

Surrey Heath Borough Council
Licensing Committee
7 February 2024

Cumulative Impact Assessment Review

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Wards Affected:	Town

Summary and purpose

To inform Members of the outcome of the review of the Council’s Cumulative Impact Assessment (CIA) statement within the current Licensing Policy and to recommend that the Committee resolves that the Council as licensing authority publishes a statement that having consulted with the statutory list of consultees and wider, that it is no longer of the opinion that there is a need for a CIA in Camberley.

Recommendation

The Committee is advised to RESOLVE that

- (i) the Council as licensing authority publishes a statement that having consulted with the statutory list of consultees and wider, that it is no longer of the opinion that there is a need for a Cumulative Impact Assessment (CIA) in the Surrey Heath BC Licensing Policy (2021); and
- (ii) The CIA cease to apply from the end of the 3-year life of the assessment on 6 April 2024.

1. Background and Supporting Information

1.1 The Licensing Act 2003 (the Act) governs the sale and supply of alcohol in England and Wales. The Act has four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.2 Under the Act, licensing authorities have responsibility for issuing premises licences and club premises certificates.

- 1.3 Section 5 of the 2003 Act requires a licensing authority to publish a statement of its licensing policy at least every five years. This sets out how the authority intends to operate and promote the licensing objectives in their area. It must be published before the authority conducts any function in respect of individual applications and notices made under the terms of the 2003 Act. Before determining its policy, an authority must consult the following responsible authorities:
- the chief officer of police for the area.
 - the fire and rescue authority for the area.
 - each local authority's Director of Public Health in England or Local Health Board in Wales.
 - 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.
 - persons/bodies representative of businesses and residents in its area.
- 1.4 Where there is evidence that the cumulative impact of licensed premises may have a negative impact on the promotion of the licensing objectives, the licensing authority may include within its licensing policy a Cumulative Impact Assessment (CIA) statement. The evidence of cumulative impact must relate to the problems identified in the specific area to be covered by the CIA. The statement would advise that it would be likely that granting further premises and/or club premises certificates in the CIA area would be inconsistent with an authority's duty to promote the licensing objectives.
- 1.5 The existence of a CIA does not however change the way that licensing decisions are made. Applications for new licences or variations to existing licences in a CIA area must still be considered on an individual basis. Applications that are unlikely to add to the cumulative impact on the licensing objectives should still be granted.
- 1.6 Licensing authorities must review any CIA within three years and in doing so, it must consult again with the persons listed in 1.3. If, after consultation, an authority no longer holds the opinion that a CIA is necessary, it must publish a statement making clear that any reference to the CIA in its licensing policy statement no longer applies. Reference to the CIA within the licensing policy statement should be removed at the earliest opportunity.
- 1.7 If an authority's opinion remains that a CIA is necessary, it must revise the CIA setting out why this is the case.

2. Surrey Heath BC Licensing Policy and Cumulative Impact assessment

- 2.1 The Council's current [Licensing Policy](#) was approved by the Licensing Committee on 22/02/2021 and must be reviewed after 5 years. At the time the policy was approved the Council was of the opinion that a Cumulative Impact Assessment (CIA) for a defined area of Camberley was necessary to promote the licensing objectives, in light of evidence from the Police in relation to crime and disorder in Camberley town centre. The CIA statement is attached at Annex A.

- 2.2 As required by the revised guidance issued under section 182 of the Licensing Act 2003 (December 2023), a three yearly review of the Council's CIA has been conducted, including an extensive eight-week consultation exercise with statutory consultees and wider. A list of consultees is provided at Annex B.
- 2.3 A total 1,100 letters and emails were sent, and the consultation was publicised via social media and the Council's web site.
- 2.4 Six responses were received, these have been anonymised and can be viewed Annex C. No formal response was received from the Police, although the Police Licensing Officer advised officers that the Police did not see the need to retain the CIA.

3. Recommendation

- 3.1 It's recommended that the Committee resolve that it is no longer of the opinion that there is a need for a Cumulative Impact Assessment (CIA) in the Surrey Heath BC Licensing Policy (2021).
- 3.2 Evidence of cumulative impact of licensed premises on the promotion of the licensing objectives needs to relate to problems identified in the specific area covered by the CIA. Having consulted with the statutory agencies who hold the relevant local information in relation to crime and disorder, anti-social behaviour, alcohol related hospital attendance/admissions, noise complaints in the CIA area, no evidence has been forthcoming as part of the consultation process that would support the retention of the CIA.
- 3.3 The three consultation responses received from residents do not relate directly to the issue of cumulative impact of licensed premises in the town centre on the licensing objectives, covering other concerns i.e. disturbance from fast food delivery vehicles; the lack of shops; a desire to have no late opening premises in the town centre due to residents in the area.
- 3.4 The two responses from a local business and The Square highlight concerns about the regulation of existing licensed premises and the behaviour of the public when intoxicated. Whilst these concerns are relevant, they do not on their own amount to sufficient evidence to support the retention of the CIA and other controls are available. The regulation of licensed premises and drinking in public places is the responsibility of the Council and the Police, out of hours monitoring visits to check compliance with licensing conditions and laws relating to the sale of alcohol regularly take place. Both agencies also actively work to promote the licensing objectives with the licensed trade through the monthly Town Centre Pub Watch meetings. There is currently a [Public Space Protection Order](#) in place for Camberley town which gives the Council and Police additional powers to tackle issues of anti-social behaviour through action such as dispersal, fines and the removal of alcohol from street drinkers.
- 3.5 The consultation response received from the Councillor questions whether the balance of licensed premises in the town is right and seeks feedback from the Police on this point, however, the Police have not expressed any concerns. During the time that the current CIA has been in place the number of new

businesses looking to open that require a licence to sell alcohol has been limited and these predominantly relate to retail premises that do not have drinking on the premises or late-night opening. The number of vertical drinking establishments has decreased due to the economic downturn. Vertical drinking establishments are premises used exclusively for the sale and consumption of alcohol, and have little or no seating for customers.

- 3.6 Regardless of the existence of a CIA, all applications for new licences or variations to existing licences must be considered on an individual basis with a view to what is appropriate for the promotion of the licensing objectives. As part of the licence application the applicant must state how they will promote the licensing objectives in an operating schedule, and this will form the basis of the conditions attached to the licence if granted. The responsible authorities listed at 1.3, are consulted on all new and variation applications and have the opportunity to ask for additional conditions to be applied or may object to a licence being granted. Once granted anyone may ask for a licence to be reviewed where there is evidence that the licensing conditions are being breached or the licensing objectives are being negatively impacted. Where there are objections to an application from anyone or a call for review of a licence a licensing sub-committee would determine these cases.

4. Proposal and Alternative Options

- 4.1 It is proposed that the Council as licensing authority publishes a statement that having consulted with the statutory list of consultees and wider, that it is no longer of the opinion that there is a need for a Cumulative Impact Assessment (CIA) in the Surrey Heath BC Licensing Policy (2021). The CIA will cease to apply from the end of the three-year life of the assessment on 6 April 2024. Reference to the CIA within the licensing policy statement will be removed at the earliest opportunity.
- 4.2 There is no alternative option, there is insufficient evidence to support retention of the CIA at this time. However, this will be kept under review and a new assessment undertaken should evidence show there is a need in the future.
- 4.3 This evidence would need to relate to particular problems in the specific area to be covered by the CIA. Robust evidence from the responsible authorities would be required relating to crime and disorder, anti-social behaviour, health related statistics, noise and litter complaints.

5. Contribution to the Council's Five-Year Strategy

- 5.1 The Council's Licensing Policy contributes to all the priority areas identified in the Five-Year Strategy – Environment, Health & Quality of Life, Economy, and Effective & Responsive Council.

6. Resource Implications

- 6.1 There are no resource implications.

7. Section 151 Officer Comments:

7.1 There are no additional budgetary implications arising from this report.

8. Legal and Governance Issues

8.1 Licensing authorities must review any CIA within three years and in consultation with the statutory consultees. If, after consultation, an authority no longer holds the opinion that a CIA is necessary, it must publish a statement making clear that any reference to the CIA in its licensing policy statement no longer applies.

9. Monitoring Officer Comments:

9.1 No comment.

10. Other Considerations and Impacts

Environment and Climate Change

10.1 There are no implications.

Equalities and Human Rights

10.2 The review process involved extensive consultation and has considered the feedback provided by all sectors of the community.

Risk Management

10.3 Failure to review the CIA and to retain it without sufficient evidence could lead to legal challenge of the Council's Licensing Policy. If a need is identified in future for a CIA, the Licensing Policy can be reviewed in this respect.

11. Community Engagement

11.1 The review of the CIA was subject to extensive consultation as detailed in the report.

Annexes

Annex A – Cumulative Impact Policy taken from the SOLP 2021-2026

Annex B – List of consultees

Annex C – Anonymised responses

Background Papers

Revised Guidance under Section 182 of the Licensing Act 2003 (December 2023)