

Title	Suggested amendments to the Licensing policy regarding the cumulative impact zones.
For further information about this report please contact	David Davies, Licensing Services Manager, Members' Services. Tel: 01926 456107. david.davies@warwickdc.gov.uk
Service Area	Members' Services
Wards of the District directly affected	None
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No
Date and meeting when issue was last considered and relevant minute number	N/A
Background Papers	None

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval

With regard to officer approval all reports must be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).

Officer Approval	Date	Name
Relevant Director	01/05/2009	Robert Inman
Chief Executive		
CMT		
Section 151 Officer		
Legal	01/05/2009	Peter Oliver
Finance	01/05/2009	Andy Crump
Portfolio Holder(s)		

Consultation Undertaken

N/A

Final Decision?	Yes
-----------------	-----

1. **SUMMARY**

- 1.1 That the Licensing Committee recommends the amended Licensing policy for approval by Council.

2. **RECOMMENDATION**

- 2.1 That members consider the proposed change to the Licensing Policy under the Licensing Act 2003 to continue to keep cumulative impact zones and incorporate the existing two zones into one.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Under the Licensing Act 2003 and the Guidance issued under Section 182 of the Act, the Licensing Authority may take into account the existence of a saturation of premises one or more areas may have. The cumulative impact of new licences in a particular area may lead to the area becoming saturated with premises of a certain type, making it a focal point for large groups of people together, and, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. This policy places the onus of proof on an applicant to show that the application will not impact on the four licensing objectives.
- 3.2 This authority has maintained a successful cumulative impact policy since the inception of the Licensing Act in November 2005.
- 3.3 To avoid a challenge to the policy, and in the interest of good practice, a review of the policy has taken place. Key stakeholders were consulted including the Town Council, the Police, Environmental Health, Resident Groups, Licensed Premises, the Public and Businesses in the area. No negative responses were received.
- 3.4 Figures were supplied to the Council by Crime and Community Safety, Warwickshire Observatory confirming both the necessity for a continued policy and the success of the existing one. A map of the zone is shown at the bottom of 3.7 and it is proposed to add this map to the policy document.
- 3.5 It was noticed that the area highlighted by the figures was one zone which incorporated the two existing cumulative impact zones. Officers felt it appropriate to amalgamate the two existing zones into one zone. This zone also mirrors that Leamington Safer Neighbourhood area
- 3.6 The current cumulative impact zone area is described in parts 7 and 8 of the existing Licensing Policy. (Appendix 1)
- 3.7 It is proposed that the existing wordage is simplified for the new zone and is listed as section 7 only of the policy to read:

The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.

The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003

where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting the special policy reference to the steps outlined in paragraph 13.26 of the Licensing Act Guidance were made.

The Licensing Authority formed two saturation zones, based on information supplied to it in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.

The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. A map of the zone is shown below. Properties on both sides of any road which borders the zone are deemed to be included within the zone.

It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.

The special policy regarding cumulative impact is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives, or the Licensing Authority does not receive any representations, the licence will be granted.

The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises are being operated; representations would be considered and determined in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.

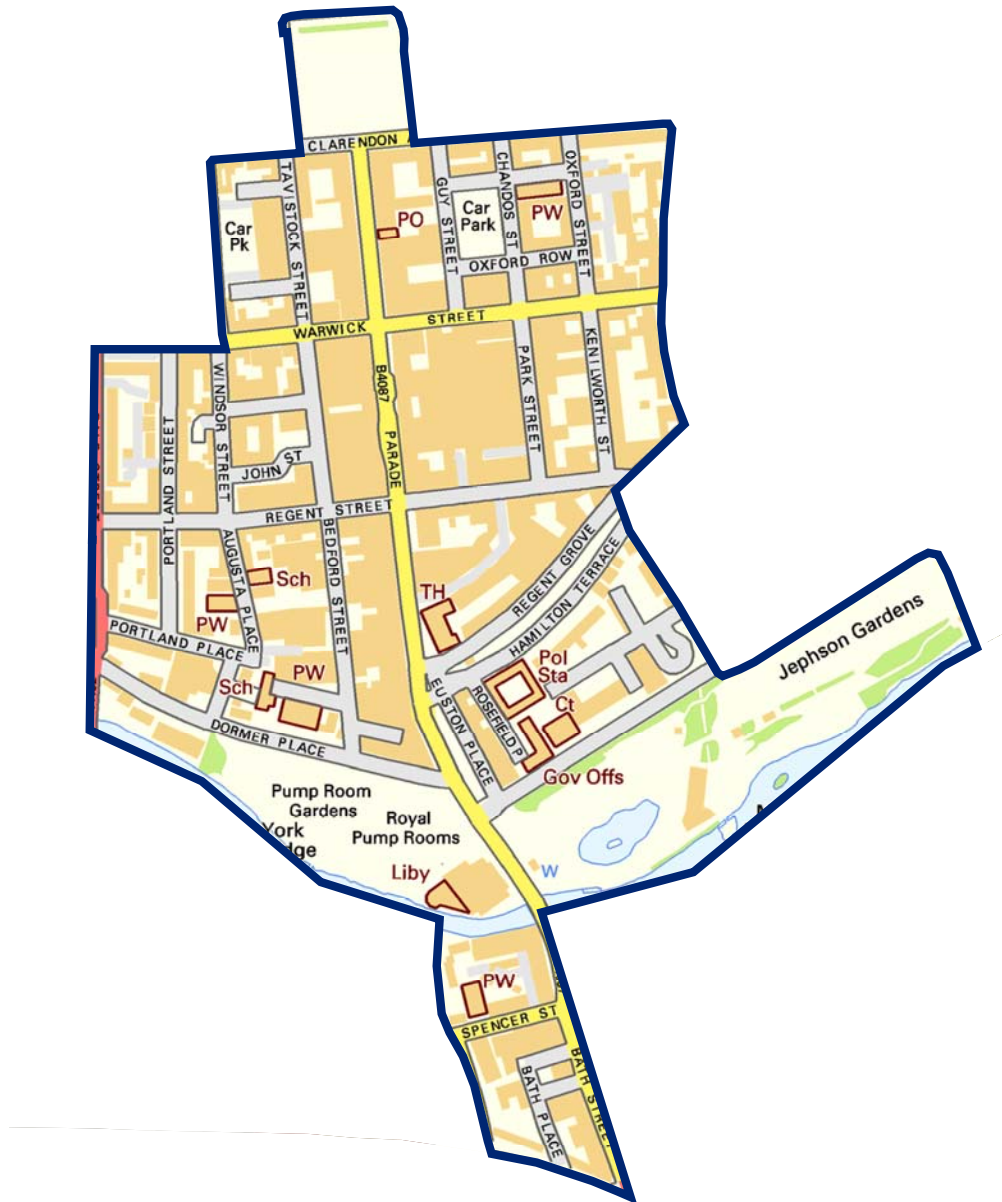
The Licensing Authority will not operate a quota of any description including any special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.

The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.

If an application for a licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and, public safety and the steps to be taken to promote the reduction of crime and disorder. The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.

The Licensing Authority recognises that if no representations are made regarding an application for a licence within the cumulative impact zone, the Licensing Authority must and will grant the licence.

The policy will be subject to review.



4. ALTERNATIVE OPTION CONSIDERED

- 4.1 The review of the Cumulative Impact zone is necessary to ensure that it is robust and in the interest of good practice.

5. **BUDGETARY FRAMEWORK**

- 5.1 This report has no budgetary considerations for the Council, save for the consultation which is completed and has been funded from existing budgets.

6. **POLICY FRAMEWORK**

- 6.1 An amendment to the Council's Licensing Act 2003 Policy

7. **BACKGROUND**

- 7.1 None.