



## Consultation on the Licensing Cumulative Impact Policy

Peterborough City Council are consulting on the current Cumulative Impact Policy in place for Millfield New England area known as 'Op Can Do' and invite your comments.

The consultation will run from 6 August 2018 to 23 September 2018. Should you wish to respond and make comment, please ensure that you do so prior to the end of the consultation period, to ensure your comments can be properly considered, prior to determination.

Any person who wishes to respond to the consultation may do so in the following manner:

In writing to: Peterborough City Council, Licensing Team Consultation Officer, Sand Martin House, Bittern Way, Fletton Quays, Peterborough, PE2 8TY

Or by email to: [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk)

Please note: We are unable to accept verbal responses, however, should any person require any further information or clarification on the Cumulative Impact policy or the consultation process, please call 01733 747474.

Your comments will assist the council in determining if the current cumulative impact policy is still relevant to the present day situation in the Op Can Do area. A cumulative impact policy must be evidence based, therefore if the evidence no longer supports the policy, the policy must be removed from the overarching Statement of Licensing Policy, or amended in line with the evidence provided to address the current situation and problems identified.

Comments must relate to the effect that licensed premises are having, positive and/or negative and must relate to at least one of the four licensing objectives, which are:

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

Please be aware that comments which just state '*we do not need any more licensed premises in this area*' are not considered valid under the Licensing Act 2003. 'Need' concerns commercial demand and is a matter for the planning authority and market to determine.

The current cumulative impact policy including plan and named streets affected, can be found within section 11 of the overarching Statement of Licensing policy at the end of the link below.

<https://www.peterborough.gov.uk/business/licences-and-permits/licensing-act/>

The council determined to introduce the Cumulative Impact policy in the Op Can Do area in 2013, (following a consultation and review of the evidence received), as it could no longer be satisfied that the granting of further licenses in this area, would be consistent with the authority's duty to promote the licensing objectives. (See link below for further information)

<http://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=142&MId=2936&Ver=4>

A Cumulative Impact policy helps 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. It creates a rebuttable presumption, meaning that applications which receive valid objection(s) are unlikely to be granted, unless the applicant can demonstrate that the granting of the application will not further add to the issues identified.

A review of the Statement of Licensing Policy, including the Cumulative Impact policy took place in 2015. Sufficient evidence existed at that time to indicate that the cumulative impact policy was still required and the policy remained in place. (See link below for further information)

<http://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=142&MId=3528&Ver=4>

Following the introduction of the Policing and Crime Act 2017, the council is required to review the cumulative impact policy every three years, to ensure it remains relevant to the current situation in the identified area.

(Continued over)

Your views and comments are invited, to enable the council to determine if the current cumulative impact policy is still relevant to the present day situation in the Millfield New England area known as Op Can Do. This is your opportunity to inform the council about how you are affected positively or negatively, by licensed premises in this area.

You may be of the opinion that the policy should remain in place as you continue to experience problems relevant to the accumulation of licensed premises in this area. If so, it would be helpful if you could include details of what you experienced, including if and who you reported the problem to, including any reference number you were given.

Or, you may have the opinion that licensed premises have a beneficial effect on the area and in general. That the issues previously raised to implement the policy no longer exist, therefore, the cumulative impact policy should no longer apply. This would mean that applications in the Op Can Do area would be subject to the same determination process as applications elsewhere in Peterborough.

You may have the opinion that a cumulative impact policy is still required, but is currently too wide and should not apply to a type of premises. For example, premises which provide licensable activities on the premises, as they can promote community cohesion and are under the control of the licence holder. So the policy should be amended and targeted to only apply to applications which provide off sales of alcohol and late night refreshment off the premises, or that it should only apply to new applications which include the sale of alcohol, etc. as they will exacerbate existing issues.

All responses will be properly considered along with any supporting statistical and evidential data, prior to determination of the policy.

Please note:

- Cumulative Impact policies relate to new and variation applications and cannot be used to revoke existing authorisations.
- Each application is determined on its own merits.
- Section 14.39 of Section 182 guidance states:  
*'When publishing a CIA a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described. The evidence is used to justify the statement in the CIA that it is likely that granting further premises licences and/or club premises certificates in that area (limited to a kind described in the assessment), would be inconsistent with the authority's duty to promote the licensing objectives.'*

Please read the consultation document and respond prior to 23 September 2018 with your comments.

## **11. CUMULATIVE IMPACT**

- 11.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Council can consider within its licensing policy statement. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises, e.g. a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.
- 11.2 The licensing authority can only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives.
- 11.3 Following concerns as to the perceived saturation of licensed premises in the area known as Op Can Do attached as Appendix 1 with a list of streets attached as Appendix 2, the licensing committee approved the consultation of a review of the Statement of Licensing Policy to include a special policy in that area.
- 11.4 The following steps were undertaken by the licensing authority in considering whether to adopt a special policy on cumulative impact for the Op Can Do area:
- Identified concern about the negative impact on the licensing objectives
  - Considered whether there is evidence to support the concerns identified that crime and disorder and nuisance is occurring and is associated with licensed premises
  - Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a special policy in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation
  - Having considered the available evidence and undertaken consultation, the licensing authority determined that it is appropriate to control cumulative impact.

### **Special Policy on Cumulative Effect**

- 11.5 The Licensing Authority has adopted (following a meeting of the full council on 17 April 2013) a special policy relating to cumulative impact in respect to all licensed premises for the Op Can Do area. The special policy took effect on 18 April 2013.
- 11.6 This special policy creates a rebuttable presumption that applications within the Op Can Do area for new premises or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.
- 11.7 Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.
- 11.8 Despite the presumption against grant, responsible authorities and/or other persons will still need to make a relevant representation before the licensing authority may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions as are consistent with the Licensing Act 2003). Responsible authorities and other persons can make a written representation referring to information, which had been before the licensing authority when it developed its statement of licensing policy.
- 11.9 This licensing authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 11.10 A special policy will not be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises.

- 11.11 The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered.
- 11.12 A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.
- 11.13 A special policy relating to cumulative impact cannot justify, and will not include provisions for a terminal hour in a particular area or impose quotas - based on either the number of premises or the capacity of those premises.
- 11.14 This special policy will be reviewed regularly in line with the statutory requirements to review the Statement of Licensing Policy unless the licensing authority deems it appropriate to review in the interim period. Consultation will take place with those identified in 5.2 of the policy, responses can be based on intelligence such as;
- Health data including wider public health and local alcohol profiles for England (LAPE) data [www.lape.org.uk](http://www.lape.org.uk)
  - Data on alcohol related and alcohol specific hospital admissions, alcohol related deaths in the local area and the number of people in a structured alcohol treatment service.
  - Data about crime and disorder or nuisance occurring, or whether activities are a threat to public safety or children from harm.
  - If problems are occurring, to identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent.
  - Complaints and calls for service from residents or businesses
- 11.15 The absence of a special policy however, does not prevent any responsible authority or other persons making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 11.16 Once away from licensed premises, a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing these problems. Other mechanisms both within and outside the licensing regime are available for addressing such issues. For example:
- Planning controls
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
  - The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
  - Powers of local authorities to designate parts of the local authority area as Public Spaces Protection Orders. Confiscation of alcohol from adults and children in designated areas.
  - Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices.
  - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale).
  - Powers to close down instantly premises or temporary events to prevent a nuisance or disorder from continuing, recurring or occurring.
  - The power for responsible authorities and other persons to seek a review of a premises licence or club premises certificate.
- 11.17 The above may be supplemented by other local initiatives that seek to address these problems, for example through Safer Peterborough Partnership, in line with the strategic objectives for crime and disorder reduction in the city.

Map Showing Current CI Policy Area in Green

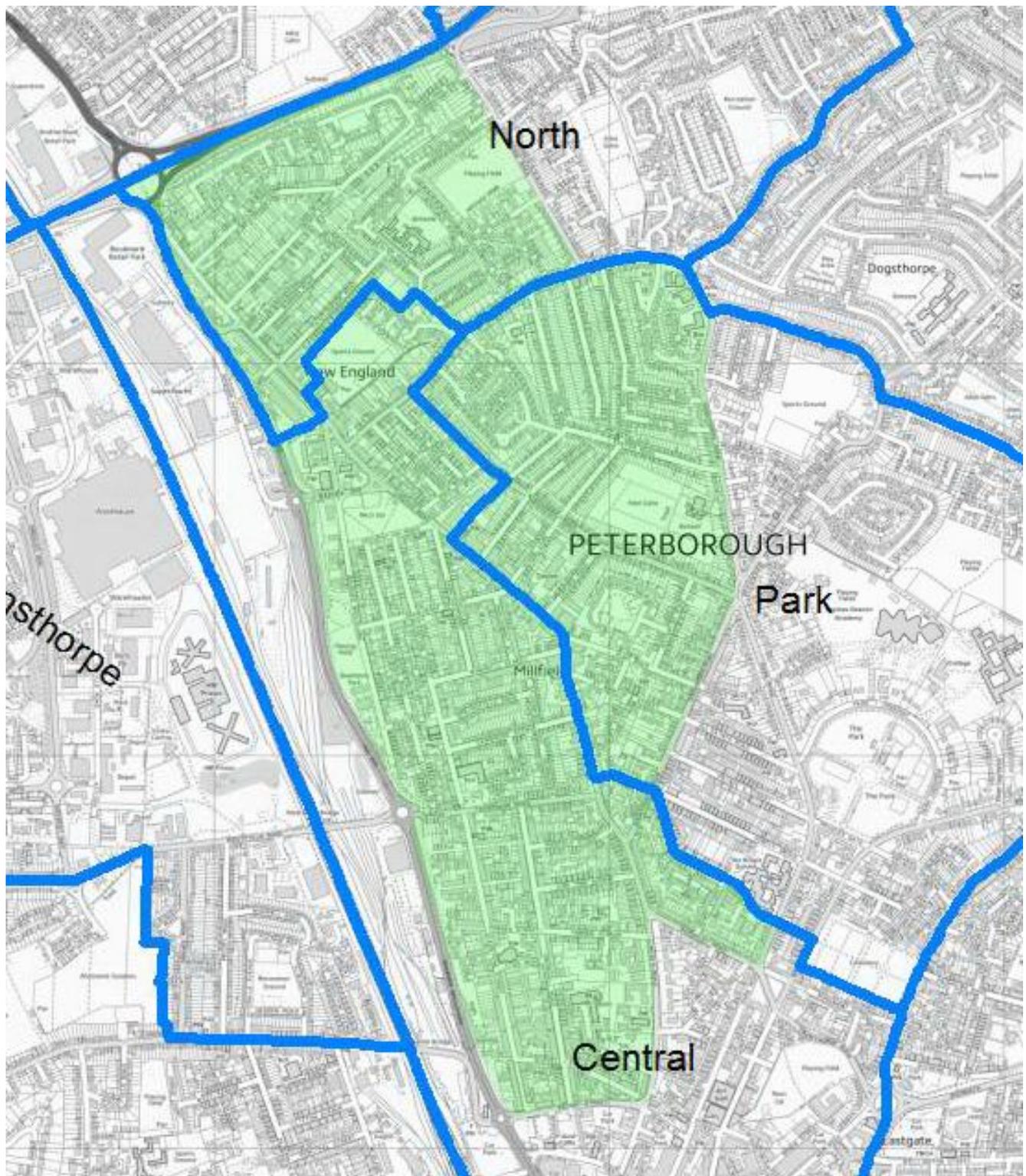


Table of Street Names Within the Current CI Area

Streets in the Op Can Do area		
Alexandra Road	Keats Way	1-359 Dogsthorpe Road
Allen Road	Keeton Road	40 - 50 Bright Street
Alma Road	Kipling Court	Beckets Close
Bamber Street	Lammas Road	Berry Court
Beech Avenue	Lawn Avenue	Boswell Close
Belham Road	Lime Tree Avenue	Burghley Mansions
Bourges Boulevard	Lincoln Road	Burns Close
Brassey Close	Link Road	Burrows Court
Brownlow Road	Lister Road	Carl Hall Court
Burghley Road	Lynton Road	Caroline Court
Burmer Road	Maskew Avenue	Cecil Pacey Court
Cambridge Avenue	Norfolk Street	Century Square
Cecil Road	North Street	Claridge Court
Chantry Close	Northfield Road	Coleridge Place
Chaucer Road	Norton Road	Connaught Mews
Church Walk	Nursery Close	Cromwell Court
Clare Road	Occupation Road	Dogsthorpe Grove
Clarence Road	Park Road	Dyson Close
Cobden Avenue	Parliament Street	Gillwell Mews
Cobden Street	Peveril Road	Gray Court
Cowper Road	Pope Way	Hamilton Court
Craig Street	Portland Avenue	Ingleborough
Cromwell Road	Russell Street	Johnson Walk
Crown Street	Scotney Street	Kimbolton Court
Dryden Road	Searjeant Street	Lincoln Gate
Eaglesthorpe	Shakespeare Avenue	Loire Court
English Street	Sheridan Road	Manor House Street
Exeter Road	Silverwood Road	Old Court Mews
Fitzwilliam Street	Springfield Road	Oxford Road
Foxdale	St James' Avenue	Parkodi Court
Fulbridge Road	St Mark's Street	Popley Court
Geneva Street	St Martins Street	'Raedwald Court
Gilpin Street	St Paul's Road	Rock Road
Gladstone Street	Stone Lane	Rosehall Court
Granville Street	Summerfield Road	Russell Mews
Green Lane	Taverners Road	Salaam Court
Hankey Street	Tennyson Road	Shelley Close
Harris Street	Thistlemoor Road	St Marks Apartments
Henry Court	Towler Street	St Marks Court
Henry Street	Vere Road	St Martins Mews
Herrick Close	Victoria street	The New Haven
Highbury Street	Warbon Avenue	Tom Lock Court
Windmill Street	Waterloo Road	up to 135 Park Road
Bamber Court	Wilberforce Road	Victoria Place
Walpole Court	York Road	