

# Cumulative Impact Policy – Draft for Consultation

## Licensing Committee

Date: 4 February 2016

---

Author:	Kathryn Ashton – Licensing Manager
Wards:	Central
Locality Affected:	Central
Parishes Affected:	None

---

### 1. Purpose and Reasons

- 1.1 To consider the draft Cumulative Impact Policy for the Broad Green Area in respect of on and off licensed premises. The area to be designated is attached as Appendix 1, and the draft Policy for consultation is attached at Appendix 2.

### 2. Recommendations

#### That Committee:

- 2.1 Approves the draft Cumulative Impact Policy at Appendix 2 as the basis for the consultation in accordance with section 5(3) of the Licensing Act 2003, with interested bodies including at licence holders, businesses, statutory bodies and community representatives; and that the draft policy covers the spatial area considered at the Licensing Committee of 13<sup>th</sup> January 2016, (attached at Appendix 1), and
- 2.2 Agree that the consultation exercise should include focussed questions regarding the principle of the Cumulative Impact Area, whether the evidence supports its designation, the extent of the area, and the potential limitations that should apply.

### 3. Detail

- 3.1 At its meeting of 13<sup>th</sup> January 2016, the Licensing Committee agreed to the principle of a Cumulative Impact Zone to be established in the Broad Green area, covering the sale of alcohol at on and off licensed premises. Committee took into account evidence of the Wiltshire Police, the Borough Council's Public Health team and the Licensing Manager, and agreed that a draft policy covering the area should be brought back to Committee for consideration prior to undertaking public consultation.
- 3.2 Members will be aware that 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.
- 3.3 Cumulative Impact Zones (CIZ's) are spatial, covering defined areas in which the provisions of the policy would apply. Within CIZ's stipulations can be made as to the types of licences that would be covered, and can include exemptions such as important regenerative opportunities, or developments that could lift an area and

# Cumulative Impact Policy – Draft for Consultation

## Licensing Committee

Date: 4 February 2016

---

in themselves reduce crime and improve amenity. 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.

- 3.5 Members will be aware that the area proposed is a much reduced from an earlier proposal in March 2015, which covered a much larger area of the town centre and Old Town, and instead is focussed to address issues arising from 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 The draft policy for consultation is attached at Appendix 2. If endorsed, this policy will be subject to an 8 week period of public consultation, targeted at licence holders, businesses, statutory bodies and community representatives and should include focussed questions regarding the principle of the Cumulative Impact Area, whether the evidence supports its designation, the extent of the area, and the potential limitations that should apply. The results of the consultation and any amendments required to the policy will then be brought to a future Committee with an appropriate recommendation.
- 3.8 If, following consultation, Committee endorse a Cumulative Impact Policy, it would require Full Council approval. It would then become a material consideration in the determination of licence application, and be incorporated into our recently adopted Statement of Licensing Policy. The Cumulative Impact Policy 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 consult on the draft Cumulative Impact Policy. 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;

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager, on 01793 466113, or by email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)

# Cumulative Impact Policy – Draft for Consultation

## Licensing Committee

Date: 4 February 2016

---

- 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 legal, human rights and other relevant implications have been considered in the preparation of this report.

### Diversity Impact Assessment

- 5.3 A DIA has not been undertaken at this stage. However, a DIA as been completed for the Statement of Licensing Policy which covers the impacts that a Cumulative Impact Zone would seek to control.

## 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.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager, on 01793 466113, or be email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)

# **Cumulative Impact Policy – Draft for Consultation**

**Licensing Committee**

**Date: 4 February 2016**

---

## **6. Appendices**

- 6.1 Appendix 1: Proposed location of Cumulative Impact Zone
- 6.2 Appendix 2: Draft Cumulative Impact Policy for Consultation