



Report to:	Licensing Committee	Date:	3 October 2016
Report title:	Introducing Review of Cumulative Impact Policies		
Report from:	Mary Morrissey - Strategic Director Environment, Housing & Regeneration		
Ward/Areas affected:	Borough Wide		
Chair of Committee/Lead Member:	Councillor Mary Burstow		
Author(s)/Contact Number(s):	David Kingstone, Licensing & Environmental Compliance Team Leader 020 8770 5162 / 0734 2055 767 Nick Cloke, Licensing Lead Officer 020 8770 5622 / 020 8547 5600 x 4366		
Corporate Plan Priorities:	<ul style="list-style-type: none"> ● An Open Council ● A Green Council ● A Fair Council ● A Smart Council 		
Open/Exempt:	Open		
Signed:		Date:	5 September 2016

1. Summary

- 1.1 This report seeks to introduce to members a review of the special policy on cumulative impact contained within the Licensing Authority's Statement of Licensing Policy under the Licensing Act 2003.

2. Recommendations

The Licensing Committee is recommended to:

- 2.1 Agree to the review of the current special policy on cumulative impact; and
- 2.2 Consider if there is a need for further areas to be included within the policy.

3. Background

- 3.1 When considering its Statement of Licensing Policy under the Licensing Act 2003, the Licensing Authority is able to consider whether it is necessary to include a Special Policy on Cumulative Impact – in the remainder of this report to be referred to as a Cumulative Impact Policy.



3.2 This authority currently has eight Cumulative Impact Policies in place, all of which were adopted by the Licensing Authority on 31 March 2014:

- Sutton High Street;
- Central Road, Worcester park;
- Rosehill;
- Wrythe Lane, The Wrythe;
- The Queen Victoria Junction, Nonsuch and Worcester Park;
- Sutton Common Road, Stonecot;
- Wallington Town Centre; and
- Mollison Drive, Beddington South.

The existing Cumulative Impact Policies, including maps of these areas, is included within the Council's Statement of Licensing Policy given in Appendix A

- 3.3 Cumulative Impact is a term that, whilst not appearing in the legislation, is used in the Secretary of State's Guidance to mean the cumulative effect that a significant number of licensed premises, concentrated in one area, are having upon one or more of the licensing objectives.
- 3.4 Cumulative Impact Policies are a useful tool, providing a layer of additional control on the impact licensed premises have on the area around them.
- 3.5 The adoption of a Cumulative Impact Policy creates a 'rebuttable presumption' that applications for new premises licences or club premises certificates (for premises within the cumulative impact area) will normally be refused during the determination process. The same presumption applies to applications made by existing licensed premises wishing to make changes to their licence that are considered to add to existing cumulative impact.
- 3.6 It should however be noted that the 'rebuttable presumption' does not guarantee that every application received within a cumulative impact area will or should be refused, nor does it relieve residents, local businesses or responsible authorities of the need to make representations in relation to applications about which they have concerns regarding the promotion of one or more of the licensing objectives. The licensing authority must grant applications that do not attract representations (objections), irrespective of the nature of that application.
- 3.7 A cumulative impact policy places a greater responsibility upon applicants to demonstrate to the satisfaction of the Licensing Authority that their application will not add to the negative cumulative impact of premises in the area.
- 3.8 However, in order to stand up to the close scrutiny that inevitably follows adoption and use of the Policy in determination of applications, Cumulative Impact Policies need to be based on reliable evidence. The Licensing Act 2003 does not contain specific statutory provisions relating to the review and revision of cumulative impact policies, however as they form part of our Statement of Licensing Policy the general requirements of the Act and the statutory guidance



apply and the council must keep them under review and make appropriate revisions where necessary.

4. Issues

- 4.1 Sutton's Cumulative Impact Policies have not been formally reviewed since they were originally adopted in 2014. The nature and number of licensed premises in the borough has changed in the intervening period, with one area no longer containing any Licensed Premises. The areas to which policies apply are relatively small and there appears to be scope, subject to evidence, for some to be joined together.
- 4.2 In addition, case law and Statutory Guidance on the use and evidence for these policies has also changed and it is now considered an appropriate time to review the existing policies to ensure that they remain appropriate and well evidenced.
- 4.3 The Committee is requested to agree that a review be conducted of the existing Cumulative Impact Policies.
- 4.4 The review will include a call for evidence from Responsible Authorities, seeking evidence from them on matters of crime and disorder, anti-social behaviour, health impacts including alcohol-related emergency attendances and hospital admissions and environmental health complaints (particularly in relation to litter and noise). Consultation with local residents will also be carried out and the views of ward members sought.
- 4.5 A report detailing the findings of the review will be brought to a future meeting of the Licensing Committee in 2017 - together with recommendations on whether the existing Cumulative Impact Policies should be retained or amended.

5. Impacts and Implications

Financial

- 5.1 The costs of conducting the review of Cumulative Impact Policies will be borne through existing budgets, so there are no direct financial implications.

Legal

- 5.2 The Statutory Guidance states that once adopted, Cumulative Impact Policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the Council's Statement of Licensing Policy should be amended.



6. Appendices and Background Documents

Appendix letter	Title
A	Existing Cumulative Impact Policy

Background documents
None

Audit Trail		
Version	Final	Date: 2 September 2016
Consultation with other officers		
Finance	No	N/A
Legal	Yes	Saima Khan
Integrated Impact Assessment required?	No	N/A