

REGENERATION AND ENVIRONMENT POLICY AND PERFORMANCE
COMMITTEE

27 JANUARY 2014

33 CUMULATIVE IMPACT ASSESSMENT

Further to minute 18 (17 September 2013), the Strategic Director for Regeneration and Environment presented an overview of the circumstances when it might be appropriate for the Council to adopt a Cumulative Impact Policy in respect of licensed premises under the Licensing Act 2003. Cumulative impact was described in guidance issued under section 182 of the Act as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The Licensing Manager indicated that a decision to adopt such a policy was required to be taken on an evidential basis and she provided examples of the type of evidence that could be used together with the matters that should be considered by the Licensing Authority.

The effect of adopting a special policy of this kind was to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which were likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following relevant representations, unless the applicant was able to demonstrate in the operating schedule that there would be no negative cumulative impact on one or more of the licensing objectives. Applicants would be expected to give consideration to potential cumulative impact issues when setting out the steps they would take to promote the licensing objectives in their application.

She commented also that the adoption of a special cumulative impact policy could not be absolute as the circumstances of each application had to be considered and the licensing authority would still need to show that the grant of an application would undermine the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved. Having a special policy in place would not relieve responsible authorities or any other person of the need to make representations, as the licensing authority could only give consideration to such a policy if representations were made. If there were no representations, the licensing authority would have to grant the application.

Wirral did not currently have any special cumulative impact policies within its statement of Licensing Policy. However, the absence of a special policy did not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a licence on the grounds that the premises will have a negative cumulative impact on one or more of the Licensing Objectives.

Members commented that certain areas of the Borough could potentially benefit from a Cumulative Impact Policy, which would be welcomed in addressing anti-social behaviour. However, Members advised some caution that the process could

potentially be misused in certain areas by anti-regeneration groups, who were opposed to a night-time economy.

Resolved – That the report be noted and the comments of Members be referred to the Licensing Committee for consideration.