

Report to Licensing Committee

Report reference: LSC-004-2012/13

Date of meeting: 10 October 2012



**Epping Forest
District Council**

Subject: Cumulative Impact Policy

Portfolio: Safer, Cleaner & Greener

Responsible Officer: Alison Mitchell (01992 564017).

Democratic Services: Gary Woodhall (01992 564470).

Decisions Required:

(1) The Committee is asked to decide whether an assessment should be conducted into the cumulative impact of licensed premises on the four licensing objectives in some areas in the district.

Report:

1. The Chairman asked for a report with regards to the introduction of a cumulative impact policy in respect of appropriate areas in the District. The guidance issued by the Secretary of State under S182 of the Licensing Act 2003 sets out the procedure which the Authority would be expected to follow.

What is cumulative impact?

2. 'Cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The objectives are:

- the prevention of crime and disorder;
- the prevention of public nuisance;
- public safety; and
- the protection of children from harm.

3. The guidance issued under S182 advises on those matters that should be considered as giving rise to a cumulative impact of licensed premises in an area.

"13.20 In some areas, where the number, type or density of premises selling alcohol is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

13.21 Queuing in itself may lead to conflict, disorder and anti social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public toilet provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

13.22 *Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises*"

Evidence of Cumulative Impact

4. The Authority must gather evidence that a special policy is required prior to including a special policy with regards to cumulative impact within its Statement of Licensing Policy. The guidance recommends that:

"Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform licensing authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement."

5. The public should also be consulted.

6. The information which the Authority may use as evidence of the cumulative impact of licensed premises in the area on the four licensing objectives are:

- "Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- Statistics on local anti-social behaviour offences;
- Health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- Environmental health complaints, particularly in relation to litter and noise;
- Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- Residents' questionnaires;
- Evidence from local councillors; and
- Evidence obtained through local consultation.

7. The Guidance recommends that if there is not sufficient evidence, the Authority should consider conducting or commissioning a specific study to assess the position.

8. When the information has been obtained a report will be submitted to the next Licensing Committee. The need for a special policy must be considered alongside the local planning policy and other factors which may mitigate cumulative impact.

Steps to a Special Policy

9. The S182 guidance sets out the steps that the Authority must take prior to deciding whether a special policy should be adopted. The Authority must:

- "identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement."

10. If the Licensing Committee decides that a special policy should be adopted, the special policy would then be subject to the same consultation procedure as that set out in the report regarding the amendment of the Statement of Licensing Policy. The Committee must then take account of the consultation prior to adopting the special policy.

Limitations on Special Policies Relating to Cumulative Impact

11. The special policy must always allow for the circumstances of each application to be decided on their merits and for applications that are unlikely to add to the cumulative impact to be granted. In reaching a decision the Authority must decide whether or not it is justified in departing from its special policy.

12. The introduction of a special policy cannot be used as a ground for revoking an existing licence or certificate when it receives representations about problems in those premises. The special policy can only be considered when deciding to grant a new licence or certificate or the variation of an existing one.

13. If there is an application to vary an existing licence or certificate the special policy can only be taken into account if relevant to the application that has been submitted.

14. The guidance states "Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics." The authority must have proper regard to those differences when reaching a decision and the differing impact they will have on the promotion of the licensing objectives.

Resource Implications:

The Committee may decide that the evidence collected is not in sufficient detail to allow it to make a decision and may consider commissioning a report as mentioned in the S182 guidance.

Legal and Governance Implications:

Licensing Act 2003.

Safer, Cleaner and Greener Implications:

If cumulative impact is identified as a problem in an area a special policy may assist in the reduction of crime and disorder and nuisance

Consultation Undertaken:

Consultation is proposed if the Committee recommends that consultation should be undertaken.

Background Papers:

Licensing Act 2003

Impact Assessments:

Risk Management

No identifiable risks at the current time.

Equality and Diversity

None at present.