

## Appendix 4a

### 3.8 Cumulative Impact

The number, type and density of premises selling alcohol in a particular area can lead to serious problems of nuisance or disorder. In these circumstances the impact of the premises taken as a whole can be far greater than that arising from individual premises. In most cases it would be impossible to identify an individual premises as being the sole cause or major contributing factor.

The potential impact on the promotion of the licensing objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This is not to be confused with “need” for premises in an area, which the licensing committee cannot take into account when determining applications. The cumulative impact of all the premises in an area upon the promotion of the licensing objectives is a proper matter for the licensing authority to consider.

The licensing authority has for some years, recognised that the town centre and promenade area identified in Appendix C, is an area where the behaviour of customers of all the premises taken together has a greater impact than normal on the crime and disorder objective. The licensing authority is now of the opinion that this area is suffering from cumulative impact, and designates it as the **Town Centre Saturation Area** in respect of premises licensed for the sale or supply of alcohol.

This policy will apply to applications including the sale or supply of alcohol for:

- New premises licences
- New club premises certificates
- Provisional statements
- Variations to existing licences (where the modifications are directly relevant to the issue of cumulative impact, for example, increases in hours or capacity)

The effect of the policy is to create a rebuttable presumption that applications listed above will be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule, and where appropriate, with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on the granting of new licences.

Despite the adoption of such a policy, **if no representations are received, the application must be granted in terms consistent with the operating schedule.**

The need for this policy will be subject to periodic review. The committee will consider saturation policies for other areas if appropriate evidence can be made available.

### 3.8.1 Exceptions to the Special Policy

The licensing authority wishes to encourage “family friendly” entertainment in the town centre. To promote this acceptable grounds for an exception to the special policy, even in light of representations may be that the applicant can demonstrate that the main activity in the premises is not the consumption of alcohol, and that the premises is aimed at family groups.

The onus is on the applicant to show why an exception should be made.

### 3.8.2 Applications outside of the designated area:

Representations on cumulative impact may be made in respect of applications for premises licences outside of the designated area. If such representations are successful, the licensing authority may choose to consult as to whether that particular area should be designated as an area of cumulative impact.

Where Responsible Authorities or Interested Parties seek to establish that an application should be refused on the grounds that it would result in (or further contribute to) cumulative impact, they should:

- Identify the boundaries of the area
- Identify the licensing objective(s) being undermined,
- Provide full details and evidence to show the manner and extent to which the licensing objective(s) are being, or will be undermined,
- Provide evidence that the problems are being caused by patrons of licensed premises in the area.

When considering such representations, the licensing committee will have particular regard to:

- The nature of the proposed application – including licensable activities, hours, and occupancy
- Measures proposed by the applicant in the operating schedule to mitigate or prevent adverse impact on the licensing objectives (including the proposed hours of operation)
- The proximity of the premises to others in the area, licensed for similar activities
- The occupancy figures of existing premises in the area concerned,
- The operational hours of existing licensed premises in the area concerned,
- The nature of licensed activities in the area,
- Whether the proposed premises will be a direct replacement for others in the area no longer licensed,
- Whether conditions would be effective in addressing the issue of cumulative impact.