

**AGENDA ITEM NO. 4**

**LICENSING COMMITTEE**

**Date** 27 JANUARY 2015

**Title** REVIEW OF CUMULATIVE IMPACT ZONE POLICY

**1. PURPOSE/SUMMARY**

To revisit the option of a Cumulative Impact Zone (CIZ) Policy

**2. KEY ISSUES**

- Full Council adopted the CIZ Policy on 20 June 2013.
- This CIZ special policy sits as an appendix to the Council Statement of Licensing Policy.
- The Council, as the Licensing Authority, has a statutory duty to review its Statement of Licensing Policy every 5 years. This process starts again this year ready for the policy to be in place for January 2016 and evaluation of the CIZ should take place before the consultation process begins.

**3. RECOMMENDATION**

3.1 That members resolve to adopt one or more of the following recommendations for the purposes of authorising officers to follow the procedure set out in the statutory licensing guidance to produce a special policy, consulting with those specified in 5.3 of the 2003 Act (including Ward councillors)

- To maintain the current Cumulative Impact Area (CIA) as defined in the map at Appendix A and to continue to adopt the special policy (as defined in Appendix B) in relation to that CIA and to continue to include these within the Statement of Licensing Policy.
- To apply a decision making matrix at Appendix C to the current CIA and add this process to the special policy and Statement of Licensing Policy.
- To remove the Cumulative Impact Zone (CIZ) special policy and reflect that in the consultation process for the Council Statement of Licensing and Special Policies.

3.2 To duly authorise officers to follow the consultation procedure described at 3.1 above.

3.3 Subject to the outcome of the consultation, that officers report back to committee.

	All Wisbech Wards
<b>Forward Plan Reference No. (if applicable)</b>	Not applicable
<b>Portfolio Holders</b>	Cllr. David Oliver, member with responsibilities for licensing.
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<b>Background Papers</b>	The Licensing Act 2003 Amended Guidance issued under Section 182 of the Licensing Act 2003.

## 1 INTRODUCTION

- 1.1 The Council as Licensing Authority has a statutory duty to review its Statement of Licensing Policy every five years. The current policy was adopted at Full Council on 16 December 2010 to come into effect on 11 January 2011.
- 1.2 In 2013 Cambridgeshire Constabulary made a request to the Council that included the creation and adoption of a Cumulative Impact Zone and Special Policy.
- 1.3 Following a public consultation process. legal opinion and analysis the proposal went to Full Council on the 20 June 2013 and it was decided to adopt a Cumulative Impact Zone Policy for the area of Wisbech and append to the Council's Statement of Licensing Policy
- 1.4 As well as the statutory review of our Statement of Licensing Policy, new Licensing legislation is likely to come into effect in April 2015 that may change the current structure of our Statement of Licensing Policy. Therefore, to progress a decision regarding the CIZ Special Policy will assist officers with the work that needs to be done.

## 2 BACKGROUND

- 2.1 Cumulative impact is not mentioned specifically in the 2003 Act but is detailed in the Section 182 National Guidance. It means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 2.2 Guidance also states that there should be an evidential basis for the decision to include a special policy within the Statement of Licensing Policy. I.e Crime and Disorder Partnerships may have collated information which demonstrates cumulate impact.
- 2.3 The Licensing Authority should ensure that there is good evidence, not only that crime and disorder or public nuisance are happening, but that they are caused by customers of licensed premises. The borders defined then need to identify the boundaries of the area where problems are occurring, not where they might occur at some time in the future.

- 2.4 Cambridgeshire Constabulary provided analysis showing that problems identified were in the town centre of Wisbech and expanded to 0.3 miles of the area. This was supported by 99.9% of respondents to the public consultation agreeing that a special policy should be adopted within the proposed area. Many of the comments made by respondents gave street drinking, littering, anti-social behaviour and fear of intimidation as the reason for their response to a special policy.
- 2.5 For the 18 months that the CIZ special policy has been in place the Council have received 8 (eight) licensing applications for new and variation to premises within the Cumulative Impact Area. There have been no representations made under the CIZ Special Policy in respect of those applications.
- 2.6 There has been some discussion amongst members in the past about exploring a decision making matrix appropriate to the Statement of Licensing Policy and CIZ special policy in order to facilitate a consistent approach to recommendations and decisions at hearings. An example matrix at Appendix C has been included in this report for members to explore, discuss and consider.

### **3 IMPLICATIONS**

#### Financial

- 3.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally by government. The recommendations in this report would only affect new applications and variations to existing premises licenses and would not impact on current levels of income from renewals of applications.

#### Legal

- 3.2 The Statement of Licensing Policy should follow the fundamental principles set out in the Licensing Act 2003 and statutory guidance. Adoption of a Special Cumulative Impact Policy is a major step and one which must be taken in accordance with proper procedure and legal advice in order to avoid legal challenge.

Failure to meet this statutory duty may lead to uncertainties in decision making, loss of business continuity and an inability to meet customer care standards.

#### Equalities

- 3.3 A rebuttal presumption against new licensed premises in a Cumulative Impact Area may reduce the ability for small businesses to open as off-licences. Affected businesses may often be operated by members of minority ethnic groups.

#### Sustainability

- 3.4 Licensed premises throughout the district rely on local licensing policies to ensure there is clear guidance on the continued operation of local businesses. Maintaining a regularly reviewed policy, which has undergone public consultation, will ensure a consistency of support to licensed premises, members of the public and other stakeholders affected by these activities.

#### Crime & Disorder

- 3.5 Cumulative Impact Area proposals are geographically based around evidence of crime and disorder and should assist in the council's overall aim in reducing current levels. The special policy promotes the four licensing objectives: public safety, the

prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

Corporate

- 3.6 The policy promotes the licensing objectives and sets out a general approach to making licensing decisions. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this special policy is framed around those objectives.

Proposals for a new licensed premises, or for certain variations to existing ones, within a Cumulative Impact Area have a rebuttal presumption following relevant representations unless it can be demonstrated that there will be no negative cumulative impact.

**Appendices:**

Appendix A - CIA Map

Appendix B – Cumulative Impact Zone Special Policy

Appendix C – Decision Making Matrix