



## **FAQs - Cumulative Impact Assessment**

### **What is Cumulative Impact?**

Cumulative impact refers to the potential impact on the promotion of licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm) due to the number of licensed premises concentrated in one area.

This cumulative impact may be caused despite the best efforts of responsible licence holders and is not an indication of badly managed premises. It is instead the combined effect of multiple premises in close proximity, and the overall numbers of customers being attracted to an area. When people attend premises in highly saturated areas, it can lead to various negative effects related to crime, disorder, public nuisance, public safety and high demand on local services.

### **What is a Cumulative Impact Assessment (CIA)?**

A Cumulative Impact Assessment is a formal assessment by the licensing authority of the number of premises in a defined area, and the evidence of impact those premises may be causing as a whole, not the impact individual premises have on an area or how those individual premises are managed. There is a statutory process to follow in order to publish a CIA.

### **Is this consultation the Cumulative Impact Assessment (CIA)?**

No. A Cumulative Impact Assessment is only published following consultation. At this stage the licensing authority is considering whether or not to publish a CIA. This consultation sets out the licensing authority's proposal to publish a CIA, and the reasons for that proposal.

### **What is a Cumulative Impact Policy (CIP)?**

A Cumulative Impact Policy is a section of the overall licensing policy that sets out how the licensing authority will have regard to its Cumulative Impact Assessment when applications are received and determined. When a Council introduces a Cumulative Impact Policy it means that people wishing to apply for a new or variation of a licence of the type included in the policy must demonstrate that they will not add to or have a cumulative effect on issues such as public nuisance and crime and disorder in the designated areas.



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It essentially means that any applicant that wishes to apply for a licence under the Licensing Act 2003 within a Cumulative Impact Zone must prove that they will not add to the detriment of the area.

### **What is a Cumulative Impact Zone (CIZ)?**

A Cumulative Impact Zone is an area identified by a cumulative impact assessment as having a high concentration of licensed premises, and where there is evidence of a negative cumulative impact associated with that concentration of premises.

### **What is the objective of a Cumulative Impact Policy (CIP) or Cumulative Impact Assessment (CIA)?**

The licensing authority has a statutory duty to carry out its functions with a view to promoting the licensing objectives. The objective of a CIP is to reduce crime and disorder and public nuisance in areas of the Borough with a high saturation of licensed premises that has been identified by a CIA.

### **What are the legal requirements for introducing a CIA)?**

Introducing a CIA involves several steps, which are:

1. The licensing authority consults on its proposal to publish a Cumulative Impact Assessment.
2. For the consultation, the licensing authority must provide the following information:
  - The reasons why it is considering publishing a cumulative impact assessment.
  - A general indication of the part or parts of its area which it is considering describing in the assessment.
  - Whether it considers that the assessment will relate to all relevant authorisations (“licences”) or only to licensing of a particular kind. e.g. the assessment may be limited to only include licences that allow certain licensable activity, such as alcohol sales or late night refreshments.
3. Following consultation, and if the licensing authority is still of the opinion that a cumulative impact assessment is necessary, the licensing authority publishes that assessment. In the assessment the licensing authority will state that it considers the number of licences in force in that area has reached a point where the granting of any more licences is likely to have a negative impact



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- The assessment must set out the evidence for the licensing authority's opinion
  - The assessment may relate to all licences or be limited to licences of a kind described in the assessment. E.g. the assessment may be limited to only include licences that allow certain licensable activity, such as alcohol sales or late night refreshment.
4. Once a cumulative assessment is published, the licensing authority incorporates the assessment in its licensing policy as the Cumulative Impact Policy, which sets out how the licensing authority will have regard to the assessment.
5. The cumulative impact assessment is then reviewed every 3 years.

The Statutory Guidance issued under the Licensing Act 2003 provides a list of Information which licensing authorities may be able to draw on when considering whether to publish a CIA including:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local and parish councillors;
- evidence obtained through local consultation;
- trends in licence applications by types and terminal hours;
- Capacities of licensed premises
- Underage drinking statistics.

### **Fundamental Principles for a Cumulative Impact Policy**

After publishing a cumulative impact assessment, the licensing authority will have regard to that assessment by including a Cumulative Impact Policy (CIP) as a section in its licensing policy. This will be on the following basis:

- (a) The CIP creates an evidential presumption: namely, that it is likely that applications for the grant of any further relevant authorisations in the areas identified in the CIA would negatively impact on the licensing objectives.
- (b) It is for an applicant to rebut that presumption.



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- (c) Those making representations against an application for a further relevant authorisation in respect of premises located in an area the subject of a CIP are not required to adduce evidence that there would be negative cumulative impact if the application were granted. The policy presumption applies whether or not they adduce evidence.
- (d) The likely negative impact presumed by the Policy is not limited to an impact on the immediate vicinity of the premises the subject of an application but extends to the whole of the CIA areas.

### **Does it mean all applications in Cumulative Impact Zones will be refused?**

No. A CIA/CIP does not change the fundamental ways that decisions are made under the Licensing Act 2003. The Licensing Authority will make all decisions on applications within the cumulative impact zone on a case-by-case basis, with a view on how best to promote the licensing objectives. Each application will be considered on its own merits.

A cumulative impact policy to refuse an application can only be invoked if the Licensing Authority receives relevant representations from residents, responsible authorities or other persons under the Licensing Act 2003 regarding the granting of a new premises licence application or variation of an existing licence. If there are no relevant representations, the Licensing Authority must grant the application in terms that are consistent with the operating schedule submitted.

Where relevant representations are received against a licence application within the cumulative impact zone, a Licensing Sub Committee hearing will be held. If during the hearing to determine the application, an applicant is able to demonstrate that there will be no negative impact on the authority's duty to promote the licensing objectives and there will be no increase in the cumulative impact, the application may be granted. However, if the applicant cannot demonstrate that an application will not undermine the licensing objectives or demonstrate it will not increase the cumulative impact within the specified cumulative impact zones, then it shall be the policy of this Licensing Authority to refuse the application.

Where relevant representations are received and the Licensing Authority determines to grant an application, the reasons for granting the application will be given to the applicant and all parties who made a relevant representation.

It is open for the Licensing Authority to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule part of the application that they would not be adding to the cumulative impact. Applications in the areas covered by the CIA should therefore give consideration to potential cumulative



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impact issues when setting out the steps that will be taken to promote the licensing objectives.

The CIA, (or CIP), does not remove the requirement for a relevant representation to be submitted by a responsible authority or 'other persons' against an application for it to be considered by the Licensing Sub Committee. As stated above, an application/certificate that does not receive relevant representations is deemed granted under the Licensing Act 2003 (subject to such conditions as are consistent with the operating schedule and any mandatory conditions required by the Licensing Act 2003).

### **Other important factors to note for a CIA:**

By publishing a CIA, the Council is setting down a strong statement of intent about its approach to considering applications for grant and variations of premises licences or club premises certificates in the specified Cumulative Impact Zones.

However, A CIA will not be used as absolute. The CIA shall always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted.

A CIA shall not be used as a ground for revoking an existing premises licence or club premises certificate when representations are received about problems with those premises/club. Where the Licensing Authority has concerns about the effect of activities at existing premises on the promotion of the licensing objectives in a specific area, it may consider other options detailed in the CIA research report ([under Part 5 of the CIA research report](#)).