Appendix D

Section from Statement of Licensing Policy in regards to Cumulative Impact

5. The cumulative impact of a concentration of licensed premises

5.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

5.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Licensing Authority can take into account. 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.

5.3 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. The Licensing Authority will keep the situation as to whether an area is nearing this point under review.

5.4 The absence of a special policy does not prevent any responsible authority or other person making representations on a new application for the grant or variation of a licence on the grounds that the premises will give rise to a detrimental cumulative impact on one or more of the licensing objectives in a particular area.

5.5 Following previous consultations and representations received by Cambridge Constabulary, the Licensing Authority has adopted a special policy on cumulative effect that remains in place.

5.6 In response to these representations the Licensing Authority has undertaken the following steps in considering whether to adopt a special policy on cumulative effect within this statement of licensing policy:
• Identified concern about crime and disorder or public nuisance
• Considered whether there is good evidence that crime and disorder are happening and are caused by customers of licensed premises and that the risk of cumulative impact is imminent
• Identified the boundaries of the areas where problems are occurring
• 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

5.7 Having considered the available evidence and undertaken consultation, the Licensing Authority considers that it is appropriate and necessary to control cumulative impact. The Licensing Authority has adopted a special policy relating to cumulative impact to the areas set out in paragraph 5.8 below.

Special Policy on Cumulative Effect

5.8 The Licensing Authority has adopted a special policy relating to cumulative impact in relation to the areas of the City:
• Within the city centre marked on the map at Appendix 1
• At the Cambridge Leisure Park marked on the map at Appendix 2.
• This area also includes the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of the road).
• The entire length of Mill Road Cambridge (excluding Brookfields)
• The section of Hills Road running from the city to Purbeck Road (both sides of the road).

5.9 The evidence for this special policy has been supplied by Cambridge Constabulary on the grounds of Crime and Disorder and is set out in Appendix 3.

5.10 This special policy creates a rebuttable presumption that applications within the areas set out in paragraph 5.8 for new premises licences 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.

5.11 Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.

5.12 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 operating schedule and any mandatory conditions required by 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.

5.13 The 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 necessary conditions would be ineffective in preventing the problems involved.

5.14 This 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
• to justify rejecting applications to vary an existing licence of certificate except where those modifications are directly relevant to the policy (as would be the case with an

application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives
• to include any provisions for a terminal hour in any particular area which might impose a fixed closing time akin to that under the
'permitted hours' provisions of the Licensing Act 1964
• to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives

5.15 This special policy will be reviewed regularly to assess whether it is still needed or should be expanded

Other mechanisms for controlling cumulative impact

5.16 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:
• planning controls
• positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others
• the provision of CCTV, ample taxi ranks, Cambridge BID and CAMBAC (Cambridge Business Against Crime).
• powers to designate parts of the city as places where alcohol may not be consumed publicly. There are currently 3 Public Spaces Protection Order's in place. These are Donkey Common, Mill Road Cemetery and Ditchburn Place.
• confiscation of alcohol from adults and children in designated areas
• police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices
• 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
• enforcement action against those selling alcohol to people who are drunk.

5.17 The above can be supplemented by other local initiatives that similarly address these problems, for example, through the Cambridge Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the City.