

# EXECUTIVE DECISION

made by a Cabinet Member



## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – GHRITC05 21/22

Decision				
1	<b>Title of decision:</b> Licensing Act 2003: Consultation on the Cumulative Impact Assessment – Three Year Review			
2	<b>Decision maker (Cabinet member name and portfolio title):</b> Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)			
3	<b>Report author and contact details:</b> Rachael Hind, Licensing Service Manager 01752 308794 <a href="mailto:Rachael.hind@plymouth.gov.uk">Rachael.hind@plymouth.gov.uk</a>			
4	<b>Decision to be taken:</b> The draft Licensing Act 2003 – Cumulative Impact Assessment is authorised to be released for consultation for 12 weeks.  Closing date for the responses will be Thursday 2 June 2022 (12 week consultation).			
5	<b>Reasons for decision:</b> The Cumulative Impact Assessment is part of a framework policy and as such Cabinet Member approval is required prior to the commencement of the public consultation.			
6	<b>Alternative options considered and rejected:</b> None available – this is required under the Plymouth City Council Constitution and a three year review of the Cumulative Impact Policy is a statutory requirement under section 5A (7) of the Licensing Act 2003.			
7	<b>Financial implications and risks:</b> None.			
8	<b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)	<b>Yes</b>	<b>No</b>	<b>Per the Constitution, a key decision is one which:</b>  in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
			x	
			x	in the case of <b>revenue</b> projects when the decision involves entering into new

				commitments and/or making new savings in excess of <b>£1 million</b>
			x	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
	If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a>			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:			<p>This is a statutory policy which the Council must have in place in order to determine applications made under the Licensing Act 2003.</p> <p>The policy will support the following priorities;</p> <p><b>Growing</b> – Businesses will have a transparent indication on the matters that will be considered by the Council when determining applications</p> <p><b>Caring</b> – The policy will assist in the protection of vulnerable persons likely to be affected by licensing activities</p>
10	Please specify any direct environmental implications of the decision (carbon impact)			None
<b>Urgent decisions</b>				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?		Yes	(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
			No	x (If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
<b>Consultation</b>				
13a	Are any other Cabinet members' portfolios affected by the decision?		Yes	
			No	x (If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?			

<b>I3c</b>	<b>Date Cabinet member consulted</b>									
<b>I4</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>	<b>Yes</b>		If yes, please discuss with the Monitoring Officer						
		<b>No</b>	x							
<b>I5</b>	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>		Dr Ruth Harrell						
		<b>Job title</b>		Director of Public Health						
		<b>Date consulted</b>		01 February 2022						
<b>Sign-off</b>										
<b>I6</b>	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>				DS119 21/22				
		<b>Finance (mandatory)</b>				djn.21.22.286				
		<b>Legal (mandatory)</b>				38079/ag/16.2.22				
		<b>Human Resources (if applicable)</b>				N/A				
		<b>Corporate property (if applicable)</b>				N/A				
		<b>Procurement (if applicable)</b>				N/A				
<b>Appendices</b>										
<b>I7</b>	<b>Ref.</b>	<b>Title of appendix</b>								
	A	Appendix B								
	B	Appendix C								
	C	Equalities Impact Assessment								
<b>Confidential/exempt information</b>										
<b>I8a</b>	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>I8b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)						
		<b>No</b>	x							
		<b>Exemption Paragraph Number</b>								
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>		

<b>18b</b>	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								
<b>19</b>	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Cabinet Member Signature</b>								
<b>20</b>	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>							
<b>Signature</b>				<b>Date of decision</b>	2 March 2022			
<b>Print Name</b>	Councillor John Riley							

## Appendix A: Briefing Report

### I Background

- I.1 The Licensing Act 2003 regulates the sale of alcohol, provision of certain entertainment and late night refreshment. This is achieved by the use of a licensing system administered by the Council.
- I.2 Under the Licensing Act 2003, a Licensing Authority may publish a Cumulative Impact Assessment, stating that the licensing authority considers that the number of premises licences and club premises certificates in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part of those parts. A cumulative impact assessment must set out the evidence for the authority's opinion.
- I.3 The current Cumulative Impact Assessment was last reviewed with the Licensing Policy review and was effective from 31 March 2019. Section 5a of the Licensing Act 2003 requires the Cumulative Impact Policy to be reviewed every 3 years to consider whether it remains of that opinion. If the Local Authority remains of that opinion, then it must revise the cumulative impact assessment so that it a) includes a statement to that effect and b) sets out the evidence as to why the authority remains of that opinion.
- I.4 Cumulative impact means the potential impact that a significant number of licensed premises in one area can have on the promotion of the following four licensing objectives.
  - Prevention of crime and disorder
  - Prevention of public nuisance
  - Public safety
  - Protection of children from harm

There are currently five designated cumulative impact areas within Plymouth:

- Mutley
  - North Hill
  - Stoke
  - Barbican
  - Union Street (including Derry's cross)
- I.5 It is proposed that the Cumulative Impact Assessment (CIA) continues to cover the above mentioned five areas. It is also proposed that an additional, sixth area is introduced to cover the City Centre. The Devon and Cornwall Police Licensing report in Appendix B details the evidence as to why the five areas should remain and why the additional area is proposed to be included. (Referred to as the Police's report in the following paragraphs).
  - I.6 Appendix C, shows the number of noise and odour complaints within each CIA during 2019 - 2022. Appendix C, also shows the number of waste and street cleaning complaints

within each Cumulative Impact Area during 2019 - 2022. The two additional areas of the Hoe and City Centre have also been included to compare to the data provided within the Police's report. This shows the effect of the concentrated number of premises on the local residents by way of public nuisance and anti-social behaviour. For example, reports of urination and defecation in the streets; overflowing waste or littering often dropped by customers on their way home or from smoking outside of premises; drug use; vandalism/graffiti and noise from the premises and from residents shouting in the street. A number of these complaints cannot be associated with one particular premises and is caused by the effect of the number of premises and the number of customers frequenting the areas at particular times of day and night.

The number of noise complaints in the new proposed City Centre CIA have doubled since 2019, despite Covid-19. However, there has been a number of new licensed premises that have opened over the last 3 years in the City Centre. Waste complaints have reduced by 60% from 2019 to 2021 in the City Centre and by 66% in Union Street/Derry's cross. This is likely to be linked to the reduced footfall in the city centre areas both during the day and night time when businesses have been affected by the covid-19 restrictions. There has been a 30% increase in waste complaints in North Hill. North Hill is a busy area linking to Mutley Plan and there are a number of takeaways and retail shops in this area.

- 1.6 The Police report also considered whether the Hoe should be included as an additional CIA, however at this time, they concluded this is not required due to the relatively low level of crime noted which are directly linked to licensed premises. However, this area will be kept under review.
- 1.7 It is intended that the public consultation on the Cumulative Impact Assessment will be open for twelve weeks. It is planned that the consultation process will provide all stakeholders, interested parties and the public in general the opportunity to have their say on the content of the draft. Persons to be consulted will include:
- Citizen's Advice Bureau
  - Safer Plymouth
  - Devon and Cornwall and Somerset Constabulary
  - Plymouth City Council Adult Social Care
  - Plymouth City Council Children's Social Care
  - Plymouth City Council Planning Services
  - Office of Director of Public Health
  - Chair of the Health and Wellbeing Board
  - Plymouth City Council Environmental Health Service
  - Plymouth City Council Community Connections
  - Devon & Somerset Fire and Rescue Service
  - Local Chambers of Commerce and Federation of Small businesses
  - Representatives of local faith groups
  - Local residents groups
  - Representatives of existing licence-holders
  - Best Bar None and Pubwatch
  - Plymouth City Centre and Plymouth Waterfront Partnership Business Improvement Districts
  - Voluntary and Community Organisations working with children and young people

- Ward Councillors

1.8 The final version of the Cumulative Impact Policy will then go before the City Council for approval.

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