



Charnwood

Licensing Section, Southfield Road,
Loughborough, Leicestershire, LE11 2TX

Ask for: Licensing

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Email: licensing@charnwood.gov.uk

Dear Sir/Madam

Licensing Act 2003 – Review of the Cumulative Impact Zone 2021

The current Statement of Licensing Policy was approved in June 2017 by the Full Council.

Under the Licensing Act 2003, the Council in its role as a Licensing Authority, may consider introducing saturation policies (known under the guidance to local authorities as Cumulative Impact Policies), if it feels that the number of licensed premises is having an adverse impact on any of the Licensing Objectives (crime and disorder, noise / nuisance, public safety and harm to children).

A Special Policy on Cumulative Impact was approved and included within the original Licensing Policy, in 2005 and reviewed in 2017 when the existing Cumulative Impact Zone was approved.

After publishing a 'Cumulative Impact Zone' the Licensing Authority must within 3 years, consider whether it remains of the same opinion.

The concept of "Cumulative impact" has been described within the 182 guidance and used by licensing authorities within their statements of licensing policy since the commencement of the 2003 Act. With effect from 6 April 2018, 'Cumulative impact assessments' were introduced in the 2003 Act by the Policing and Crime Act 2017. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

A 'cumulative impact assessment' (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.



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CIA's relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

The Council's Statement of Licensing Policy 2005 to the present day includes a 'Special Policy on Cumulative Impact' which covers areas of Loughborough town centre. Cumulative Impact is defined as the "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area." (Section 14.20 of the Government 182 Guidance)

The current Special Policy on Cumulative Impact (as approved in 2017) states the area as below:

- bounded by Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, Barrow Street Jubilee Way and Pinfold Gate.
- Including both sides of the streets bounding the area;
- Including Ashby Road to its junction with Storer Road; and Nottingham Road, to the entrance to the Falcon Works.

The 2003 Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licence's or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy.

Although it is not proposed to alter the area of the existing Cumulative Impact Zone, the 182 Guidance, amended in April 2018, removed the 'rebuttable presumption' against grant of a premise in a Cumulative Impact Zone and therefore the following changes have been made to the 2017 Statement of Licensing Policy;-

- ❖ Charnwood Borough Councils existing Statement of Licensing Policy at Appendix 1, Section 4, page 10, approved by full Council in 2017, included a Special Policy on Cumulative Impact. Para 4.3 of the Licensing Policy reflected the 182 Guidance at that time and mentioned the 'rebuttable presumption'.

The 182 Guidance, amended in April 2018, removed the 'rebuttable presumption' against grant of a premise in a Cumulative Impact Zone. The April 2018 guidance states at para 14.28, ' While the evidence underpinning the publication of CIA (Cumulative Impact Assessments) should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area, subject to a CIA, therefore still needs to be made on a case by case basis and with a view to what is appropriate for the promotion of the licensing objectives.' This shifts the bonus of proof onto the applicant to show to the Licensing Authority why

their premises will not add to any problems within the Cumulative Impact Zone. Importantly the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences where the authority considers this to be appropriate in the light of the individual circumstances of each case.

The DRAFT revision of the Statement of Licensing Policy and existing Cumulative Impact Zone Map can be accessed on

https://www.charnwood.gov.uk/pages/review_of_the_cumulative_impact_zone_2021

A hard copy can be sent on request by contacting Licensing at

licensing@charnwood.gov.uk

If you have any comments please submit them in writing to the Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX by 4.00 pm on Friday 26th March 2021.

Yours faithfully,



Grace Dowson,
Licensing Manager