
- Determine that an entire Cumulative Impact Area is no longer required and provide reasons for this opinion.

REASONS FOR RECOMMENDED OPTION

21. Section 5A of the Act requires that the Licensing Authority reviews the existing Cumulative Impact Policy by way of a formal consultation and then determines if they are of the opinion that the Cumulative Impact areas should remain and evidence their decision by publishing a Cumulative Impact Assessment ('the assessment').

IMPACT ON THE COUNCIL'S KEY OUTCOMES

22.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>It is recognised that licensed premises are, quite often, businesses, places of employment and potential assets to the community. The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions.</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>It is recognised that licensed premises are, quite often, businesses, places of employment and potential assets to the community. The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and 	<p>None</p>

	beyond school <ul style="list-style-type: none"> • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	
	Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents; <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives (see above), will have regard to this priority when making licensing decisions.
	Connected Council: <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	None

RISKS AND ASSUMPTIONS

23. Failure to review the Cumulative Impact areas and publish the Licensing Authority's determination would create a risk by exposing the Council to a legal and financial liability brought about by the Council's inability to discharge its functions under the Licensing Act 2003.

LEGAL IMPLICATIONS [Officer Initials HW Date 04/04/2020]

24. There are in force a number of Cumulative Impact areas which must be reviewed every 3 years (section 5A Licensing Act 2003) to determine whether the Authority still remains of the opinion as set out in each assessment. The review must include consulting in accordance with the relevant statute which has been completed.
25. The Authority are required to consider the results of the consultation and make its determination. A statement of the Authority's opinion, along with

the evidence that was considered, will form the basis of the Cumulative Impact Assessment which will be published. Without the evidential basis the Authority are unlikely to be able to determine the continuation of the Assessment.

26. If the Authority is no longer of the opinion the reason for the Assessments are sustainable i.e. there is no evidence to support their continuation, it must make a statement to that effect
27. A licensing authority must then publish any revision of the Assessment, which then forms part of the Statement of Licensing Policy. The contents of the Statement of Licensing Policy is subject to Council approval.

FINANCIAL IMPLICATIONS [Office Initials RT Date 29/05/2020]

28. There are no financial implications associated with this decision.

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 01/06/2020]

29. There are no direct HR Imps in relation to this report, but if in future staff are affected or additional specialist resources are required then further consultation will need to take place with HR.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 01/06/20]

30. There are no technology implications in relation to this report.

HEALTH IMPLICATIONS [Officer Initials CT Date 05/06/20]

31. In terms of Cumulative Impact Assessment and proliferation of alcohol outlets, Public Health and other Responsible Officers locally are working with Public Health England to develop an interactive map. The map will layer local data including demographics and characteristics such as emergency admissions related to alcohol, crime and disorder statistics for the area as well as the location of alcohol sales. This map can be used to plot new license applications to give an overall picture of the area currently; it will aid with the decision making process for cumulative impact as well as offer insight into areas when new license applications are received.
32. Public Health has responded to the consultation on the existing Cumulative Impact Areas and has provided evidence for the Authority to consider when making its determination.

EQUALITY IMPLICATIONS [Officer Initials: DDS Date: 29/05/2020]

34. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

35. The Cumulative Impact areas has been subject to a formal consultation as detailed earlier in this report.

BACKGROUND PAPERS

36. The Licensing Act 2003 (as amended)
37. Home Office Section 182 Guidance

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