

Appendix B



LICENSING ACT 2003 CUMULATIVE IMPACT ASSESSMENT In support of STATEMENT OF LICENSING POLICY 2019-2024

Approved on: ## December 2018

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In effect from: ## January 2019

This Cumulative Impact Assessment is published in support of the Statement of Licensing Policy of the London Borough of Sutton, the relevant Licensing Authority, prepared under Section 5 of the Licensing Act 2003.

Version 1.1 **DRAFT**

Licensing Policy Review 2017- Cumulative Impact Assessment

1. Under the Licensing Act 2003 the council is required to publish a statement of licensing policy every 5 years. The purpose of the Licensing Policy is to inform applicants and residents about the way in which the Licensing Authority intends to make decisions about licence applications and how licensed premises are likely to be permitted to operate.
2. As a Licensing Authority, the council has a duty to promote the following licensing objectives and these objectives should underpin every decision that it makes
 - Prevent of crime and disorder
 - Secure public safety
 - Prevent public nuisance
 - Protect children from harm
3. This document explains our approach to cumulative impact and the review process:
 - the approach we have taken to the reviewing the current Licensing Policy
 - the evidence we have considered in formulating the draft policy
 - our assessment of cumulative impact areas
 - key changes to the licensing policy

Need for a Special Policy on Cumulative Impact

4. Whilst the Statement of Licensing Policy has incorporated a Special Policy on Cumulative Impact since 2014 a review of the areas to which the Special Policy applies was instigated in 2017.
5. New regulations bringing into force Section 141 of the Policing and Crime Act 2018 were made on 6th April 2018. These made changes to the Licensing Act 2003, introducing a new section 5A relating to Cumulative Impact Assessments (CIA) and placing obligations upon Licensing Authorities in respect of the evidencing and review of Special Policies.
6. Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
7. A report was compiled that examined Sutton's Police and Ambulance data between August 2016 and July 2017. Police data was extracted from the Metropolitan Police Crime Reporting Information System (CRIS) and mapped using the council Cartology software. In addition statements were taken from Police Officers throughout the Borough including the Local Policing Teams and other organisations that help manage the town centre for example Sutton Street Pastors.

8. A decision to continue with or introduce a Special Policy on Cumulative Impact must be based on evidence available to the Authority at the time that the Statement was approved.
9. In respect of the 2017 review of Cumulative Impact, the evidence can be summarised as follows:
 - Analysis of the crime statistics shows that, between August 2016 and July 2017, there is a visible trend towards crime, including violence against the person, between the hours of 21:00 and 02:00. At this time high volumes of customers can be on the high street at the same time following the closure of licensed venues.
 - Rowdy or inconsiderate behaviour is the type of anti-social behaviour (ASB) most closely linked to the use of alcohol. ASB has seen a rise across the Borough by 9% in the last 3 years. Although some of this rise can be linked to the growing use of town centre office space being converted into residential accommodation.
 - Between July 2016 and June 2017, there was a heavy focus on alcohol related assaults in Sutton Central. 67% of all alcohol related ambulance callouts in Sutton Central took place between the hours of 18:00 hours and 06:00 hours the following day suggesting they were predominately related to the night time economy.
10. A copy of the evidence considered in determining the need for a Special Policy on Cumulative impact is available in the reports and minutes of the Licensing Committee meetings of 25th September 2017 and 18th December 2017, available on request and on the Council's website www.sutton.gov.uk.

Effect of the Special Policy

11. Applicants should be aware that in publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licenses or club premises certificates in the area described.
 12. Having published a CIA, the licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.
 13. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application within an area to which a CIA applies, the Authority must provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.
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Special Policy on Cumulative Impact

14. **[It is proposed]** The Special Policy will apply as follows:

Sutton Town Centre (Sutton High Street extending to Sutton Green):

- a. The Special Policy relates to all applications for new licences or variations that increase hours or capacity or add licensable activities, except proposals
 - i. Which do not involve the sale of alcohol;
 - ii. Which do not involve the sale of alcohol beyond 21:00 hours, unless that sale is to customers ordering substantial food at the same time and for consumption on such premises with the alcohol, and
 - iii. For regulated entertainment not extending beyond 21:00 hours.

Premises that are requesting the sale of alcohol for consumption off the premises (off licence) come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, so-called 'preloading', excessive drinking and related disorder. Premises that are requesting late night refreshment are also included in this policy for reasons of dispersal and related disorder.

North Cheam (Queen Victoria Junction to Staines Avenue , including Church Hill Road to Chatsworth Road as shown on the map at XXXX):

- b. The Special Policy relates to all applications for new licences or variations that increase hours or capacity or add licensable activities.

15. The Authority is aware that the impact from premises can be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. However the fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.

Responsible Authorities and Interested Parties

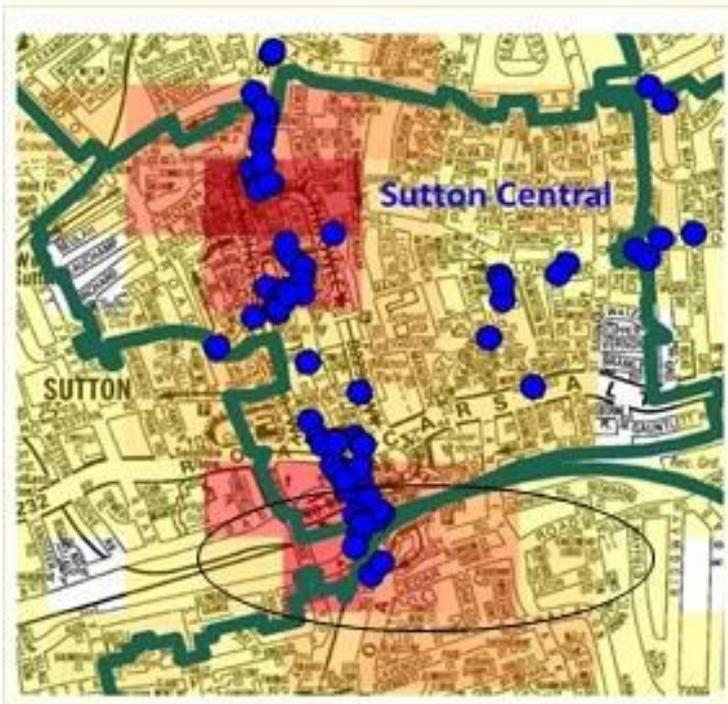
16. The Special Policy on Cumulative Impact does not relieve Responsible Authorities or Interested Parties of the need to make representations in relation to applications in respect of premises within the cumulative impact area.

17. The Authority must grant any application that does not attract any representations from Interested Parties or Responsible Authorities, in terms consistent with the operating schedule submitted.

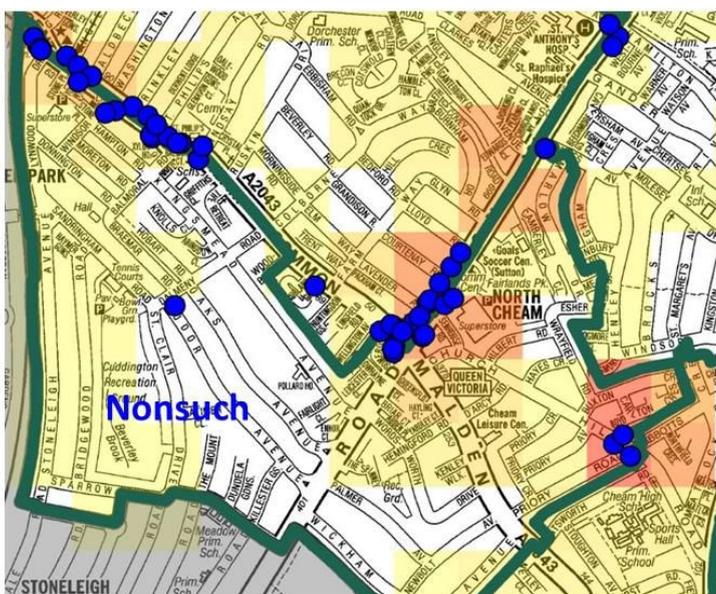
18. If the Authority decides that an application should be refused, it will do so on the basis that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved, and this will be shown in the decision.

APPENDIX A – Licensing Act 2003. Cumulative impact & Saturation

Sutton Town Centre (Sutton High Street extending to Sutton Green):



North Cheam (Queen Victoria Junction to Staines Avenue , including Church Hill Road to Chatsworth Road as shown on the map at XXXX)



Final maps to follow