

Cumulative Impact Policy

Licensing Committee

Date: 13 January 2015

Author:	Kathryn Ashton – Licensing Manager
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To consider the proposal of introducing a Cumulative Impact Policy in respect of on and off licensed premises within the designated area. The proposed area to be designated is attached as Appendix 1.

2. Recommendations

That Committee:

- 2.1 Notes the evidence provided within the previous application by Wiltshire Police albeit a much reduced area of concern, and agrees that it is sufficiently robust to enable a Cumulative Impact Policy to be drafted for public consultation with interested bodies including statutory bodies, licensees and the business community and that the draft policy is brought before Committee for consideration prior to the commencement of any such consultation, and
- 2.2 Approves the draft policy considerations at paragraph 3.6 as the basis for the content and direction of the draft policy.

3. Detail

- 3.1 The Licensing Act 2003 gives local authorities the power to designate areas as Cumulative Impact Zones, where it is considered that the cumulative impact of new licences is leading to the area becoming saturated with premises making it harmful to amenity and quality of life.
- 3.2 Cumulative Impact Zones are spatial, covering defined areas in which their provisions of the policy would apply. Within those zones stipulations can be made as to the types of licences that would be covered, and exemptions such as important regenerative opportunities, or developments that could lift an area and in themselves reduce crime and improve amenity, can be made. The types of licence covered and exemptions in place would have to be clearly defined in any policy and would be bespoke to the circumstances around each zone.
- 3.3 In determining whether Cumulative Impact Zones are appropriate, the Licensing Authority must take into account sound evidence that these areas already experience anti social behaviour which has lead to denuded amenity and quality of life for those living and visiting them. Other evidence that can be taken into account includes the impact of licensed premises on health and wellbeing and also on environmental health.

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- 3.4 The proposal for the introduction of a Cumulative Impact Zone within Swindon is from the Licensing Authority and supported by Wiltshire Police and Public Health.
- 3.5 The area proposed is a much reduced area than the previous proposal lead by Wiltshire Police and is as a result of increasing Off Licences opening within the Broad green area. There have been 3 new off licences within the last 8 months and a pending application. There are continuing complaints and intelligence in respect of these uses.
- 3.6 Additional evidence has been sought from the Council's public health Team and is attached as Appendix 2.
- 3.7 The evidence provided can be used to inform a draft Cumulative Impact Zone policy. It is envisaged that the policy would
- establish the spatial extent of any zone, and
 - stipulate the type of licence to be limited, and
 - clarify any exemptions.
- 3.8 The policy would not cover control through any other regulatory means such as Planning and would not necessarily mean that a licence application would be refused, particularly if it is acceptable in all other respects. It would, however, provide an additional means of control where the impact of a licence application would be likely to be create demonstrable harm.
- 3.9 If Committee considers that the evidence is sufficiently robust to base a policy around, officers will work up detailed wording and incorporate this into the Stament of Licensing Policy following appropriate consultation.
- 3.10 This will be subject to an 8 week period of public consultation, targeted at licence holders, businesses, statutory bodies and community representatives. The results of the consultation and any amendments required top the policy will then be brought to a future Committee with an appropriate recommendation.
- 3.11 Once in place the Cumulative Impact Policy would have Full Council endorsement. It would then become a material consideration in the determination of licence applications. It would not equate to a blanket ban on new licences as each application must be treated on its merits, but could be used to refuse applications, (or variations to existing applications) where their impact is considered to be harmful. As such it provides a useful additional tool to control the proliferation of types of licenced premises which are unlikely to improve the amenity or quality of an area where there is already an unacceptable concentration of them.

4. Alternative Options

4.1 The Licensing Committee could choose not to proceed with a Cumulative Impact Policy, if they consider that the evidence presented does not support it, or is insufficiently robust. The Licensing Act 2003 and Secretary State's Guidance is clear that other action can be taken to mitigate the impact of concentrations of licensed premises, which includes:

- planning control;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate.
- Raising a contribution to policing the late night economy through the Late Night Levy.
- Early Morning Alcohol Restriction Orders.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

5.1 There are no direct financial implications arising from the report. Any future consultation will be undertaken within approved budgets.

Legal and Human Rights Implications

5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention Rights as they fully in accord with the requirements of relevant legislation. The Council is required to comply with the statutory provisions referred to in the report, which the adoption of this policy \ regime will ensure it does. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

Diversity Impact Assessment

- 3.1 A DIA has not been undertaken at this stage as no policy has been consulted upon. This report seeks approval to draft a policy based on the evidence presented.

4. Consultees

- 4.1 The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

5. Background Papers

- 5.1 Licensing Act 2003
5.2 Revised Section 182 Guidance issued under the Licensing Act 2003

6. Appendices

- 6.1 Appendix 1: Proposed location of ClZ
6.2 Appendix 2 Public Health comments