

Report to Licensing committee
23 March 2015
Report of Head of citywide services
Subject Cumulative impact policy

Item

7

Purpose

That members consider the responses received from the statutory consultation process following a proposal to adopt a special cumulative impact policy within the council's existing statement of licensing policy.

Recommendation

To resolve whether or not to recommend council to adopt the special cumulative impact policy attached at appendix A to the report as part of the council's statement of licensing policy.

Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

Financial implications

Implementation of policy to be met from existing budget.

Ward/s: All wards

Cabinet member: Councillor Harris – Customer services

Contact officers

Ian Streeter, licensing manager

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Background documents

None

Background

1. At the meeting of the committee on 5 December 2014, members considered a report from Norfolk Constabulary requesting that a defined area of Norwich city centre be the subject of a special cumulative impact policy within Norwich city council's existing statement of licensing policy.
2. Members resolved to authorise officers to undertake the statutory consultation procedure and to consider the consultation responses at a further meeting of the committee. A copy of the draft policy which was the subject of the consultation is attached at appendix A.

Consultation

3. Section 5 of the Licensing Act 2003 Act (The Act) requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate.
4. Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
 - the chief officer of police for the area;
 - the fire and rescue authority for the area;
 - each local authority's Director of Public Health in England (DPH) or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
 - persons/bodies representative of local premises licence holders;
 - persons/bodies representative of local club premises certificate holders;
 - persons/bodies representative of local personal licence holders; and
 - persons/bodies representative of businesses and residents in its area.
5. In addition to consulting with the persons listed in paragraph 4 above, an online survey was placed on the council's website between 3 February and 3 March 2015. The survey sought views on the proposal to adopt a cumulative impact policy and whether respondents were residents or businesses. A press release publicising the consultation was also issued by the licensing portfolio holder councillor Harris.
6. Five responses were received in respect of the online consultation and the detail of which is attached at appendix B.
7. Written responses were also received from Norfolk Constabulary, Public Health and Councillor Grahame and these are attached at appendix C.

Summary

8. Although not specifically mentioned in the Licensing Act 2003, cumulative impact is defined in the guidance issued to licensing authorities by the Home Office as "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area".

9. The council's current statement of licensing policy does not include a special policy in relation to 'cumulative impact'. The Home Office guidance states that "the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the council as a licensing authority to consider in developing its licensing policy statement".
10. A proposed special cumulative impact policy (appendix A) for inclusion within the council's statement of licensing policy has been the subject of a statutory consultation procedure. The responses to the consultation appear to support the introduction of a special policy.
11. If members are minded to adopt a special cumulative impact policy, the revised licensing policy statement will need to be approved by full council.