

REPORT OF THE DIRECTOR OF CITY SERVICES

LICENSING COMMITTEE – 2 NOVEMBER 2009

LICENSING ACT 2003 - CUMULATIVE IMPACT POLICY

1.0 PURPOSE OF THE REPORT

- 1.1** The purpose of this report is to advise Members of the criteria for the creation of a cumulative impact policy.

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1** Members are requested to note the contents of the report.

3.0 INTRODUCTION/BACKGROUND

- 3.1** Members may recall that recently there have been several hearings before Licensing Sub-Committees with regard to applications for off licences on Hylton Road. Frequently, residents have asserted that, in their view, there is currently a sufficiency of off licences in the area and that the granting of additional licences would lead to problems of crime and disorder. For Members' information, this report outlines the legal issues in relation to such concerns.

4.0 CURRENT POSITION

- 4.1** It is possible, in certain circumstances, for the Council, in its role as Licensing Authority, to create a policy which would lead to licences in a particular area becoming more difficult to obtain. Such a document would be known as a 'cumulative impact policy'.
- 4.2** The Government in their Guidance to Licensing Authorities issued under the Licensing Act 2003 define cumulative impact as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.'
- 4.3** The adoption of a cumulative impact policy for a particular area creates a presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their application that there will be no negative cumulative impact on one or more of the licensing objectives.
- 4.4** However, the Guidance states that 'it would not normally be justifiable to adopt a cumulative impact policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises.'

4.5 Furthermore, the Guidance outlines the steps that must be undertaken before a cumulative impact policy can be adopted. These include the need to:

- Identify concern about crime and disorder or public nuisance;
- Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent; and
- Carry out a consultation exercise.

4.5 Enquiries of the Police indicate that they do not see any need for a cumulative impact policy in the Hylton Road area.

4.6 In light of all the circumstances, the Licensing Section propose that they keep the situation in Hylton Road under review during their regular meetings with the Police and bring a further report to Members on the subject if necessary.

5.0 REASONS FOR THE DECISION

5.1 To advise Members of the criteria for the creation of a cumulative impact policy.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS

7.1 None.

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 APPENDICIES

9.1 None.

10.0 BACKGROUND PAPERS

10.1 Guidance issued by the Government under s182 of the Licensing Act 2003.