



**Report to: Licensing and Environmental Health Committee, 19 June 2023**

**Report of: Head of Worcestershire Regulatory Services on Behalf of Worcester City Council**

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**Subject: CUMULATIVE IMPACT POLICY REVIEW – LICENSING ACT 2003**

**1. Recommendation**

**That the Committee:**

- 1.1 Note the contents of the report and in particular the review undertaken into the Council's existing special policy of cumulative impact, approved in July 2020**
- 1.2 Approve the undertaking of a 6-week consultation with relevant stakeholders, businesses and members of the public on a proposal to maintain the Council's Cumulative Impact Policy without amendment, as contained within the Council's Statement of Licensing Policy, at Appendix 1.**
- 1.3 Note that a further report will be presented to this Committee with the consultation feedback included, in order for a final decision to be taken.**

**2. Background**

- 2.1 The Council has included a special policy of Cumulative Impact within its Statement of Licensing Policy since 2005.
- 2.2 A Cumulative Impact Area is a designated zone where evidence has indicated that the number, type or density of licensed premises is impacting adversely on the licensing objectives, namely, crime and disorder, public safety, public nuisance and the protection of children from harm.
- 2.3 Home Office Guidance issued under section 182 of the Licensing Act 2003 defines Cumulative Impact as "*the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area*". The effect of Cumulative impact policies is that applications for new licences/variations to existing premises licences for premises within the identified Cumulative Impact Areas will be subject to different policy considerations than normal and will need to show why the grant of a new premises licence or variation application will not add to cumulative impact.
- 2.4 This special Policy was introduced by the Council following evidence presented by West Mercia Police demonstrating, that at the time the City Centre of Worcester was being

adversely affected by an increase in crime, disorder and antisocial behaviour due to the large number of licensed premises being concentrated in the area.

- 2.5 Since its introduction, the policy has been kept under regular review and over time has evolved and adapted to the requirements of the city's night-time economy.
- 2.6 In 2018 changes to the Licensing Act 2003 (Section 5A), introduced a requirement for local authorities to formally review Cumulative Impact Policies every 3 years. The last review of the Council's Cumulative Impact Policy took place during 2019/20, where the evidence gathered and presented (Cumulative Impact Assessment) supported the need to continue to have a Cumulative Impact Policy in place. A copy of the Council's special policy of Cumulative Impact, included in the current Statement of Licensing Policy 2019-2024 is attached at **Appendix 1** and a copy of the 2019 Cumulative Impact Assessment is attached at **Appendix 2**.
- 2.7 At that time it was agreed by this Committee, that the Cumulative Impact Assessment which had been undertaken, confirmed that the area where cumulative impact provisions apply should be reduced and the policy be limited to applications from businesses whose operating model was to act as vertical drinking establishments between the hours of midnight and 6am, and businesses acting as Late Night Refreshment houses within the provisions of the Act, at any time between midnight and 5am.
- 2.8 Council duly received a Referral Report from this Committee incorporating the findings of the assessment and approved a revised Statement of Licensing Policy on 14th July 2020 (**Appendix 1**).

### **Cumulative Impact Policy and Cumulative Impact Assessment review 2023**

- 2.9 As reported to Committee in March 2023, officers have undertaken a review of the Cumulative Impact Assessment undertaken in 2019 and also the Council's current Special Policy of Cumulative Impact.
- 2.10 As part of this review, the impacts of the Covid-19 pandemic have also been taken into account. The pandemic negatively impacted the night-time economy and closed hospitality premises across the UK for a period between 2020 and 2021, meaning that any data obtained as part of this current review is not necessarily a true reflection of the same period in 2019, when the last full review was undertaken. As the night-time economy industry recovers, more information will become available, allowing the Council to consider more accurate data over the coming years in readiness for the next review in 2027.
- 2.11 As with the previous review, liaison has taken place with West Mercia Police, who in turn have produced an updated statistical analysis of crime and disorder in Worcester City Centre, which they feel provides suitable data and evidence to support the continued inclusion of the Special Policy. A copy of the statistical analysis of crime and disorder in Worcester City Centre report, provided by West Mercia Police as part of their submission is attached at **Appendix 3**.

- 2.12 Officer analysis alongside the Police data, in relation to crime and disorder in Worcester City Centre, appear to confirm similar findings, in that the current Policy of Cumulative Impact is proving to be effective.
- 2.13 Notably between 19 July 2021 and 23 April 2023 there has been a 13% reduction in alcohol related incidents and 17% reduction in alcohol related offences, however the area to which current policy relates, is still identified as the main location for reported incidents in the City Centre.
- 2.14 In addition, liaison with Public Health has again provided a city-wide alcohol profile which looks at a range of key indicators for the impact of alcohol on health. When comparing the figures for Worcester City to those provided in 2019, it would appear that the information provided shows Worcester City is statistically similar to the England average and in addition there hasn't been any significant changes since the data was originally provided. A copy of the alcohol profiles provided by Public Health are attached at **Appendix 4**.
- 2.15 When reviewing the information provided by Public Health in relation to the Council's Cumulative Impact Zone, it should be noted that the data has limitations, as the information provided is city-wide and not specifically tailored to the Council's Cumulative Impact Zone.
- 2.16 Analysis of Worcestershire Regulatory Services Nuisance Data continues to demonstrate that nuisance is not a consideration for cumulative impact in Worcester City currently, as the data shows that nuisance has a limited impact on people living in the area of the current cumulative impact zone.
- 2.17 Having reviewed and now analysed all of the information and data obtained from partner agencies, in particular the information provided by West Mercia police there appears to be a clear justification for continuing with the Council's Special Policy of Cumulative Impact but in doing so maintaining the existing provisions to which it applies.

### **Consultation**

- 2.18 Consultation on the proposed Cumulative Impact Policy, which makes reference to the revision of the current Cumulative Impact Assessment will now need to take place with all relevant parties, including:
- The Chief Officer of West Mercia Police
  - Hereford and Worcester Fire and Rescue Services
  - Worcestershire County Council (Public Health)
  - All other responsible authorities identified under the Act
  - Relevant Trade Associations
  - The general public

- 2.19 It is proposed that consultation will take place over a 6-week period, with the consultation being made available for comment via the Council's website and publicised via social media and through local press.
- 2.20 Any responses received during the consultation exercise will be reported back to the Licensing and Environmental Health Committee at a future meeting.

### **3. Preferred Option**

- 3.1 The preferred option for Members, having considered the Council's current special policy of Cumulative Impact and the information contained within this report is:
- To retain the area where cumulative impact provisions apply
  - Make no changes to the Council's current special policy of Cumulative Impact. Namely, maintaining the application of those provisions in this area to businesses whose operating model is to act as a vertical drinking establishment at any time between the hours of midnight and 6am AND businesses acting as Late-Night Refreshment houses within the provisions of the Act at any time between midnight and 5am.
- 3.2 Should Members decide that the Cumulative Impact Policy is to be retained, they must go on to direct Officers to undertake the necessary steps as prescribed under the provisions of section 5 and 5A of the Licensing Act 2003, and undertake a consultation exercise with relevant stakeholders, as highlighted at 2.16 and 2.18 of this report on the relevant section of the Statement of Licensing Policy on the Council's Cumulative Impact Policy.

### **Alternative Options Considered**

- 3.3 Having considered all of the information provided by the Police, Public Health and the WRS Environmental Health Noise pollution team, no alternative options have been considered suitable for committee consideration on this occasion.

## **4. Implications**

### **Financial and Budgetary Implications**

- 4.1 The costs involved with the review of and consultation on the special policy of Cumulative Impact will be met from existing budgets held by Worcestershire Regulatory Services.

### **Legal and Governance Implications**

- 4.2 Section 17(1) of the Crime and Disorder Act 1998 states that, without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) the misuse of drugs, alcohol and other substances in its area; and

(c) re-offending in its area

4.3 Following the introduction in April 2018 of the new provisions within the Licensing Act 2003 under Section 5A, licensing Authorities are required to review existing statement of Licensing Policy, which include special policies of Cumulative Impact.

4.4 If it is decided that there is still a requirement for a special policy of Cumulative Impact within Worcester, the Council must undertake the necessary steps to review the Cumulative Impact Assessment as highlight in this report.

#### **Risk Implications**

4.5 Failing to review a special policy of Cumulative Impact as part of the Statement of Licensing Policy review would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003, as amended by the Police and Crime Act 2017.

#### **Corporate/Policy Implications**

4.6 All regulatory policies relating to Environmental Health and Licensing approved by Worcester City Council should comply with the Regulators Code. The Regulators Code is made under the provisions of the Legislative and Regulatory Reform Act 2006. It seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

#### **Equality Implications**

4.7 The Licensing and Environmental Health Committee will ensure it has regard to the desirability of exercising its functions about the need to eliminate discrimination and to increase equality of opportunity.

4.8 On this occasion no equality implications have been identified.

#### **Human Resources Implications**

4.9 No human resource implications have been identified.

#### **Health and Safety Implications**

4.10 No health and safety implications have been identified.

#### **Social, Environmental and Economic Implications**

4.11 In areas where Cumulative Impact Policies or Assessments have been introduced there is a possibility that businesses looking to invest may be deterred from doing so, due to perceived additional burdens being placed upon them when considering whether to making a new premises licence application or vary an existing premises licence application.

4.12 Where streets are designated as being within the Cumulative Impact area this makes a difference to the considerations that apply to applications for new premises licences or applications to vary existing licences. On such applications and where relevant representations relating to cumulative impact have been received, any application which would add to the cumulative impact will normally be refused. Each application will still be considered on its own merits, and it will be for the applicant to show that

that the licensable activities which are being applied for will not add to the cumulative impact.

4.13 This is balanced against impact of new and current business undertaking licensable activities in a particular area and the social and economic benefits of those businesses, against the potential adverse environmental implications, such as public nuisance, crime and disorder and antisocial behaviour.

**Ward(s):** All

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**Background Papers:** Licensing Act 2003  
Guidance issued under S182 of the Licensing Act 2003.