



BRISTOL CITY COUNCIL

LICENSING ACT 2003 (THE ACT) CUMULATIVE IMPACT ASSESSMENT

**To have effect for the three-year period
beginning with 8 March 2021**

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Introduction

1. The Licensing Act gained Royal Assent on 10 July 2003 and replaced regimes previously administered by either the Licensing Justices or the local authority with a unified system of licensing under the control of the local authority. The new regime came into effect on 24 November 2005. The Council set up a Licensing Committee as part of these changes.
2. Cumulative impact assessments' were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. The amendments require the Licensing Authority to review any Cumulative Impact Assessment (CIA) within three years of its publication. From 1 August 2020 the Licensing Authority's Statement of Licensing Policy will include a summary of any CIA in force. Full details of any CIA will then be included in this Policy document.

Purpose and Scope

3. A cumulative impact assessment must set out the evidence for the authority's opinion and before publishing it, the licensing authority must consult with relevant parties, including the responsible authorities, businesses and the public. The assessment must be reconsidered every three years and any review must be consulted upon before deciding whether it remains or can be removed. A licensing authority must publish any revision of a cumulative impact assessment along with the evidence.

Cumulative Impact

4. A cumulative impact assessment must set out the evidence for the authority's opinion and before publishing it, the licensing authority must consult with relevant parties, including the responsible authorities, businesses and the public. The assessment must be reconsidered every three years and any review must be consulted upon before deciding whether it remains or can be removed. A licensing authority must publish any revision of a cumulative impact assessment along with the evidence.
5. The cumulative impact of the number, type and density of premises in particular areas, such as the city centre, may lead to them becoming saturated with premises of a certain type making them a focal point for large groups of people together leading to severe or chronic problems of public nuisance and anti- social behaviour

or other alcohol related problems. Local crime and related trauma data may be used to map the extent of such problems. The licensing authority may consider publishing a cumulative impact assessment (CIA) to help limit the number of types of licence applications granted in such areas if it is satisfied that it is appropriate to include an approach to cumulative impact in its Licensing Policy Statement. It will take the decision only after it is satisfied that there is evidence to support such a decision.

6. The effect of adopting a CIA of this kind is to create a rebuttable presumption if relevant representations to that effect are received, that applications for new premises authorisations or club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will be unlikely to add to the cumulative impact already being experienced. What constitutes a material variation will depend upon the policy in place and the reasons for the area being designated as suitable for adoption of a special policy.
7. The Secretary of State's guidance encourages applicants to address the CIA in their Operating Schedules in order to rebut such a presumption. Any CIA will stress that the presumption does not relieve responsible authorities or other persons of the need to make a relevant representation before the local authority may lawfully consider giving effect to its CIA.
8. The Licensing Authority recognises that many different kinds and styles of premises sell alcohol, serve food and provide entertainment. It recognises that some applications in a CIA area will be unlikely to add to the problems arising from saturation. Where it can exercise discretion in determining applications in an area where a CIA is in force, that is, where relevant representations have been received, it will have full regard to the impact different premises may have on the local community.
9. The Licensing Authority must grant any application in a CIA area subject only to conditions that are consistent with the operating schedule submitted by the applicant if it receives no relevant representation.
10. The Licensing Authority will keep cumulative impact assessments under review. Cumulative impact assessments were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. The amendments require the Licensing Authority to review the CIA within three years of its publication.
11. The absence of a CIA does not prevent any responsible authority or other person making evidence based relevant representations on a new application for the grant of an authorisation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
12. Cumulative impact assessments are intended to be strictly applied. Applications which would seek to be allowed as an exception to a special cumulative impact policy will generally be favourably considered if they are judged to encourage a

greater variety of types of entertainment than currently exists in these areas. It is important to be clear that this does not mean that an applicant who believes their offer is different to what already exists in the area can assume a favourable outcome. "Greater variety" must be understood in the context of the licensing objectives. In particular, the Licensing Authority welcomes those proposals which can be viewed as more family friendly and which offer a wider range of entertainment than that which is currently available because it is considered that such proposals will not usually add to the stress in the area and undermine the licensing objectives.

However matters such as for example,

- the premises will not add people to the area;
- longer hours will create slower dispersal;
- history of good management;
- premises are well run;
- premises application is small in nature
- alcohol is not sold;
- clientele are a cut above the usual;

will not be considered exceptional circumstances, as the issue is crime and disorder/public nuisance in the area as a whole rather than that associated with individual premises and the promotion of the licensing objectives.

Existing licensees who wish to materially alter and/or extend the premises to which the authorisation relates are required to seek a new authorisation. This is because the Act prohibits the use of a variation application to substantially alter the premises to which the authorisation relates. Where the only change is to the physical extent or material layout of the premises themselves (i.e. in the absence of additional features such as change in style of operation, capacity etc.) it is highly unlikely this would trigger the special policy. Of course this policy cannot restrict the right of any responsible authority or other person to make relevant representations in that regard and if such are forthcoming they will be diligently considered, but the policy expectation is that the application should be granted unless the relevant representations demonstrate the change will be likely to add to the cumulative impact being experienced. Where other change is envisaged then the presumption may arise.

Applicants are reminded that they are entitled to seek a provisional statement in such circumstances.

Applicants who have the benefit of a provisional statement and who have completed their works substantially in line with that statement should not have the

assessment applied to them. This is because the CIA could (indeed may) have been raised and considered prior to the provisional statement having been granted.

13. The publication of a CIA should not be understood to be an absolute bar to new authorisations being issued or granting significant variations to existing licences. Applicants are entitled to seek any of the permissions available to them in the Act and the Council does not in this policy intend to prevent applicants from exercising their statutory rights. Each application will be considered on its own merits, within the constraints of the legislation and having due regard to the relevant guidance and policy.

Interpreting the extent of a Cumulative Impact Assessment

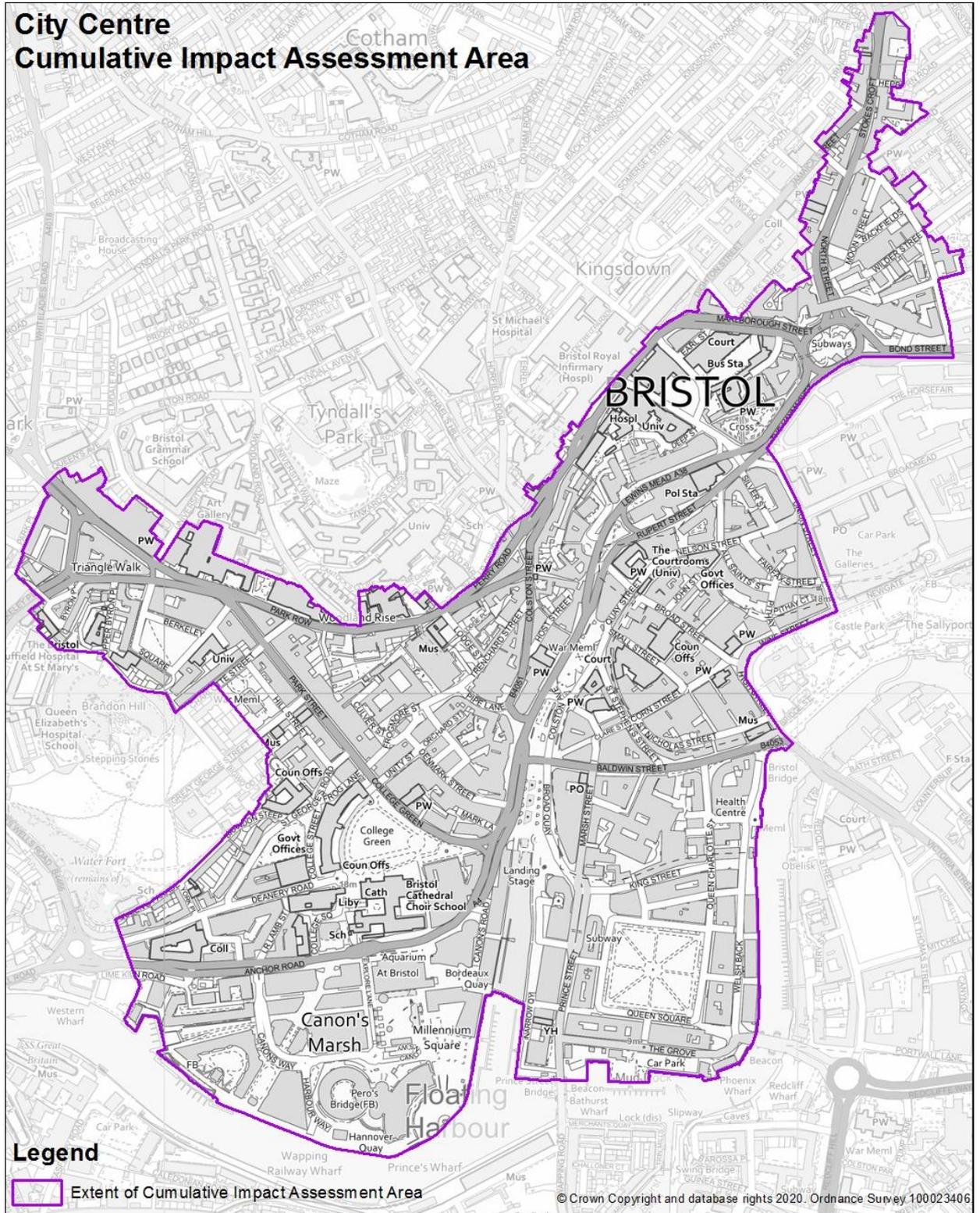
14. In respect of past policy, issues have occasionally arisen with regard to whether or not a particular premises that is located abutting or just outside of the indicated boundary for each CIA should be considered as being covered by the assessment. Through this policy the Council seeks to clarify that each CIA boundary line is intended to be indicative of the area that is affected by the stress underpinning the cumulative impact for the area concerned. The CIA purpose is to prevent that stress from worsening and to reduce it over time. That policy purpose is frustrated if premises such as those referred to above are automatically considered as being outside of the CIA.

It is intended that the wording of the cumulative impact assessments should be understood by the decision taker in a way that best ensures the purpose of the assessment is achieved. This is sometimes called a purposive interpretation. Each application that falls to be considered at a hearing will be assessed on its own individual facts and merit. Where relevant representations are received in respect of an application for any premises that is adjoining or is in close proximity to (but not within) the CIA defined boundary and where those representations raise a material impact on the CIA then the CIA may be triggered if the sub-committee reasonably judges that to grant the particular application would add to the cumulative impact being suffered in the defined area.

15. Having had regard to the guidance referred to above, consulted upon the issue, taken into account the views of respondents and considered the evidence the Council has adopted a CIA in respect of one area of Bristol, namely:

City Centre CIA

The central area within the Cabot Sector as identified by Avon and Somerset Police including the Welsh Back area and Stokes Croft.



Reason for Assessment

Avon and Somerset Constabulary produced evidence to support their request that the central area of Bristol be designated a CIA. It remains at saturation point and the area, which has a significant concentration of alcohol led late night venues, witnesses a high number of assaults and other related crime and disorder including public nuisance and risk to public safety. The CIA will apply to further applications for the grant of new licences or significant variations of existing licences in respect of premises that primarily sell alcohol for consumption on the premises, other late night uses, restaurants and take away outlets. The main focus of the assessment is likely to be on alcohol led establishments and premises that keep customers in the area at times when the promotion of the licensing objectives is most challenging (for example late night refreshment from “fast food” outlets).