



Full Council
21 November 2022

**Report from the Corporate
Director Resident Services**

Brent Licensing - Cumulative Impact Assessment Review

Wards Affected:	All
Key or Non-Key Decision:	Council
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Three Appendix A: Brent Cumulative Impact Zone Review Appendix B: Consultation responses Appendix C: Draft amendment of Policy 9 and Appendix 6
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Anu Prashar Senior Regulatory Service Manager Email: anu.prashar@brent.gov.uk Tel. 020 8937 5515 Simon Legg Head of Regulatory Services 020 8937 5522 Email: simon.legg@brent.gov.uk

1 Purpose of the Report

- 1.1 The Licensing Act 2003 requires that any Cumulative Impact Assessment is reviewed on a three-yearly basis. The current policy is due to expire on the 6 January 2023 and is found within the Council's Statement of Licensing Policy ('Policy'), which must be reviewed every five years.
- 1.2 This reports seeks approval to renew the existing 10 Cumulative Assessment Zones (CIZs) and to extend the policy to cover two new areas within the London Borough of Brent.

2 Recommendations

2.1 That Full Council approve:

2.1.1 The retention of the Cumulative Impact Assessment in the current 10 areas.

2.1.2 The creation two new CIZs in Wembley Park and Cricklewood Broadway.

2.1.3 The updates to Policy 9 and Appendix 6 of the Licensing Policy to reflect the agreed changes proposed in Appendix C of the report.

2.2 That Full Council note that the Policy including the Cumulative Impact Assessments will have to be reviewed within 2 years.

3 Detail

3.1 Brent Council currently has 10 areas which are currently the subject of a Cumulative Impact Assessment. The Assessment was first conducted in 2019 on the introduction of a Cumulative Impact Policy for the area which sits within the Council's overall Licensing Policy Statement of Principles.

3.2 The Policing and Crime Act 2017 requires that any Cumulative Impact Assessments undertaken by the council should be reviewed every three years to ensure their continued relevance and that the authority still holds the opinion set out in any Assessment.

3.3 Cumulative Impact is described in the guidance published by the Secretary of State in accordance with Section 182 Licensing Act 2003 as "The potential impact on promotion of the Licensing Objectives of a number of licensed premises concentrated in one area. In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport."

3.4 The Secretary of State's guidance also reinforces the general principal of the Licensing Act 2003 that each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy. If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.

3.5 A Cumulative Impact Assessment creates a rebuttable presumption that applications for new licences, or club premises certificates, or material variations to existing licences, will normally be refused, if relevant

representations are received, unless it can be demonstrated, that the proposed operation involved will not add to the Cumulative Impact on the four Licensing Objectives. The process creates a culture where the applicant is encouraged to fully consider the impact of their operation on the area and measures to meet the licensing objectives.

- 3.6 The Four Licensing Objectives are Prevention of Crime and Disorder, Public Nuisance, Protecting Children from Harm, and Public Safety. In respect of Public nuisance this can be in the most general of terms, problems with parking, litter, noise etc. In respect of public safety this relates to those persons using the licensed premises. The majority of the small groceries and newsagent businesses, rely on the sale of alcohol to maximise their income and continue to trade. This means there is high demand for high street grocery businesses wanting to sell alcohol and in general terms, there are already multiple shops selling alcohol in most of the boroughs high streets.
- 3.7 The council's Licencing team has undertaken a consultation as part of the Cumulative Impact Assessment, to review the need to retain the special Cumulative Impact Policy and to create an additional two areas.
- 3.8 The consultation has taken place in accordance with those individuals and organisations specified in Section 5A of the Licensing Act 2003. A list of all consultees contacted individually is included in the Assessment document. Views from the responsible authorities such as the Police, Nuisance Control Team and Trading Standards were also sought. A copy of the Cumulative Impact Assessment is attached at Appendix A. This was an evidence-based report from data supplied by the Community Safety Team.
- 3.9 Representations were received by 25 consultees and 3 responsible authorities. The majority were in favour in retaining the CIZs and adopting the further two in Wembley Park and Cricklewood Broadway. Their responses are attached as Appendix B (Consultation responses).
- 3.10 The council's Licensing Policy will be amended as required concerning the additional Cumulative Impact Policy.

4 Financial Implications

- 4.1 There are no additional resource implications arising from this report. Resources required to fulfil the Council's duties in respect of the licensing process are met from existing budgets.

5 Legal Implications

- 5.1 Section 141 of the Police and Crime Act 2017 Act requires the Council to assess any Cumulative Impact Policy it has in place in respect of Section 5A of the Licensing Act 2003.
- 5.2 Section 5 - 8 of the Licensing Act 2003 allows for the policy to be determined by Full Council.

5.3 All the other relevant legal implications are addressed in the body of the report.

6 Equality Implications

6.1 There is no significant impact on any of the protected characteristics. This is a statutory process which the council must follow. However, further Equality Impact Assessment will be carried out when the full policy is renewed.

7 Any Other Implications (eg HR, Property, Environmental Sustainability)

7.1 None

8 Proposed Consultation with Ward Members and Stakeholders

8.1 All Ward Members were consulted as part of the consultation process.

Report sign off:

Peter Gadsdon

Corporate Director, Residents Services