

Committee(s)	Dated:
Licensing	07/07/23
Subject: Cumulative Impact Assessment Options for the City of London	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1,4,5
Does this proposal require extra revenue and/or capital spending?	Yes
If so, how much?	£25k-£30k
What is the source of Funding?	Local Risk
Has this Funding Source been agreed with the Chamberlain's Department?	Yes
Report of: Juliemma Mcloughlin Executive Director Environment	For Decision
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Summary

At its meeting on 28 April 2023, your committee asked officers to bring an information report to this meeting, exploring the option of publishing a cumulative impact assessment (CIA) under the provisions of the Licensing Act 2003 (the Act). This report provides an overview of the legislative requirements to publishing a CIA, the Covid-19 pandemic impact on CIAs, the City of London Corporation's (the City) current approach on cumulative impact as set out in its Statement of Licensing Policy (SoLP), a summary of pre-pandemic work on cumulative impact undertaken by the licensing team, current problems associated with the City's Night-Time Economy (NTE), and a draft proposal for commencing research work to ascertain whether there is sufficient evidence to publish a CIA for the City.

Recommendation(s)

Members are asked to:

1. Agree the proposals set out in paragraphs 32-38 of this report.

Main Report

Licensing Act 2003

1. Prior to 2018, cumulative impact policies (CIPs) had no statutory basis but the concept of the cumulative impact of a concentration of licensed premises existed by virtue of the Secretary of State's Section 182 guidance to the Act (the guidance) since the Act went live in 2005. However, it was considered that '*CIPs could be implemented on relatively weak grounds*' which potentially could not stand up to scrutiny (*Home Office, Impact Assessment on putting cumulative impact strategies on a statutory footing, November 2016*)

2. The Policing and Crime Act 2017 amended the Licensing Act with effect from 6 April 2018, by inserting paragraph 5A, and putting CIA's 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'* (Home Office, *Modern Crime Prevention Strategy*, March 2016).
3. Paragraph 5A provides a discretionary power for a licensing authority to publish a CIA where the authority considers that the number of licences in one or more parts of its area described in the CIA is such that it would be inconsistent with the authority's duty to promote the licensing objectives if further licences were granted in that area or areas. Licences can include all types of premises licence and/or club premises certificates, or to one type of premises such as nightclub or pub.
4. Where an authority decides to use that power, the Act requires the authority to set out the evidence for its CIA. The evidential basis, drawn from the guidance, is set out in paragraphs 14-19 below.
5. Before a licensing authority publishes a CIA, it must consult the following persons:
 - a) Police
 - b) Fire Authority
 - c) Public Health Board for the area
 - d) Representatives of premises licence / club premises certificate / personal licence holders
 - e) Business representatives in the area
 - f) Resident representatives in the area
6. A CIA must be:
 - a) Summarised in the authority's statement of licensing policy
 - b) Reviewed at least every three years.

Section 182 Guidance

What is cumulative impact?

7. Cumulative impact is not defined in the Act but is addressed in the guidance which defines it as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. Cumulative impact is where the number, type or density of licensed premises is high or there are large numbers of drinkers concentrated in an area, arriving at or leaving premises, and serious problems of nuisance, conflict, disorder or anti-social behaviour arise outside or some distance from those premises. Problems can include drug dealing, theft, urination on the street, littering, traffic noise, and people noise.

Cumulative Impact Assessment (CIA) and effect

8. A CIA may be published by a licensing authority to help limit the number of types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in that area is having a cumulative impact and leading to problems which undermine the licensing objectives. However, a CIA must not impose quotas based on the number of premises or the capacity of those premises. This is because quotas can have the indirect effect of predetermining the outcome of an application. CIA's can relate to applications for new licences and variations to existing licences in the specified area.
9. In publishing a CIA, a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy.
10. Applications in areas covered by a CIA should consider the potential cumulative impact issues when setting out the steps in the operating schedule that will be taken to promote the licensing objectives.
11. A CIA is not absolute and does not change the statutory provisions for determining applications. Each decision on an application in an area subject to a CIA must still be made on a case-by-case basis with a view to promoting the licensing objectives.
12. A CIA does not relieve responsible authorities or other persons of the need to make a relevant representation where they consider it appropriate to do so for the promotion of the licensing objectives. Responsible authorities and others can have regard to the CIA when deciding whether to make a representation. There is no automatic refusal and in the absence of relevant representations, applications for licences within a CIA area must still be granted.
13. Applications for licences within the CIA area where there are relevant representations must be considered on the individual merits of the case and can still be granted where the authority considers it will not have an adverse impact on the licensing objectives and the licence will not add to the cumulative impact in the area.

Evidence base for a CIA

14. When publishing a CIA a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described. The evidence is used to justify the statement in the CIA that it is likely that granting further premises licences and/or club premises certificates in that area, would be inconsistent with the authority's duty to promote the licensing objectives.
15. In its 2016 paper, *Impact Assessment on putting cumulative impact strategies on a statutory footing*, the Home Office sets out its requirement for '*licensing authorities to use robust and up to date evidence to support the implementation and retention of a CIA*'.

16. For data to be robust, it should be suitable as a basis for a decision to refuse an application and be able to withstand any appeal against the decision of the Licensing Committee to refuse an application. Data should span a period of time that will enable a broad insight on any problems associated with the NTE as opposed to a snapshot view over a short period of time that may provide inconsistencies depending on seasonal or national events and/or peaks and troughs in alcohol related crime incidents, anti-social behaviour or noise complaints. A period of 3 years is a good indicator to ensure that potential area definitions are based on consistent patterns.
17. The evidential basis for a decision to publish a CIA is set out in paragraph 14.29 of the guidance and includes:
 - a) local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - b) statistics on local anti-social behaviour offences;
 - c) health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - d) environmental health complaints, particularly in relation to litter and noise;
 - e) complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
 - f) residents' questionnaires;
 - g) evidence from local and parish councillors;
 - h) evidence obtained through local consultation;
 - i) trends in licence applications, particularly by types of licences and terminal hours;
 - j) concentrations of drinkers at different times of the night.
18. Where information is insufficient or not readily available, but the licensing authority believes there are problems in its area from the cumulative impact of licensed premises, it may commission a study to assess the position. This can involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidences of criminal activity and anti-social behaviour, examples of public nuisance, specific issues such as underage drinking and the key times and locations at which these problems are occurring.
19. In order to identify the areas in which problems are occurring, information about specific incidents can be mapped and, where possible, a time analysis undertaken to identify the key areas and times at which there are specific issues.

Covid-19 impact on CIAs

20. The last 3 years have seen an unprecedented change to the licensing landscape, with the hospitality sector significantly impacted by the national lockdown in 2020, followed by a brief summer of relaxation, and then curfews, tier restrictions, and further national lockdowns in 2021. It wasn't until August 2021 that most hospitality venues reopened. During this time, alcohol related

crime, anti-social behaviour and noise public nuisance naturally and dramatically fell.

21. A shortage of data may not accurately reflect the impact of the NTE on an area. Given the evidential requirements for a CIA and that most CIAs relied on evidence before the pandemic, many licensing authorities removed their CIAs in 2022 following the statutory 3-year review due to the lack of supporting data for 2020 and 2021.

City of London Corporation Statement of Licensing Policy

22. The City has never introduced a CIP in its Statement of Licensing Policy (SoLP) or published a CIA.
23. In its most recent SoLP 2022, the City did not implement a CIA, to avoid placing new restrictions on venues and to support the sector in its post-pandemic recovery. However, an undertaking was given to keep a watchful eye on the effects of licensed premises as recovery progresses.
24. The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. In each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.
25. The SoLP recognises that the cumulative impact of licensed premises can be experienced by residents in areas even where there is no current cumulative impact assessment (para 131). The City will consider any representation that refers to the impact of a number of premises in an area (para 132). In the absence of a CIA, representations referencing cumulative impact need to be evidence based i.e. show how the present number of licensed premises are impacting on the objectives and demonstrate how a specific licensed premises in a particular area will add to those problems (para 133)
26. To date, the City has not received any representations from responsible authorities or from other persons on the grounds of cumulative impact, or representations which have set out evidence to demonstrate how a specific premises will add to problems already being experienced by a concentration of premises in an area. This is not to say that the problems do not exist, but that the existing provisions in the City's SoLP for addressing cumulative impact have not been utilized or exhausted.

Pre-pandemic work undertaken on cumulative impact

27. In July 2018, the City commissioned the services of Safer Sociable London Partnership (SSLP) to map and analyse data linked to the City's NTE. The final report, received in May 2019 and presented to this committee with recommended actions in October 2019, recommended amongst other matters, the option of considering a CIA for the Liverpool Street area or the Bishopsgate ward.

28. Officers of the Licensing Team had commenced work on supplementing the evidence produced by SSLP by:
- a) Exploring the correlation between crime and disorder and certain types of venues to identify and exclude non-problematic premises from a CIA
 - b) Establishing trends in licence applications/variations over the past three years.
 - c) Examining trends in changes to the terminal hour of premises.
 - d) Analysing the capacity of premises and expected concentration of drinkers at various hours through the night
 - e) Ascertaining the correlation, if possible, between the number of door staff present at each venue and the number of crime and disorder incidents.
 - f) Producing a series of heat maps showing a combination of licensed premises and incidents for each ward and the City as a whole
 - g) Looking at CCTV data from City of London Police mobile vehicle unit which collects data in and around the Liverpool Street/Bishopsgate area on a Thursday, Friday and Saturday night.
 - h) Establishing the extent of cocaine use and its link with anti-social behaviour.
 - i) Considering the use of improved lighting in high incident areas and examine the effect this has on those incidents occurring.
 - j) Increasing Safety Thirst membership in high incident areas as indicative data shows a potential correlation between membership and low number of crime or public nuisance.
 - k) Following the consideration of a Public Spaces Protection Order (PSPO) for use during large public events and the possibility of using this tool in high incident areas
29. Unfortunately, the research work of the Licensing Team was not completed due to the Covid-19 pandemic and the hospitality sector's inability to trade for much of the period between March 2020 and August 2021. Consequently, the original data collected by SSLP in 2018 was out of date post the pandemic and the evidence base could not be utilised to progress to policy formulation stage.

Current issues raised in relation to the City's NTE

30. At a recent licensing hearing in Tower Ward, Members had discussed the cumulative impact of licensed premises in the area. Members noted that Tower had been problematic historically, but the situation had improved post the pandemic. However, as premises were starting to re-open and there had been an increase in residents in the area, concerns were raised about the reinstatement of historical problems of noise and anti-social behaviour linked to several licensed premises concentrated in one area.
31. The City of London Police have identified three areas of the City that show signs of stress compared to other areas in the City. These are Liverpool Street, Monument, and Bank.

Proposals / Options

32. There is a need to fully understand the City's licensing landscape post pandemic. There has been a strong bounce back for the hospitality sector in the City, particularly in areas of high footfall. Changes to working patterns in the City has seen a shift in trends in the NTE, with Tuesdays, Wednesdays and Thursdays being the busiest nights. New premises have opened, and existing premises have refashioned themselves to meet customer demands. For example, some premises operate as a restaurant by day and transition into a bar or nightclub in the evening. There is a need to understand the types of licensed premises in the City, the type of risks associated with them, and identify if there are areas where crime, disorder, or anti-social behaviour correlate with concentrations of licensed premises or types of premises.
33. The licensing team propose to commission the services of an external research consultancy to collate and analyse data from all available sources, including but not limited to the City of London Police, ambulance service where available, TfL, and the City's own records held by the licensing authority and environmental health.
34. To identify any potential areas of cumulative impact, incidents indicative of negatively impacting the promotion of the licensing objectives, including crime, disorder, noise, and anti-social behaviour will be analysed and spatially mapped.
35. A data set spanning 3 years from 2019-2022 will be used to ensure that potential area definitions are based on consistent patterns.
36. The research, analysis and evidence will be used to ascertain whether the City should publish a CIA.
37. Any proposal to publish a CIA should consider the impact on restricting good business and investment in an area and align with wider Corporation ambitions such as Destination City which aims to boost the leisure economy in City, making it a thriving destination area, driving footfall and spend.
38. A timeline to produce the CIA report and further committee reports on options will be forthcoming following procurement.

Corporate & Strategic Implications

39. Supporting the City of London Corporate Plan 2018 to 2023 by contributing to all three key aims of a flourishing society, supporting a thriving economy and shaping outstanding environments.

Financial Implications

40. Estimated cost for consultancy to undertake the data gathering and analysis is £25k to £30k subject to procurement. This cost will be absorbed across the wider Port Health and Public Protection current local risk budget resources.

Recommendations

41. It is recommended that Members approve note and approve the proposals and set out in paragraphs 32-38 above.

Conclusion

42. A refreshed collated evidence base and CIA for the City will allow for greater opportunity for development of policy, strategy, interventions and the targeting of resources. It will increase the understanding of the issues and challenges a vibrant licenced economy brings and in doing so will inform whether further cumulative controls should be considered for the City of London.

Appendices

- none

Background Papers

- [Mapping and Assessing the City's Night Time Economy 16th July 2019](#)
- [Mapping and Assessing the City's Night Time Economy – The Way Forward 16th October 2019](#)
- [Licensing Act 2003 and associated regulations](#)
- [Licensing Act 2003, S182 guidance](#)
- [City of London Statement of Licensing Policy 2022](#)
- [Safer Sociable London Partnership \(SSLP\) 2019](#)
- [House of Commons Briefing Paper 2019: Alcohol licensing: cumulative impact assessments](#)
- [Home Office, Impact Assessment on putting cumulative impact strategies on a statutory footing, November 2016](#)
- [Home Office, Modern Crime Prevention Strategy, March 2016](#)

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