

LICENSING ACT COMMITTEE

18 November 2014

LICENSING ACT 2003 - CUMULATIVE IMPACT POLICY

Report of the Director for Places
(Environment, Planning and Transport)

STRATEGIC AIM:	Creating a Safer Community for all Creating an active and enriched community
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1 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to consider the need for a Cumulative Impact Policy (CIP) for Rutland.

2 RECOMMENDATIONS

- 2.1 **That the Committee note that the implementation of a Cumulative Impact Policy is not appropriate for Rutland County Council at this time.**

3 BACKGROUND

- 3.1 Cumulative impact is covered under section 182 of guidance issued to licensing authorities. This recognises that the saturation of licensed premises in a particular area can impact on public nuisance and disorder.
- 3.2 This allows a local authority to state within its Statement of Licensing Policy whether it considers that a concentration of licensed premises in a particular area is considered to be already causing a cumulative impact on one or more of the licensing objectives; these being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- 3.3 A cumulative impact policy may be implemented by a local authority where there is substantial evidence demonstrating that the high density of licensed premises within a specific area is having a detrimental effect due to the cumulative impact on that area.
- 3.4 The evidence should be provided by the police in the form of analytical data. It is recognised that it should be the police or other relevant body who should instigate the process by requesting the council to consider adopting such a policy.
- 3.5 Before a CIP is considered the police and the local authority must ensure that all other methods to deal with the issues have been tried but have failed.

- 3.6 Once a CIP has been implemented it must be reviewed on a regular basis in order to ascertain if the policy is still required, if data indicates that the issues have reduced significantly or have been eliminated then the local authority will need to consider removing the policy.
- 3.7 A CIP is not designed to control existing issues such as alcohol related anti-social behaviour or issues originating from individual premises, or to reduce the number of premises in operation. These types of issue are still required to be dealt with using existing enforcement measures.
- 3.8 A CIP may limit the number of additional licences granted and restrict variations to operating hours for existing licensed premises; however is not a panacea insofar as totally blocking future licences. It can include late night refreshment premises as well as those selling alcohol.
- 3.9 A CIP relates to a specific area and in order to consider the need for one the police must provide detailed analytical data to demonstrate the need. This information should include specific crime maps identifying incidents over a measured period of time, the nature of the incident and how those incidents can be attributed to the number of premises licensed in that area.
- 3.10 The police or community safety would provide this information when requesting the council to explore the possibility of adopting such a policy. A full consultation would be required with all stake holders including detailed information regarding the geographical area, crime figures and reasons why it is considered necessary to adopt a policy.
- 3.11 Where a policy exists the presumption is that an application will not be granted, as opposed to where no policy exists where the presumption is that a licence will be granted. This means that if no policy exists and valid representations are received against the application the persons making the representations have to demonstrate to the licensing act sub-committee why the application should not be granted as applied for. This changes where a policy exists. It is up to the applicant to demonstrate to the committee why the application should be granted.
- 3.12 As mentioned previously a cumulative impact policy is not a panacea and therefore each application should still be treated on its own merits. For example, if an application was to be received within a CIP area and it was for a restaurant only serving alcohol with a table meal, this would not necessarily have a detrimental effect on the policy area and therefore the applicant could demonstrate to the committee that the licence should be granted.
- 3.13 Likewise where an application was received for a quality wine bar closing at 11pm and not serving beer or lager, this again would not be detrimental to the policy area.
- 3.14 It should also be considered that if an application is received for a premises within the area of a CIP and no valid representations are received then the licence will be granted as applied for.

4 RISK MANAGEMENT

RISK	IMPACT	COMMENTS
Time	Low	There are no required timeframes for consideration.
Viability	High	There is no evidence that the policy is required.
Finance	Medium	The introduction of a CIP would involve set up and ongoing administration costs.
Profile	Medium	The policy may draw some public attention.
Equality and Diversity	Low	EIA screening would be required if a policy were to be introduced.

5 CONCLUSION

- 5.1 There is no evidence to indicate that there is an area so densely populated with licensed premises within Rutland to the extent that the number of licensed premises is having a cumulative impact on that area.
- 5.2 The police have not requested that the council considers or explores the possibility of adopting a cumulative impact policy.
- 5.3 Complaints received from members of the public regarding licensed premises relate to a few town centre premises and are not related to the cumulative effect.
- 5.4 Rutland is predominantly a rural area with 2 centres, these being Oakham and Uppingham. Whilst there are a number of licensed premises situated within the centres of the town there is no indication that the numbers are excessive.
- 5.5 The cumulative impact policy is designed to deal with the issues found in large cities where licensed premises are densely populated thus causing a detrimental effect on the surrounding area. This can also relate to specific streets for example where almost every premises has become licensed.

Background Papers
Background File Ref:
Licensing Act 2003

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