



City of Westminster

Committee Report

Meeting or Decision Maker:	Licensing Committee
Date:	4 th December 2023
Classification:	General Release
Title:	Cumulative Impact Assessment
Wards Affected:	All
Fairer Westminster/Policy Context:	Fairer Communities
Cabinet Member:	Cabinet Member for Communities and Public Protection
Report of:	Frances Martin, Executive Director for Executive Director of Environment, Climate and Public Protection Pedrow Wrobel, Executive Director for Innovation and Change

1. Executive Summary

- 1.1 This report presents the responses to the consultation on the draft Cumulative Impact Assessment (CIA) and the final CIA following amendment for approval.

2. Recommendations

- 2.1 The Committee is asked to approve the Cumulative Impact Assessment

3. Reasons for Decision

- 3.1 Under the Licensing Act 2003 (the Act) the Licensing Authority (the Council) may publish a CIA if the Council considers that the impact of the number of licensed premises in certain area(s), is so high that additional licences would have a negative impact on licensing objectives. In producing a CIA, the Council must then have regard to it when determining or revising its Statement of Licensing Policy.

- 3.2. The Licensing Authority has produced and consulted on a revised CIA.

4. Background

2020 CIA

- 4.1 The Council developed its first CIA in 2020. The CIA identified that there was Cumulative Impact in West End Zone 1 (the current Cumulative Impact Zone) and West End Zone 2 (the current West End Buffer Zone and Covent Garden Special Consideration Zone). These areas covered the previous West End Cumulative Impact Zone.
- 4.2 The CIA also identified areas where there was less conclusive evidence of Cumulative Impact.

2023 CIA Development

- 4.3 The revised CIA was developed over the first half of 2023. As part of the development of the CIA the council consulted different local authorities on how they carried out their CIA and benchmarked the different methodologies used, utilising the most appropriate for our own work. Research was undertaken by analysts within Strategy & Intelligence Unit, working in collaboration with internal and external data and service experts to provide robust analysis.
- 4.4 The project team engaged a number of different stakeholders ranging from the Metropolitan Police Service, Business Improvement District Managers, resident panels as well as internal operational teams within Public Protection and Licensing that cover noise complaints, ASB as well as those who play an important role in licensing decisions.
- 4.5 Service and data experts within the London Ambulance Service, as well as the Metropolitan Police Service provided guidance, as well as data for the

CIA. Advice was also offered from the Council's Safer Westminster Partnership lead, as well as public health policy leads and researchers from within the council. These discussions afforded analysts access to the SafeStats data platform, managed by the GLA Intelligence Unit.

- 4.6 Considered in this assessment was local crime and disorder statistics, prevalence of ambulance attendances, environmental health complaints, as well as resident perceptions.

CIA Findings

- 4.7 The CIA is attached at Appendix A and is a thorough analysis of cumulative impact across Westminster. The headline findings of the CIA are:
- Crime has returned to pre-pandemic levels.
 - Theft is the main driver of crime statistics and drowns out most other crime types.
 - Night-time related crime is concentrated in the West End.
 - Nightclubs, restaurants and cafes are more likely to lead to noise complaints.
 - Pubs, bars and nightclubs are most common venues for crime, followed by restaurants.
 - Anti-social behaviour and crime is lower outside the West End, but there are still areas of interest.
 - The key times for crimes occurring at locations of interest to licensing are predominantly overnight Friday/Saturday and Saturday/Sunday.
 - 6-8pm is the peaks for crime across the week.

Consultation

- 4.8 When producing a CIA the Licensing Authority must consult:
- the Metropolitan Police Service
 - the Fire and Rescue Authority
 - the Local Health Board
 - Public Health
 - representatives of licence holders
 - representatives of businesses and residents in its area.
- 4.9 The consultation on the CIA ran from 9th October to 12th November 2023. Following feedback the consultation deadline was extended by a week from its original date.
- 4.10 The Council sent the consultation directly to the statutory organisations and promoted the consultation via social media channels as well as in Mywestminster, Licensing News and the Business e-newsletter.
- 4.11 Dedicated briefing sessions were also held with:

- The Licensing Committee and Ward Councillors.
 - Resident Associations.
 - Business Improvement Districts and Landowners.
 - Licensing Lawyers and Agents.
- 4.12 Officers also attended a number of pub watch meetings to promote the consultation. The consultation was hosted and promoted through the Westminster After Dark commonplace site which has had nearly 5,000 views and 272 news subscribers.
- 4.13 In total the Council received 68 submissions to the consultation. A summary of the submissions and responses is at Appendix B. The full responses are included at Appendix C.
- 4.12 The consultation submissions identified a number of changes that the Licensing Authority could make to the CIA and the changes that have been made are detailed in Appendix B. A large number of the consultation responses suggested changes to policy or considered wider evening and night-time issues not relevant to the CIA. These will be factored into the Westminster After Dark programme to develop an evening and night-time plan for Westminster. Some suggestions were made about additional data sets that could be included. Where it was not possible within the statutory timeframe to do this, we will ensure that these are considered for future revisions of the CIA.

Next steps

- 4.13 Subject to the Committee approving the CIA it will replace the Council's existing CIA. This will not result in a change of policy, this will be subject to a separate process following the completion of Westminster After Dark. Once published, the CIA will provide evidence and guidance for applicants, responsible authorities and interested parties and will be able to be considered by Licensing Sub-Committees.

5. Financial Implications

- 5.1 There are no financial implications as a result of this report.

6. Legal Implications

- 6.1 The Council may undertake a CIA to determine whether any area within its boundary is under cumulative stress. If the Council wishes to have cumulative impact zones, it must publish a CIA, which must be reviewed every three years. The Assessment remains relevant until replaced by a subsequent CIA.

- 6.2 A CIA is conducted to evaluate the potential impact of licensed premises on a given area and is a data driven document. This assessment considers the Act's four licensing objectives: prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm. It scrutinises whether clusters of licensed premises in an area lead to a cumulative impact on these objectives due to their proximity.
- 6.3 The purpose of reviewing a CIA is to determine whether the opinion that the licensing objectives are being undermined remains the same, which in these circumstances it does. The CIA does not impact on existing policies in the Statement of Licensing Policy.
- 6.4 Procedurally, the Council is required to carry out a statutory consultation on the draft proposed CIA before it can be published. Officers are obliged to review the responses and any amendments are taken into account in light of the feedback given.
- 6.5 The Committee will consider and review the consultation responses and the final draft of the CIA and decide whether to approve the document on the 4 December 2023.
- 6.6 The new CIA becomes the body of evidence that continues to support the policies (such as CIA and SCZ but also Core Hours etc) in the SLP.
- 6.7 In terms of the CIA evidence this can be relied upon to include the following:-
- i. residents could use the CIA to say that an area suffers from Cumulative Impact and that this should be taken into account. But there is no presumption of rebuttal. It's just a factor. It supplements submissions and councillors' local knowledge.
 - ii. operators could argue that an area is reducing in impact. However, the CIZ policy is not undermined as cumulative impact goes to the whole of an area and not to a specific premises. It may be a factor and the Licensing Sub-Committee can and should listen to arguments when determining such applications.

7. Carbon Impact

- 7.1 There is no carbon impact as a result of this report.

8. Equalities

- 8.1 The Committee's attention is drawn to the Council's Public Sector Equality Duty contained under section 149 of the Equality Act 2010. This places a general duty on the Council when exercising its functions and the making of decisions (in this case as Licensing Authority when considering any revisions to the CIA) to have regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance of equality of

opportunity and foster good relations between person who share a relevant protected characteristic and those who do not share it. The relevant characteristics are age, disability, gender assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also applies to marriage and civil partnership but only in relation to the elimination of discrimination.

8.2 An Equalities Impact Assessment has been completed for the CIA and is attached at Appendix D

9. Consultation

Details of the consultation undertaken are set out in the body of the report.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

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APPENDICES

Appendix A – 2023 Cumulative Impact Assessment

Appendix B – Summary of consultation feedback and Licensing Authority responses

Appendix C – Full consultation feedback

Appendix D – Equalities Impact Assessment