



Cumulative Impact Policy 2024

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20/06/2024	Draft Policy	AW	
12/11/2024	Approved at Admin and Regulation committee	AW	

Cumulative Impact Assessment

The concept of Cumulative Impact has been described within the Secretary of State's Guidance since the commencement of the Licensing Act 2003. It has formed a part of our council's adopted licensing policy as of 07 January 2021 with the aim to continue in some form as part of this process. The assessment is a legitimate resource for the authority to consider when discharging its licensing functions and developing its licensing policy. It is also consistent with the authority's obligations to prevent crime and disorder as outlined in Section 17 of the Crime and Disorder Act 1998. However, this assessment shall not relate to the demand for certain types of premises (need). The issue of 'need' is not a relevant matter for the authority to consider within the licensing policy statement.

Cumulative Impact for the purposes of this policy means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in an area or areas. For example, this may include the potential impact on crime and disorder or public nuisance on an area that a large concentration of licensed premises may have.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing section 5A of the Licensing Act. This amendment came into force on 6 April 2018.

This Cumulative Impact Assessment (CIA) is therefore being published under these new provisions of the Licensing Act 2003. The assessment will be reviewed every three years from the date it came into force consulting the persons outlined in Section 5 of the Licensing Act 2003. Regard is also had to local planning polices and other mitigating measures (set out below).

This assessment relates to the area shown within the policy as a Cumulative Impact Area. This assessment applies to all grants and material variations of premises licences and club premises certificates.

The assessment will relate to all premises within the specified area that have a premises licence or a club premises certificate which will be carrying on or proposing to carry on the following licensable activities:

- The sale or supply of alcohol on or off the premises
- The provision of late night refreshment on or off the premises
- The provision of any regulated entertainment

Whilst this Cumulative Impact Assessment does not apply directly to Temporary Event Notices, the Secretary of State's Guidance to the Licensing Act 2003 states that it is open to the police and Environmental Health officers to refer to this assessment and the evidence contained within it when objecting to a TEN. The authority believes this is the right approach as extension of hours within the Cumulative Impact Area can have a direct impact on the promotion of the licensing objectives.

This assessment is being published because the authority is of the opinion that within the Town Centre, Central Ward and a small part of the South ward area the number of licensed premises and club premises certificates could undermine the authority's duty to promote the licensing objectives should any further licences or variations to licences are granted. This opinion has been reached after careful consideration of evidence showing high levels of public nuisance, anti-social behaviour and crime and disorder within these areas.

The content of this assessment does not change the fundamental way that decisions are made under the 2003 Act. The Authority will make all decisions on applications within the Town Centre, Central Ward and a small part of the South ward Cumulative Impact Area on a case by case basis with a view on how best to promote the licensing objectives. It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as 'any other person' within the Act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the Act.

It is the general policy of the authority to refuse applications for the grant or variation of a premises licence or club premises certificate in the Town Centre, Central Ward and a small part of South ward as identified in this assessment of the Cumulative Impact Area. This general policy refers to all licensable activities specifically the sale of alcohol on or off the premises, the provision of late night refreshment on or off the premises and regulated entertainment. It also applies to material variations for the increase in capacity, the increase in opening hours and any other matter the authority considers relevant.

However, the policy is not absolute, and applicants will have the opportunity to address matters affecting Cumulative Impact within their application. Applicants will have to demonstrate that their application and proposed operation is not inconsistent with the authority's licensing policy, this assessment and the authority's ability to be able to promote the licensing objectives.

A cumulative impact policy creates a rebuttable presumption that an application within the designated cumulative impact areas for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.

An applicant wishing to obtain a new or varied licence for premises falling within any of the cumulative impact areas must identify, through the risk assessment process and operating schedule, the steps that they intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

There are mechanisms and interventions, both within and outside the licensing regime, that are available for mitigating adverse impacts on the licensing objectives and should be considered alongside local licensing policy by the licensing authority, responsible authorities, other persons, licensed premises and new and existing applicants:

- Planning controls
- Voluntary or best practice schemes
- Positive measures to create a safe and clean environment in partnership with local businesses and communities
- Provision of CCTV
- Powers to designate parts of the town as places where alcohol may not be consumed publicly
- provision of transport facilities including taxi ranks
- Confiscation of alcohol from adults and children in designated areas
- Police enforcement of the law with regard to disorder and antisocial behaviour, including the issuing of fixed penalty notices
- Enforcement action against those selling alcohol to people who are inebriated

- Police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise
- The power of police, local businesses or residents to seek a review of the licence or certificate

In areas where there is an excessive accumulation of off and on licensed premises, it is relatively straight forward to provide a direct correlation between those premises and public nuisance, anti-social behaviour and crime and disorder in the area, through an analysis of the evidence including operating hours of the premises and the peak times for incidents and calls for service.

It is more challenging but not impossible to provide a direct correlation between the accumulation of off licensed premises and public nuisance, anti-social behaviour and crime and disorder in the same way. It is recognised that people are not necessarily drinking on or near to the premises where they purchased the alcohol, and may delay drinking the alcohol until they arrive at home or consume the alcohol elsewhere.

However, in the identified areas there is an issue with people drinking on the street and causing disorder and anti-social behaviour issues. The council and Bedfordshire Police have evidence, off licences in the town centre are selling alcohol popular to street drinkers. Opening new off licences in these areas, where street drinking and the associated anti-social behaviour is most problematic would add to the problems already being experienced in the area.

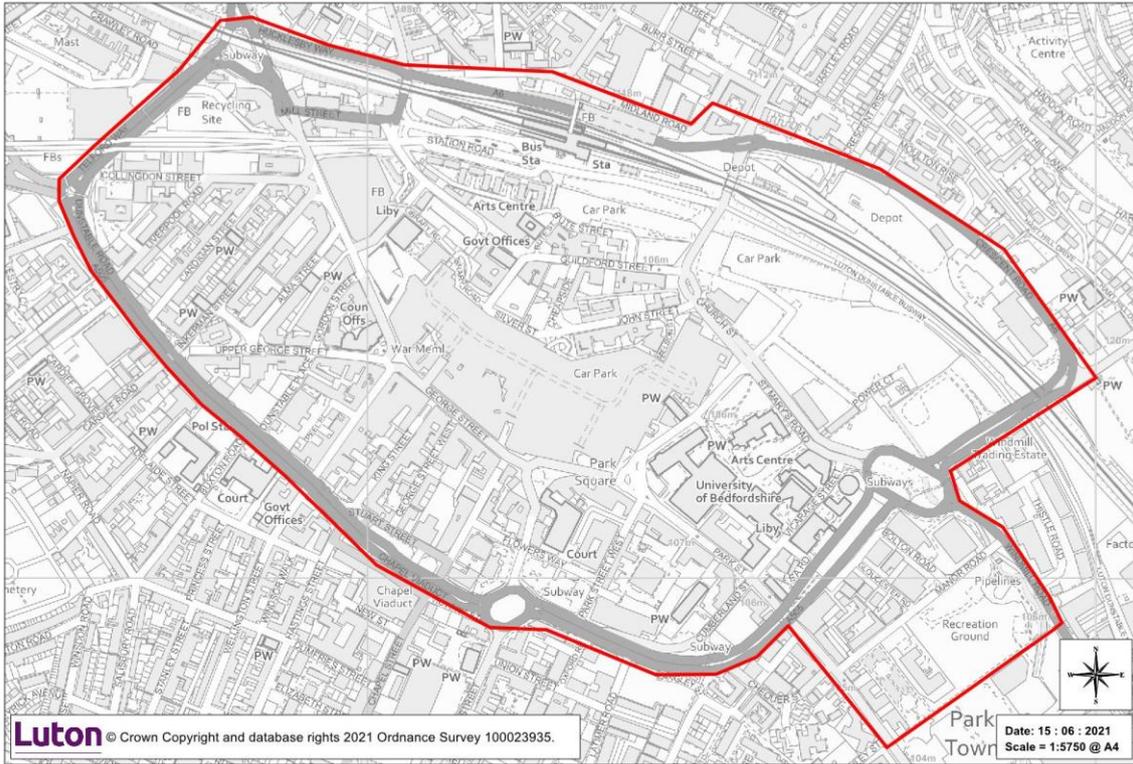
Luton Borough Council have applied a cumulative impact policy including the following areas:

Town Centre Areas, Central Ward, and South Ward

1. Stuart Street
2. Dunstable Road
3. Midland Road
4. Windmill Road
5. Manor Road
6. Vicarage Street
7. Bolton Road
8. Gloucester Road
9. Park Street
10. Cumberland Street
11. Park Street West
12. St Marys Road
13. Church Street
14. George Street
15. Flowers Way
16. Chapel Street
17. George Street West
18. King Street
19. Wellington Street
20. Peel Street
21. Dunstable Place
22. Upper George Street

23. Gordon Street
24. Alma Street
25. Inkerman Street
26. Cardigan Street
27. Liverpool Road
28. Lea Road
29. Collingdon Street
30. Mill Street
31. New Bedford Road
32. Library Road
33. Silver Street
34. Bridge Street
35. Station Road
36. Bute Street
37. Guildford Street
38. Cheapside
39. John Street
40. Melson Street
41. Crescent Road
42. Crawley Green Road

For the avoidance of doubt, The Mall Shopping Centre in its entirety, is included within the Cumulative Impact Policy. This includes shops and premises regardless of whether access is required through the Mall Shopping Centre or separate access points.



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Park
Town
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These areas have been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in these areas continue to adversely affect the promotion of the following licensing objectives:

- prevention of crime and disorder
- prevention of public nuisance
- protection of children from harm
- public safety

Luton Borough Council will seek to refuse all applications in these areas on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or existing premises extending their hours of operation.

The council will only grant applications in exceptional cases, where the applicant has been able to identify through rigorous risk assessments and their operating schedule that the licence would not have a negative impact on the licensing objectives.

This applies to alcohol led premises such as bars, pubs and nightclubs, and for premises seeking late night refreshment such as takeaways, late opening restaurants and premises seeking to sell alcohol for consumption off premises, such as off licences and convenience stores.

Other Initiatives within the Cumulative Impact Area

Prospective applicants and current licence holders should also familiarise themselves with the other initiatives within the Cumulative Impact Areas. These have been implemented by the licensing authority in conjunction with its partners to assist in reducing public nuisance, anti-social behaviour and crime and disorder within these areas with particular regard to the evening and night time economy.

- Luton Safe
- Luton Community Safety Partnership
- The support of street pastors scheme
- Public Space Protection Order
- Test purchasing
- Regular routine inspections
- Purple Flag
- Best Bar None

Applicants who wish to operate in the Cumulative Impact Area will be expected to be familiar with and supportive of these initiative and work in partnership to maintain a cohesive and best practice approach to promoting a safe environment in the town.

What is the effect of the Cumulative Impact Policy

The adoption of the Cumulative Impact Policy does not prevent any person making an application for a licence or giving a temporary event notice for premises within the designated area.

Responsible authorities and interested parties must note that the licensing authority can only give effect to the Cumulative Impact Policy in respect of any application for premises within the cumulative impact areas if a relevant representation is received. If no relevant representations are received in respect of an application, the licensing authority is obliged to grant that application in terms that are consistent with the applicants operating schedule. The responsible authorities and other persons are encouraged to set out in their representations to make reference to this assessment and the evidential basis and any other matters that they consider would add to the existing cumulative impact as may be relevant to an application.

Applicants will be expected to address Cumulative Impact Assessment through the contents of their application and in particular their risk assessment, operating schedule, proposed conditions, operating style and supporting information. Applicants are encouraged to have pre-application discussions with the licensing authority and relevant Responsible Authorities and proper consultation with persons likely to be affected by the application to address any likely concerns in the application. They should address how the application will contribute to the vision and policies for the town of the licensing authority (including the planning and development of the town and its economic, social and environmental well-being). They should also address the deliverability of the perceived benefits and the avoidance of negative impacts on the licensing objectives in such a way that provides confidence to the licensing authority, responsible authorities and other persons.

The absence of a Special Policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence or in respect of a temporary event notice on the grounds that the premises will give rise to adverse impacts on the basis of cumulative impacts.

Evidence and support for the Cumulative Impact Policy

Since it was first introduced in January 2021 the Cumulative Impact Policy has had widespread support from the responsible authorities – police, licensing authority and the community safety partnership.

For the purposes of this Cumulative Impact Assessment the community safety partnership has compiled a report to support the continuation of the Cumulative Impact Policy.