Cumulative Impact Assessment (Licensing Act 2003)

May 2024 to April 2027

Introduction

This assessment and associated Cumulative Impact Areas were approved by Full Council on 9 April 2024 and put into effect from 1 May 2024. Unless brought for review at an earlier time, a Cumulative Impact Assessment is valid for a period of three years, therefore this assessment will expire on 31 April 2027.

What is Cumulative Impact?

Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Cumulative Impact Assessments may relate to premises and members clubs licensed to carry out any licensed activity, including the sale of alcohol for consumption on or off the premises and the provision of late-night refreshment.

In accordance with the Home Office guidance, in publishing this Cumulative Impact Assessment the licensing authority is setting down a 'strong statement of intent' about its approach to licence applications in that it is likely that granting further premises and or club premises certificates (or applications for full variations) in Medway's Cumulative Impact Areas would be inconsistent with its duty to promote the licensing objectives.

The Section 182 Statutory Guidance sets out the steps to be followed when considering whether to publish a Cumulative Impact Assessment; these include:

- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring.
- Consult with those specified by section 5(3) of the Licensing Act and subject to the outcome of that consultation, include and publish details of any special policy in the licensing policy statement.

Overview

This Authority has recognised that there are alcohol related harms associated with the density of licensed premises in the areas identified in this assessment and its appendices. However, the intention is not to simply stop the development of licensed premises in these areas. The Cumulative Impact and Stress Areas are intended to complement an overall approach which will be area specific and intended to promote those types of licensed premises which are considered by the Council as consistent with supporting the wider strategies, plans and policies in place to improve Medway.

The overall aim is to encourage a diversity of licensed premises which complement, enhance and support the communities in which they are situated and support the overall strategic goals of Medway Council.

Medway's Cumulative Impact Areas

Having regard to the legislation and guidance, Medway Council, as the Authority, has consulted on the issue of cumulative impact and, considering the evidence presented to it and the views of the respondents to the consultation, is publishing this Cumulative Impact Assessment to cover several areas in Medway, that we will call Cumulative Impact Areas.

The Council have identified four areas of Medway to be designated as Cumulative Impact Areas:

- Chatham High Street area
- Gillingham High Street area
- Luton Road and Chatham Central area
- Rochester High Street area

Maps of the designated areas can be found within the appendices to this document.

All the evidence considered by the Licensing and Safety Committee on 19 March 2024 can be found as part of the agenda pack for the meeting. These areas have been identified as areas of concern because of the cumulative effect of the concentration of licensed premises and their customers, which has led to serious problems of crime, disorder and public nuisance affecting residents, visitors, and other businesses. In addition, public services, including police, health and emergency authorities and environmental services (cleansing and refuse services) are also being placed under strain.

The evidence presented to the Authority is distinct for each cumulative impact area and therefore each area is addressed on an individual basis in the attached appendices.

This assessment represents the Authority's view of the best way of addressing the licensing objectives in those areas of Medway which are subject of a cumulative impact.

Expectations of the Authority

The publication of a Cumulative Impact Assessment does not change the way that licensing decisions are made. Applications for new licences or variations to existing licences must still be considered on an individual basis.

An application for a premises or club which falls within a cumulative impact area will be expected to explain how the four licensing objectives will be promoted, so the premises will not adversely affect the evidenced alcohol related problems and issues in the area.

While it is a matter for the applicant what details are included in the operating schedule, where it departs from the relevant cumulative impact assessment outcome the authority will expect there to be a good reason for the departure if it is being asked to make an exception.

What the Authority will do

The presence of cumulative impact does not relieve responsible authorities or any other persons of the need to make a relevant representation. Where no relevant representations are received, there is a presumption that any application will be granted in terms that are consistent with the submitted operating schedule.

Where the Authority's discretion has been engaged it will always consider every application on its merits, whether it has complied with the relevant requirements or not and will only amend or add to an operating schedule to the extent that is appropriate to promote the licensing objectives.

If an application is submitted for a premises or club within a cumulative impact area, and there are relevant representations, it will be incumbent upon the applicant to demonstrate the premises will not adversely affect the licensing objectives.

For the avoidance of doubt in a CIA area any new premises will be considered to have an adverse impact on the licensing objectives unless it can be demonstrated otherwise.

Applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions. Unless there are representations which indicate there have been problems associated with the premises, licences may be granted with conditions which replicate the effect of those of the previous licence.

Medway's Stress Areas

The cumulative impact areas define the centre, as far as is possible, of identified alcohol related harms. These harms, as well as the related licensed premises, extend beyond the boundaries of these areas. As with any policy that outlines a specific area, its effectiveness may be undermined if alcohol is readily available from nearby licensed premises. In addition, displacement from the cumulative impact areas could also have a detrimental effect on nearby areas where there is already concern.

In view of the above, the Authority has decided to designate certain areas as 'stress areas', where there is concern about alcohol related crime associated with a density of licenced premises, although not to a level where a cumulative impact area can be justified and where there are concerns regarding displacement of alcohol related harm into, and from, a cumulative impact area.

The Council have identified three areas of Medway to be designated as stress areas:

- Strood Town Centre.
- Chatham High Street and New Road.
- Gillingham South.

Maps of the designated areas can be found in the appendices to this document.

Expectations of the Authority

The existence of a stress area does not change the way that licensing decisions are made. Applications for new licences or variations to existing licences must still be considered on an individual basis.

An application for a premises or club which falls within a stress area will be expected to explain how the four licensing objectives will be promoted, so the premises will not adversely affect the evidenced alcohol related problems and issues in the area.

While it is a matter for the applicant what details are included in the operating schedule, where it departs from the relevant recommended measures, as detailed in the relevant Appendices, the authority will expect there to be a good reason for the departure if it is being asked to make an exception.

What the Authority will do

The presence of a stress area does not relieve responsible authorities or any other person of the need to make a relevant representation. Where no relevant representations are received, there is a presumption that any application will be granted in terms that are consistent with the submitted operating schedule.

Where the Authority's discretion has been engaged it will always consider every application on its merits and whether it has complied with the recommended measures or not. If not, applicants should be prepared to explain why any recommended measures have not been included in an operating schedule.

The Authority will only amend or add to an operating schedule to the extent that is appropriate to promote the licensing objectives.

Applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions. Unless there are representations which indicate there have been problems associated with the premises, licences may be granted with conditions which replicate the effect of those of the previous licence.