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| **Report to** | Council | **Item** |
| | 23 June 2015 | 9 |
| **Report of** | Head of citywide services | |
| **Subject** | Statement of licensing policy: *Cumulative impact policy* | |

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**Purpose**

To consider the recommendation from licensing committee to adopt the special *Cumulative impact policy* attached at appendix A to the report as part of the council's statement of licensing policy.

**Recommendation**

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, clean and low carbon city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

**Financial implications**

Advertising costs to be met from existing budget.

**Ward/s:** All wards

**Cabinet member:** Councillor Driver – neighbourhoods and community safety

**Contact officers**

Ian Streeter, licensing manager 01603 212761

**Background documents**

None

**Report**

1. 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”.

2. 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”.

3. A special *Cumulative impact policy* proposed by Norfolk Constabulary for inclusion within the council’s statement of licensing policy was the subject of a statutory consultation procedure, the responses to which were considered by the licensing committee on 23 March 2015.

4. Licensing committee resolved to recommend that council adopt the special *Cumulative impact policy* attached at appendix A to the report as part of the council’s statement of licensing policy.

5. The Licensing Act 2003 requires the licensing function in respect of revisions to statements of licensing polices to be discharged by the licensing authority (i.e. council).

6. If council resolves to adopt the special *Cumulative impact policy*, then a notice of intention to publish a revised statement of licensing policy must be given, with the revised policy taking effect one month later.

# Integrated impact assessment

NORWICH
City Council

The IIA should assess **the impact of the recommendation** being made by the report

Detailed guidance to help with completing the assessment can be found here. Delete this row after completion

| **Report author to complete** | |
|---|---|
| **Committee:** | Council |
| **Committee date:** | 23 June, 2015 |
| **Head of service:** | Executive head of strategy, people and neighbourhoods |
| **Report subject:** | Statement of licensing policy: Cumulative impact policy |
| **Date assessed:** | 15 June, 2015 |
| **Description:** | To consider the recommendation from licensing committee to adopt the special Cumulative impact policy attached at appendix A to the report as part of the council's statement of licensing policy. |

| | Impact | | | |
|---|---|---|---|---|
| **Economic (please add an 'x' as appropriate)** | **Neutral** | **Positive** | **Negative** | **Comments** |
| Finance (value for money) | ☒ | ☐ | ☐ | |
| Other departments and services e.g. office facilities, customer contact | ☒ | ☐ | ☐ | |
| ICT services | ☒ | ☐ | ☐ | |
| Economic development | ☒ | ☐ | ☐ | |
| Financial inclusion | ☒ | ☐ | ☐ | |
| **Social (please add an 'x' as appropriate)** | **Neutral** | **Positive** | **Negative** | **Comments** |
| Safeguarding children and adults | ☒ | ☐ | ☐ | |
| S17 crime and disorder act 1998 | ☒ | ☐ | ☐ | |
| Human Rights Act 1998 | ☒ | ☐ | ☐ | |
| Health and well being | ☒ | ☐ | ☐ | |
| **Equality and diversity (please add an 'x' as appropriate)** | **Neutral** | **Positive** | **Negative** | **Comments** |
| Relations between groups (cohesion) | ☒ | ☐ | ☐ | |

| | Impact | | | |
|---|---|---|---|---|
| **Eliminating discrimination & harassment** | ☒ | ☐ | ☐ | |
| **Advancing equality of opportunity** | ☒ | ☐ | ☐ | |
| **Environmental (please add an 'x' as appropriate)** | **Neutral** | **Positive** | **Negative** | **Comments** |
| **Transportation** | ☒ | ☐ | ☐ | |
| **Natural and built environment** | ☒ | ☐ | ☐ | |
| **Waste minimisation & resource use** | ☒ | ☐ | ☐ | |
| **Pollution** | ☒ | ☐ | ☐ | |
| **Sustainable procurement** | ☒ | ☐ | ☐ | |
| **Energy and climate change** | ☒ | ☐ | ☐ | |
| **(Please add an 'x' as appropriate)** | **Neutral** | **Positive** | **Negative** | **Comments** |
| **Risk management** | ☒ | ☐ | ☐ | |

| Recommendations from impact assessment |
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| **Positive** |
| |
| **Negative** |
| |
| **Neutral** |
| |
| **Issues** |
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## 9. Cumulative impact

9.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

9.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the licensing authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.

9.3 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others;
- the provision of CCTV;
- powers to designate parts of the city as places where alcohol may not be consumed publicly;
- confiscation of alcohol from adults and children in designated areas;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- enforcement action against those selling alcohol to people who are drunk;
- police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise; and
- the power of police, local businesses or residents to seek a review of the licence or certificate.

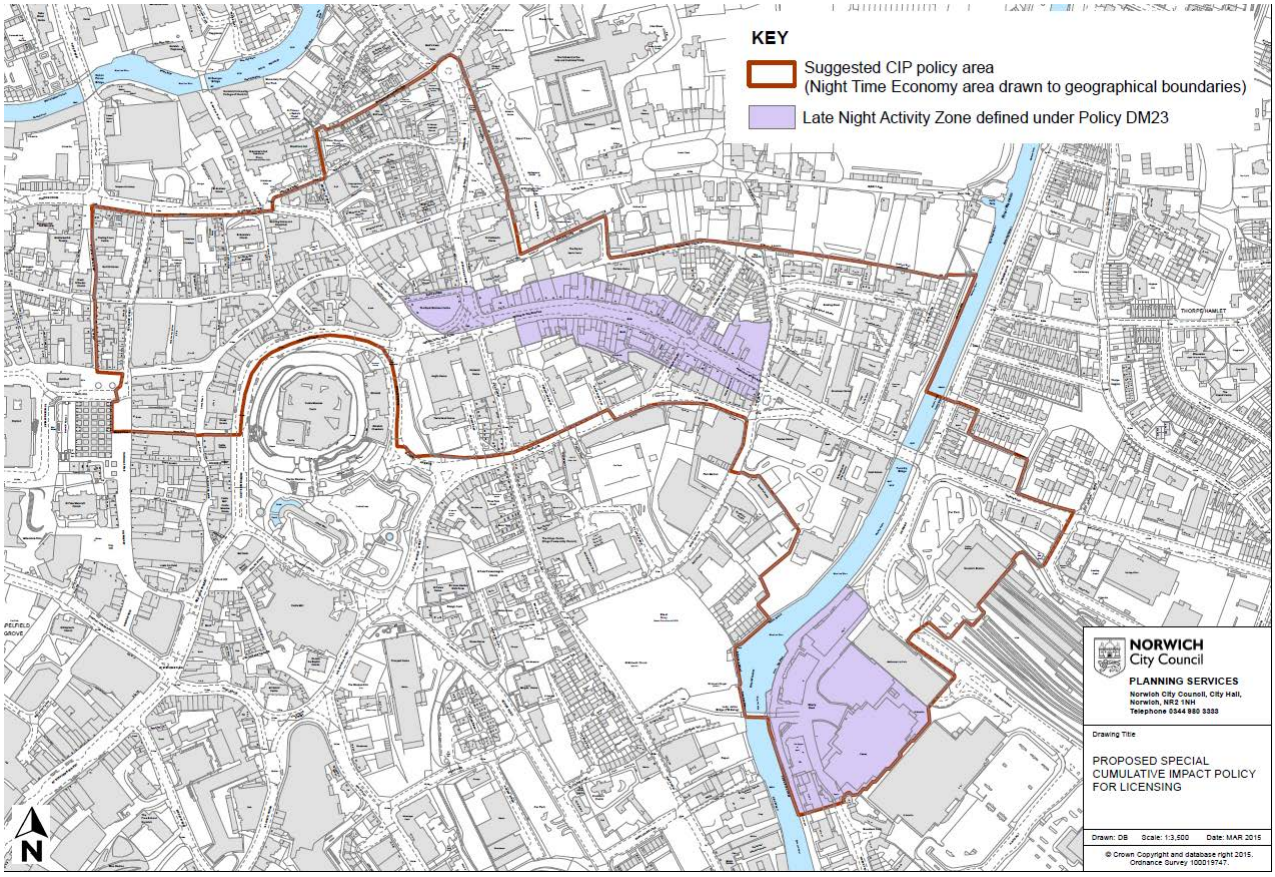
### Proposed special policy on cumulative impact

9.4 The licensing authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are causing a cumulative impact on one or more of the licensing objectives.

9.5 The licensing authority has received representations from Norfolk Constabulary that the high concentration of premises licensed to sell alcohol and/or provide late night refreshment between the hours of 2100 and 0600 within the police's late night economy public order policing zone has produced a detrimental impact upon the licensing objectives.

9.6 The special cumulative impact policy would apply to those premises applying for the grant or variation of a licence seeking any of the following licensable activities, between the hours of 2100 and 0600 and within the area indicated on the map shown below:

- the sale by retail sale of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of late night refreshment.




## Applications

9.7 A cumulative impact policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates in respect of premises that fall within a designated cumulative impact area will normally be refused if relevant representations are received, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

9.8 An applicant wishing to obtain a new or varied licence for premises falling within a cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

9.9 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their site. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.

9.10 Despite the presumption against grant or variation, responsible authorities and other persons will still need to make a relevant representation before the council may lawfully consider giving effect to its cumulative impact policy.

9.11 The council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

9.12 This special policy will not be used:

- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises;
- to justify rejecting applications to vary an existing licence of certificate except where those modifications are directly relevant to the policy (for example, an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives;
- to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives

9.13 This special policy will be reviewed regularly to assess whether it is still needed or should be expanded.