

Appendix 2

Consultation Draft Cumulative Impact Policy for Broad Green

February 2016

Swindon Borough Council may receive representations from either a responsible authority or other person, both defined within the Licensing Act 2003 that the cumulative impact of new licences is leading to an area becoming saturated with premises making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance, or otherwise compromising the licensing objectives. In such cases the issue of saturation can be taken into account when considering the individual merits of any application.

Swindon Borough Council has received evidence from the Licensing Authority, Wiltshire Police, and Public Health that the saturation of licensed premises is undermining the licensing objectives in the Broad Green area.

The area will be referred to throughout the remainder of this Statement as a 'Cumulative Impact Zone', later referred to as CIZ's.

After considering this evidence Swindon Borough Council is proposing to adopt a Cumulative Impact Policy for this area, which will be defined as a CIZ.

The evidence for the adoption of the CIZ is attached at Appendix A of this policy, ¹ Detailed maps showing the boundary of the area is attached as Appendix B.

The effect of the Cumulative Impact Policy is that Swindon Borough Council will refuse applications for a new premises licence or club premises certificate, or a material variation of an existing licence or certificate in the zone whenever it receives relevant representations unless the applicant can demonstrate why the grant or variation involved will not add to the cumulative impact experienced. The impact can be expected to be different for premises with different styles and characteristics.

Swindon Borough Council recognises that within the CIZ different premises mutually benefit from each others existence attracting large groups of people. This can in turn however increase the possibility of crime and disorder and public nuisance thus impacting on the licensing objectives. For this reason special consideration will be given to all classes of premises within the CIZ.

There are, however, exceptions proposed to the policy, where cumulative impact will not apply. These cover in particular restaurants where alcohol is served with a meal, hotels and licence transfers, which are not the subject of evidence provided by the Police or Environmental \ Public Health. The list of exceptions is as follows;

- *Restaurants where alcohol is only sold with a meal*
- *Hotels*

¹ Members have already considered this evidence at the 13th January Committee. Accordingly it is not re-attached in the interests of brevity.

- *Applications for a Minor Variation of the premises licence (except where this may increase the occupant capacity of the premises)*
- *Applications for a straight premises transfer or DPS variation.*

The adoption of the CIZ does not relieve responsible authorities or other persons of the need to make relevant representation. Before Swindon Borough Council may lawfully consider giving effect to the Cumulative Impact Policy a relevant representation must have been made. If no representations are received, it remains the case that any application must be granted in terms consistent with the operating schedule and any mandatory condition.

Responsible authorities and other persons may make written representations, maintaining that it is necessary to refuse an application within the CIZ for the promotion of licensing objectives and in doing so may refer to the evidence considered by Swindon Borough Council in the adoption of the Cumulative Impact Policy.

Swindon Borough Council will not use the Cumulative Impact Policy:

- As grounds for revoking an existing licence or certificate
- To refuse applications to vary an existing licence or certificate except where modifications are directly relevant to the Cumulative Impact Policy

The Cumulative Impact Policy does not include provision for terminal hours nor does it impose quotas on the number of licensed premises or the capacity of those premises.

Swindon Borough Council will regularly review the Cumulative Impact Policy to see whether it is still required or should be expanded.

Swindon Borough Council recognises there are other mechanisms both within and outside the licensing regime for addressing cumulative impact of licensed premises which may include:

- 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.