

Briefing – Newmarket Cumulative Impact Assessment: decision to consult

Summary

- The Portfolio Holder for Regulatory is planning to make a decision to consult on the renewal of the Newmarket Cumulative Impact Assessment (CIA)
- Contained within this briefing:
 - policy background
 - what is a CIA?
 - why we must hold a consultation now
 - stakeholders to consult

Policy background

Local authorities are required to produce a Statement of Licensing Policy under section 5 of the Licensing Act 2003. The aim of West Suffolk's licensing policy is to ensure that the four licensing objectives are met:

- reducing crime and disorder
- the prevention of public nuisance
- the protection of children from harm
- promoting public safety

Cumulative impact policies were introduced as a tool for licensing authorities to manage the growth of licensed premises in an area where the number, type and density of premises selling alcohol could lead to nuisance and disorder.

On 6 April 2018 section 5A of the Licensing Act 2003 came into force. This section permits a licensing authority to publish a "Cumulative Impact Assessment" stating that the licensing authority considers that granting more premises licenses and club premises certificates in one or more areas would have a negative impact on the area, and conflict with the local licensing objectives.

The major legislative change is the need for not only a **full consultation** to implement the CIA, but a new requirement to **review the CIA every three years** (commencing with its publication or revision), including a **full consultation**. This change followed calls for local authorities to be more open and transparent about why a CIA was introduced and whether it should be renewed upon future reviews. This also forms part of the Government's Modern Crime Prevention Strategy 2016 and fulfils the following commitment to put CIAs "on a statutory footing, to strengthen the ability of authorities to control the availability of alcohol and reduce alcohol-related crime and disorder, as well as providing industry with greater clarity about how they can be used".

The Council must review the Newmarket CIA by the end of 2020 in consultation with stakeholders and residents. If the decision is not taken to renew, the CIA will be automatically removed.

The current Cumulative Impact Assessment applying to the centre of Newmarket was designated in 2008 and re-adopted in 2011, 2016 and 2018.¹

¹ Please note: the three-year statutory requirement to review a CIA came into effect from 2018 - it was previously five years

Since 2008, the number of licensed premises in the CIA area has stayed relatively steady but the variety in type of late-night opening establishments has changed. The licensing objectives support important strategies and corporate priorities for the Council such as:

- resilient families and communities that are healthy and active – helping support local neighbourhoods and communities and protect vulnerable people.
- Increased opportunities for economic growth – making the district more attractive for people living and visiting by ensuring a mix of well-managed and licensed leisure activities, while keeping the risk of anti-social behaviour low.

The area covered by the CIA is shown below.

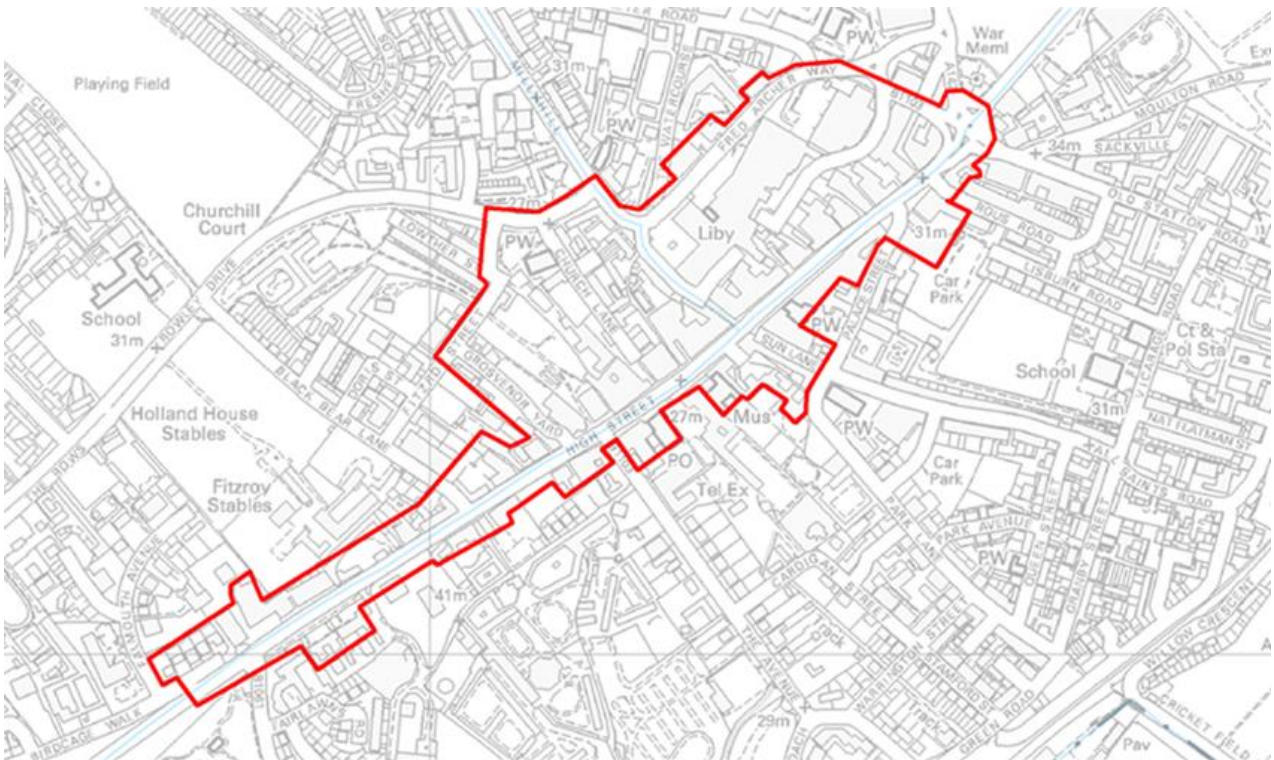


Figure 1 – Current Cumulative Impact Assessment for Newmarket town centre

Why must we hold a public consultation now?

West Suffolk Council has responsibility for reviewing the Cumulative Impact Assessment in Newmarket, which was last reviewed in 2018. We are consulting on its effectiveness so that we can take an informed decision on whether to renew the CIA.

The decision to renew must be made by Cabinet before the end of 2021. If no decision is made, the CIA will automatically be removed.

What is a Cumulative Impact Assessment?

Cumulative impact assessments are where the combined effects of a significant number of licenced premises concentrated in one area is likely to undermine the licensing objectives of:

- a. Reducing crime and disorder
- b. The prevention of public nuisance
- c. The protection of children from harm
- d. Promoting public safety

What does a Cumulative Impact Assessment do?

A Cumulative Impact Assessment area allows for a “rebuttable presumption”.

In other words, applications for the grant or variation of premises licenses or club premises certificates that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations.

However, if the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives, then the licence or variation sought is likely to be granted.

Who is being consulted?

The licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- the chief officer of police for the area
- the fire and rescue authority for the area
- persons/bodies representative of local premises licence holders
- persons/bodies representative of local club premises certificate holders
- persons/bodies representative of local personal licence holders, and
- persons/bodies representative of businesses and residents in its area.

Consultation process

The consultation will be in two parts:

- engaging with and receiving direct feedback from statutory stakeholders (such as public health, police, fire service)
- public consultation via online survey for feedback from businesses and members of the public

The public consultation is expected to run for an eight-week period. It may be necessary to extend this consultation period in light of COVID-19 related restrictions to enable all parties to participate.

Consultation timeframe

Action	Date - Deadline
Launch public consultation	16 November 2020
End consultation	11 January 2021
Consultation analysis	End of January 2021

Portfolio holder and Licensing and Regulatory Committee updated for feedback	February/March 2021
Cabinet	27 April or 25 May 2021