

Bury St Edmunds Cumulative Impact Assessment Review

Report number:	CAB/WS/20/071	
Report to and date:	Cabinet	10 November 2020
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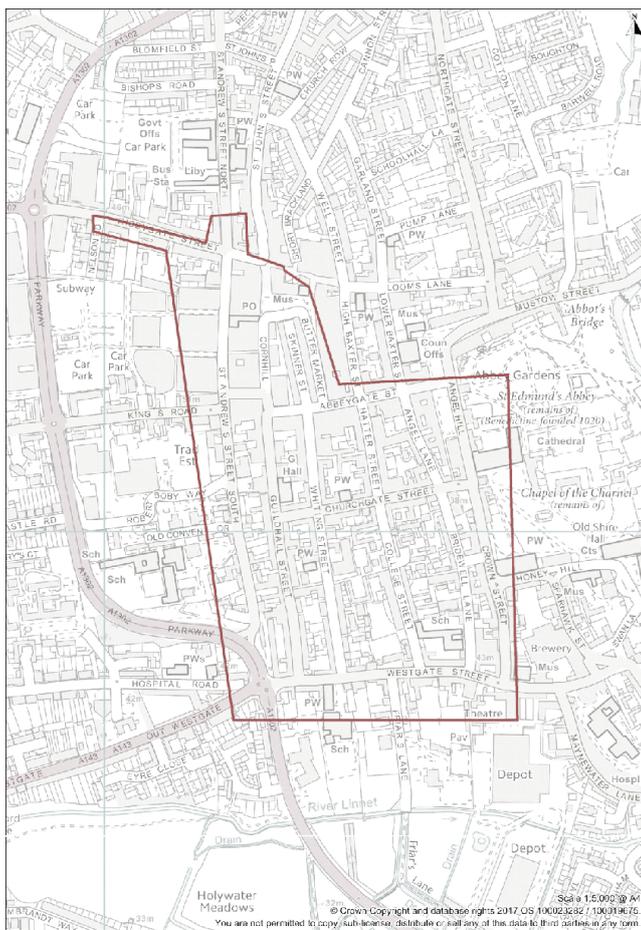
Decisions Plan: The decision made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.

Wards impacted: Abbeygate, Eastgate, Minden, Southgate, St Olaves, Tollgate, Westgate

Recommendation: It is recommended that the Cabinet retains the Cumulative Impact Assessment in Bury St Edmunds at its current boundaries.

1. Context to the report

- 1.1 This paper sets out the evidence and data to support the proposed decision to retain the Cumulative Impact Area in Bury St Edmunds in its current boundaries. This evidence is based upon feedback received from public consultation and stakeholders, as well as information from the Suffolk Constabulary.
- 1.2 As part of its policy on premises licensing, West Suffolk Council has a Cumulative Impact Area in Bury St Edmunds. This policy was introduced to manage the growth of licensed premises in an area where the density of premises selling alcohol had been identified as leading to nuisance and disorder. It provides the council and the police with extra powers to challenge applications for new alcohol licences and make sure licensed premises include provisions in their operating schedules to reduce the risk of nuisance and disorder.
- 1.3 On 6 April 2018, section 5A of the Licensing Act 2003 came into force. The update to the act gives Cumulative Impact policies (CIPs) a basis in legislation, whereas this was not the case prior to 2018. As such, the process of this review is to create a legislative 'Cumulative Impact Assessment' (CIA) for Bury St Edmunds.
- 1.4 The major legislative change is the need for not only a full consultation to implement the CIA, but a new requirement to review it every three years (commencing with its publication or revision), including a full consultation.
- 1.5 The Cumulative Impact Policy covering key areas of Bury St Edmunds town centre was first adopted by the council in 2014. The current policy has been in place since 2017 and any decision to renew as a Cumulative Impact Assessment must be taken by the end of 2020, or the existing Cumulative Impact Area will automatically cease.
- 1.6 In reviewing the CIA, the council has taken into consideration:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots such as antisocial behaviour offences
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions
 - environmental health complaints, particularly in relation to noise evidence obtained through local consultation.



Picture shows the outline of the Bury St Edmunds CIA area

2. Definitions

- 2.1 CIAs did not have a statutory basis until 6 April 2018 when section 141 of the Policing and Crime Act 2017 came into force, amending the Licensing Act 2003. Until that date, 'cumulative impact' and cumulative impact policies were only described in Home Office guidance on the licensing act. According to the Government, giving CIAs a statutory basis will 'provide greater clarity and legal certainty about their use'.
- 2.2 As such, the Cumulative Impact Area, which has been in place in Bury St Edmunds in its current form since 2017, had no statutory basis. By choosing to renew, the council will effectively be forming a new Cumulative Impact Assessment (CIA) based on the new statutory guidance.
- 2.3 Section 5 of the Licensing Act 2003 requires a licensing authority to publish a statement of its licensing policy at least every five years. A policy must consider any cumulative impact assessment an authority has published under section 5A of the act. The aim of a CIA is to limit the growth of licensed premises where the promotion of the licensing objectives is being compromised.

- 2.4 For more details, please see chapter 14 of Home Office guidance (April 2018) included in the additional documents.

3. Consultation and engagement

- 3.1 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 or bodies representative of local premises license holders
- persons or bodies representative of local club premises certificate holders
- persons or bodies representative of local personal license holders, and
- persons or bodies representative of businesses and residents in its area.

3.2 Engaging with stakeholders

- 3.2.1 Between January and May, the council requested information and feedback on CIA renewal from the Suffolk Constabulary and Public Health as statutory stakeholders. Both supplied evidence (included under background documents below), with the Constabulary expressing strong support for retaining the CIA in Bury St Edmunds. The Police provided additional commentary on the CIA, expressing strong support for renewing the policy.

- 3.2.2 In early July, the Suffolk Fire and Rescue Service was engaged for comment and expressed support for the renewal of the CIA.

- 3.2.3 In June, all town and district council members representing wards located in Bury St Edmunds were contacted by email with a briefing detailing the particulars of the CIA and the need for the review. One member provided comment, stipulating support for retaining the CIA. The member also highlighted the support for the CIA expressed by two residents' associations located in Abbeygate ward. In addition, another member of the Licensing and Regulatory Committee agreed that the CIA should be continued, but also recommended that it should also be expanded.

3.3 Consultation summary

- 3.3.1 Between 6 July and 24 August 2020, views were sought from the public, residents' associations and other community groups and organisations within the Bury St Edmunds area regarding the intention to renew the CIA, as well as potential minor changes to the area covered. Businesses and licensees from both within and outside the current CIA were also engaged. Businesses were specifically asked whether the CIA had any known positive or negative impact on their ability to undertake their work.

3.3.2 An online response form was created, and this was published through media, website, social media, councillors, staff and partner organisations, such as the Bury St Edmunds BID. In addition, businesses were further engaged through direct emails to licensees and through personal visits by officers between 30 July and 19 August. Between 18 and 21 August, Bury St Edmunds community organisations, such as local churches and charities, were also engaged via direct email messages. At the time the consultation closed, 100 online forms had been completed (please see Appendix A for the detailed analysis).

3.3.3 **Survey responses to renewing the CIA – strong support to renew**

Of 100 responses, 82 (82 per cent) agreed to continuing the CIA. 12 (12 per cent) answered that they disagreed and 6 (6 per cent) responded that they did not know. There was no significant split in opinion from any of the respondent groups, with the decision to renew receiving support from a majority of each group.

3.3.4 **Survey responses from businesses – the CIA has neither positive nor negative impact on businesses**

There were also a series of questions specifically aimed at businesses and licensees in the Bury St Edmunds area, both within and outside the CIA, to investigate the possible impact the CIA may have had on business.

3.3.5 When asked whether the existing CIA has had a generally positive or negative impact on their businesses, 7 of the 9 respondents stated that they 'don't know'. The other respondents were split - 1 respondent answering that it had had a generally positive impact, and another that it had a generally negative impact.

3.3.6 **Survey responses on CIA boundary changes – majority in favour of keeping current boundaries**

This question focused on gathering evidence on possible areas to add to or remove from the current CIA. 27 of 80 responses (33.8 per cent) were in favour of adding to or removing an area to the CIA; 53 (66.3 per cent) answered no.

3.3.7 Of the 27 respondents that agreed that the CIA should be expanded or retracted, 25 provided free text responses. All free text responses indicate that the CIA should be expanded. Extending the CIA to include both sides of Risbygate Street was the most frequent recommendation (8), followed by the Well Street - Short Breckland area (5), St Johns Street (4) and Mustow Street (4).

(Please note: some respondents recommended areas that are already in the CIA. In addition, some streets, most notably Risbygate and St Andrews, are only part covered by the CIA)

3.4 Consultation comparisons with additional data – should the CIA area be expanded?

3.4.1 Police and crime data

The Police provided data as part of the evidence base for the consultation. The information provided includes a broad sweep of incidents in Bury St Edmunds between 2013 to 2017, and 2017 to 2020. The incidents recorded cover ASB, Public Safety issues and Crime (the complete Police briefings can be viewed below). While the data provided by the Police does not support expanding the CIA, the number of incidents suggests that it is important to maintain the CIA in Bury St Edmunds.

3.4.2 Noise complaints

Noise complaints were also taken into consideration as part of the evidence base. Since 2017, there have been seven official noise complaints originating from license-holders in Bury St Edmunds. Brentgovel Street received three complaints, followed by two complaints for disturbances on St Andrews Street and one each on Churchgate Street and Risbygate Street. However, all seven complaints, including the complaint on Risbygate street, originate around venues already within the CIA. As such, this evidence does not support expanding the CIA area.

4. Rationale for decisions

4.1 During the seven-week consultation period, the responses received to the consultation were significantly in favour of retaining the Cumulative Impact Assessment in Bury St Edmunds. In addition, there was no split in opinion between different groups, with a majority from each respondent grouping being in favour of retaining the CIA. Responses that were not in favour of retaining the CIA, however, did focus on pressing issues, such as the impact of COVID-19 on businesses in the area – although responses from businesses themselves did not indicate an overall negative impact of the CIA on their capacity to operate.

4.2 Regarding questions on expanding the CIA: most comments in favour of increasing the CIA area focused on ensuring it covered both sides of Risbygate Street. However, the evidence suggests that there is neither a majority in favour of expansion, nor is there enough evidence to justify the CIA covering additional areas of the town centre.

5. Alternative options that have been considered

5.1 The alternative options are:

- to decide not to renew the CIA
- to agree to implement boundary changes to the CIA in the areas highlighted in the public consultation.

6. Risks associated with the proposals

- 6.1 There is a risk that a decision not to renew the CIA in Bury St Edmunds may negatively impact anti-social behaviour levels and wellbeing in the town centre.

7. Implications arising from the proposals

- 7.1 Financial – There is no financial impact
- 7.2 Legal compliance - There is no legal requirement to renew the CIA
- 7.3 Personal data processing - None
- 7.4 Equalities – There are no inequalities requiring detailed assessment
- 7.5 Crime and disorder - Removing the CIA in Bury St Edmunds may have a negative impact on the prevention of crime and disorder.
- 7.6 Environment or sustainability – There is no environmental or sustainability issue
- 7.7 HR or staffing - None
- 7.8 Changes to existing policies – This will not entail a change to current policy
- 7.9 External organisations (such as businesses, community groups) – There is no impact on other organisations that has been highlighted in the course of public and stakeholder consultation

8. Appendices referenced in this report

- 8.1 Appendix A: Cumulative Impact Assessment, Bury St Edmunds – Consultation Analysis

9. Background documents associated with this report

- 9.1 [Summary crime statistics covering the period 1 April 2017 to 30 April 2020](#)
- 9.2 [Cumulative Impact Area - Suffolk Public Health Data](#)
- 9.3 [Revised guidance issued under section 182 of the Licensing Act 2003 – Home Office](#)