



Report to:	Licensing Committee	Date:	25 September 2017
Report title:	Update on the review of the Special Policy on Cumulative Impact		
Report from:	Mary Morrissey - Strategic Director of Environment, Housing and 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 5162/07342 055767		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • An Open Council • A Fair Council 		
Open/Exempt:	Open		
Signed:		Date:	14 September 2017

1. Summary

- 1.1 In October 2016 Members resolved to review the current special policy on cumulative impact forming part of the Statement of Licensing Policy and a detailed discussion on the scope of the review was held in January 2017.
- 1.2 In March 2017, the Committee agreed the data streams that would be explored in order to establish an evidence base for the Special Policy on Cumulative Impact and the areas to which the policy applies.
- 1.3 A timescale was set out that anticipated a report to this meeting with a draft Special Policy for approval subject to a public consultation period. However, data gathering has been a complex and lengthy process and for this the allowance for slippage sought in March has been needed.
- 1.4 Analysis of the data streams has only recently been completed, including recently received SENSOR data, and accordingly it has not been possible to draft a new Policy in time for this meeting.
- 1.5 A report that incorporates analysis of a variety of data streams that the Committee previously agreed has been prepared by the Safer Sutton Partnership Service and incorporates analysis of



a variety of crime types, ambulance call out data, key stakeholder viewpoints and other factors. This report is given at Appendix A.

- 1.6 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.

2. Recommendations

The Licensing Committee is recommended to:

- 2.1 Consider the evidence provided in the analysis report together with additional information supporting the analysis that will be provided verbally at the meeting, and identify any areas where evidence supports a Special Policy on Cumulative Impact.

3. Background

- 3.1 Cumulative Impact is described in the latest version of the Secretary of State's Guidance as being a special policy consideration and is described as meaning 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. The guidance continues to advise that there 'should be an evidential basis for the decision to include a special policy within the statement of licensing policy'. The evidential basis should include a link between the issues of concern and the concentration of a number of licensed premises or licensable activities in the area.
- 3.2 Having considered the analysis report prepared by the Safer Sutton Partnership, recommendations have been drawn from the data and evidence gathered, which indicates that:
 - 3.2.1 evidence is available to support the retention of two of the existing cumulative impact areas, and extending those to incorporate a slightly wider area;
 - 3.2.2 two of the remaining areas currently existing require further consideration to establish whether the cumulative impact policy ought to be retained in that area; and
 - 3.2.3 four of the existing zones should be removed on the basis that evidence indicates there is less of a concentration of licensed premises and / or the impact of those premises on the licensing objectives is reduced.

4. Issues

- 4.1 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.

- 4.2 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.
- 4.3 Removal of areas to which the Cumulative Impact Policy applies does present a risk of businesses seeking to apply for licences or variations to existing licences in these areas, where the additional responsibility upon applicants will no longer apply.
- 4.4 However, the absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 4.5 Areas where a Cumulative Impact Policy is applied, but is unsupported by evidence are liable to challenge by licence holders or applicants where decisions are refused on the basis of cumulative impact, and such decisions are less likely to be upheld.

5. Options Considered

- 5.1 This paper is an update of options previously agreed by the Licensing Committee in March 2017.
- 5.2 Having identified areas where a policy on Cumulative Impact might apply, preparation of a draft Policy is relatively straightforward, however any change to or addition of a Special Policy on Cumulative Impact must be subject to consultation.
- 5.3 Whilst we are not currently in a position where a draft policy has been prepared for consultation, Members are invited to consider the options for moving this work forward.
- 5.4 One option would be delegate the task of drawing up a draft policy to Officers in consultation with the Chair. This policy would then be published for consultation before Committee next meets in December, where the results could be presented for consideration and agreement of a final policy (noting that the Policy must be approved by Council before it comes into effect).
- 5.5 Alternatively, a draft policy could be prepared and brought to the next Committee meeting in December for approval, followed by a period of consultation in the New Year, and the results of that consultation being brought to the first Committee of 2018 on a date yet to be confirmed.

6. Impacts and Implications

Financial

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

Legal

- 6.2 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.

7. Appendices and Background Documents

Appendix letter	Title
A	Analysis of Data by Safer Sutton Partnership

Background documents
Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2017)

Audit Trail		
Version	Final	Date: 14 September 2017
Consultation with other officers		
Finance	No	N/A
Legal	No	N/A
Other Officers:	Yes	Chris Lyons - Community Safety Manager
Equality Impact Assessment required?	No	N/A