

**To the Chair and Members of the  
LICENSING COMMITTEE  
(Meeting as the Statutory Licensing Committee under the Licensing Act  
2003)**

**CUMULATIVE IMPACT POLICY – LICENSING POLICY REVIEW**

**EXECUTIVE SUMMARY**

1. The purpose of this report is to update Members on issues relating to the Licensing Act 2003.

**RECOMMENDATIONS**

2. It is recommended that Members accept the amended Licensing Policy, which includes a continuation of the Cumulative Impact Policy, and put it to Council for formal adoption.

**BACKGROUND**

3. The Licensing Policy was presented to the Licensing Committee on the 9 September 2010 with a view to being put to Council for adoption. At that time the South Yorkshire Police whilst considering their position with regard to the Cumulative Impact Zone indicated that they were minded to not continue with such a policy, but have now reconsidered their position and after further analysis of the statistical evidence have indicated that they would want the Cumulative Impact Policy to be included in the new Licensing policy.
4. The Police have compiled the relevant information at appendix 1 and the entire Licensing Policy with the Cumulative impact policy is at Appendix 2

**OPTIONS CONSIDERED**

5. There are no other options other than to ensure a Licensing policy is in place.

**REASONS FOR RECOMMENDED OPTION**

6. It is a statutory requirement to review and publish the Licensing Policy

## IMPACT ON THE COUNCIL'S KEY OBJECTIVES

7. This effective operation of the Licensing Authority is a key part of the Council's statutory responsibility.

<b>Doncaster Priorities</b>	<b>Implications of this initiative</b>
A Prosperous Place	The Safe Team and others within the Safer Business Team will assist in promoting best practise within the retail trade and help to support regeneration of communities.
Skills & Lifelong Learning	
Healthy & Caring	Problems of excessive and underage drinking will be under discussion and best practise will be encouraged from the trade to ensure that legislation is followed.
Safer, Cleaner & Greener	
Equality of Opportunity (Cross-Cutting)	
Improving Neighbourhoods Together (Cross-cutting)	Working with the trade will help to ensure that neighbourhoods will have had an opportunity to contribute to resolving on going problems and contribute to the consultation with regard to the Licensing Policy which is reviewed every three years
Protecting The Environment (Cross-cutting)	
Achieving Excellence	

## LEGAL IMPLICATIONS

8. The Statement of Licensing Policy must be reviewed and published every three years (section 5 Licensing Act 2003). The policy was last reviewed in January 2008 and therefore the Statement of Licensing Policy should be reviewed and then publish that revised statement by 7<sup>th</sup> January 2011. There are issues that may arise if the policy is not in place by that date. The impact of any issues will only take effect if the Licensing Authority is required to deal with any licence applications between the date the licensing statement should be in force (7<sup>th</sup> January 2011) and the date it actually comes into force.
9. The Statement of licensing policy sets out the Authority's policy in relation to the exercise of its licensing functions under the Licensing Act 2003 and associated legislation. There is no requirement to make any revisions, however the Department of Culture, Media and Sport (DCMS) have issued revised guidance in respect of the Licensing Act 2003 and therefore it is recommended that revisions are made to take account of this revised Guidance. Before making revisions to the Policy the Authority is required to consult in accordance with the relevant statute.

10. In addition the Authority has now received a request from South Yorkshire Police for the Authority to continue to adopt a Cumulative Impact Policy. The effect of adopting such a policy is to create a rebuttable presumption that a licence application, which is likely to add to the existing cumulative impact, will normally be refused following relevant representations.
11. The Cumulative Impact Policy should be aligned with other policies such as planning and also other relevant strategies for example late night economy strategy. The DCMS Guidance states the steps that should be followed by licensing authorities when adopting a cumulative impact policy:
  - Identify concern about crime and disorder or public nuisance.
  - Consider whether there is good evidence that crime and disorder or nuisance are happening and are 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.
  - Consult with those specified in section 5(3) of the 2003 Licensing Act, and subject to the outcome of the consultation.
  - Include and publish details of special policy in licensing policy statement.
12. Once the licensing authority has adopted a special policy it must include within its policy statement the following:
  - A full justification as to why the saturation policy has been adopted, including what problems there are and why, and why these cannot be resolved other than by restricting further licensed premises. Please be aware that it is possible for saturation policies to restrict hours in an area. Evidence must be collated to support this and should be summarised in the policy. The policy should also clearly specify the geographical area where the saturation policy is to apply.
  - The policy statement must make clear that the special policy is not absolute and that the circumstances of each application will be considered properly. Moreover, where licences are unlikely to add significantly to the cumulative impact on the licensing objectives, the licence will be granted.
  - There should be a clear statement regarding the difference between commercial need and the cumulative impact of premises in an area. Need is a matter for the planning committee and for market forces, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its committee to consider.

- The policy must not impose quotas of premises or licences.
- A special saturation policy must not include provisions for a terminal hour in a particular area.

## **FINANCIAL IMPLICATIONS**

13. There are no financial Implications arising specifically from this report.

## **CONSULTATION**

14. The Licensing Act 2003 requires formal consultation with all of the responsible authorities and interested parties. All of these parties have been advised of the review.

Procurement		Crime and Disorder	X
Human Resources		Human Right & Equalities	
Buildings, Land and Occupiers		Environment & Sustainability	
ICT		Capital Programme	

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