

### **Cumulative Impact 2021-2024 - Special Policy**

38.1. The Council will apply a special policy relating to cumulative impact as provided for by the guidance issued by the Home Office to the area of Camberley town centre bordered by High Street, Pembroke Broadway, Park Street and London Road (as shown on the attached plan). This area has been extended to encompass Southwell Park Road up to Southern Road and Lower Charles Street, back to the London Road, including the Atrium and surrounding premises.

This area has been identified as being under stress because the cumulative impact of the concentration of late night and drink led premises in this area has led to serious problems of crime, disorder and/or public nuisance.

38.2. The evidence for this special policy is set out on the Licensing Act 2003, webpage.

38.3. This special policy creates a rebuttable presumption that applications within the town centre area for new premises licences or club premises certificates or material variations 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.

38.4. For the purposes of this special policy material variation shall be a modification to the structure or use of the licensed premises which would be likely to exacerbate crime and disorder problems arising from the cumulative impact of licensed premises within the town centre area.

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

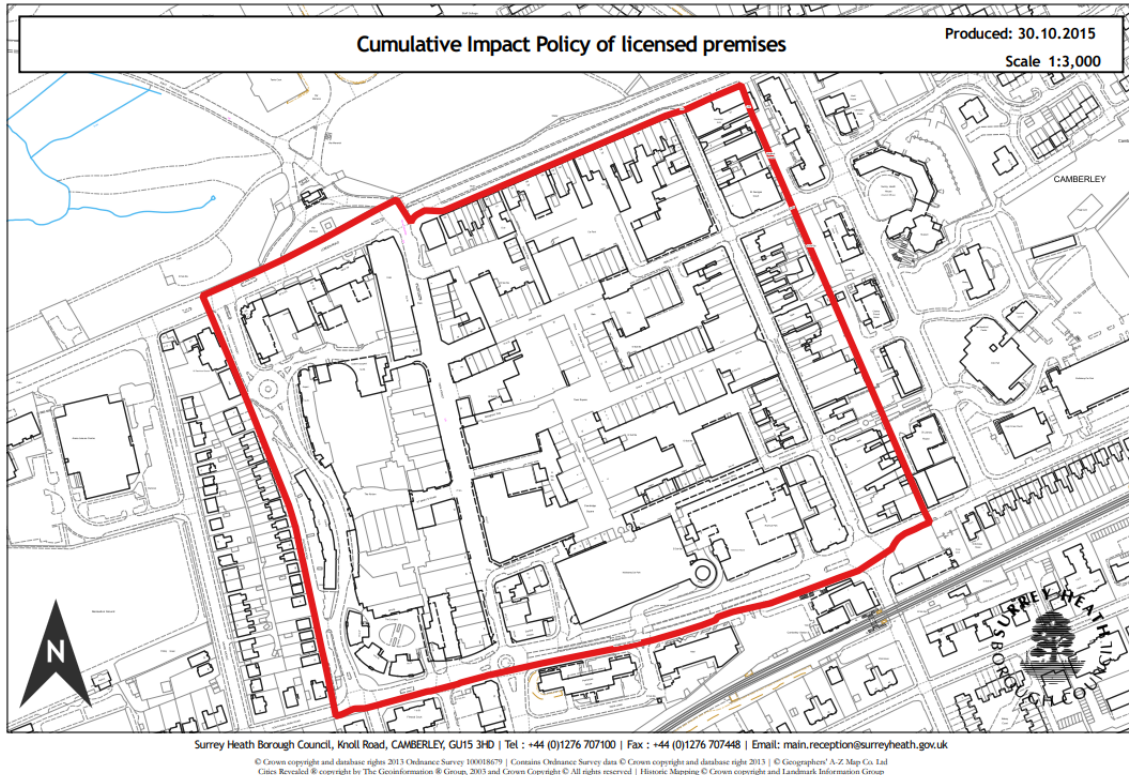
38.6. Despite the presumption against grant, responsible authorities and any other persons will still need to make a relevant representation before the Council may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions that are consistent with the operating schedule and any mandatory conditions required by the Act). However, responsible authorities or any other persons can make written representation maintaining that it is appropriate to refuse the application for the promotion of the crime and disorder objective and referring to information which had been before the Council when it developed its statement of licensing policy.

38.7. The absence of a special policy in relation to any other area of the Borough does not prevent any responsible authority or any other person 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.

38.8. The Council will regularly review any special saturation policies to see whether they are still needed or should be expanded.

38.9. The Council will not take 'need' (of the commercial demand for premises offering a particular type of licensable activity) into account when considering an application, as this is a matter for the market. However, the impact on the promotion of the licensing objectives of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises. This is described as the 'cumulative impact', and is a proper matter for consideration by the Council.

38.10. Special cumulative policy map



38.11. The Council will not use this policy solely:

- as grounds for revoking a licence or certificate when representations are received about problems with an existing licensed premises (after a licence or certificate has been granted or varied, a complaint relating to a general (crime or disorder or nuisance) situation in a town centre would not generally be regarded as a relevant representation if it cannot be positively tied or linked by a causal connection to particular premises), or
  - to refuse applications to vary an existing licence or certificate except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits of a premise, and are strictly necessary for the promotion of the licensing objectives.
- 38.12. The Council recognises that there are other mechanisms both within and outside of licensing regime that are available for addressing the impact of unlawful and anti-social behaviour and nuisance once consumers are away from the premises e.g.

- positive measures to provide a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- the provision of CCTV surveillance in the town centre, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers to designate parts of the Borough as places where alcohol may not be consumed publicly
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from adults and children in designated areas e.g. use of the powers of confiscation contained in the Confiscation of Alcohol (Young Persons) Act 1997
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance the power of police, other responsible authorities, including the Licensing Authority or any other person to seek a review of the licence or certificate in question

- Public Space Protection Orders which can be used by a Council to restrict the consumption of alcohol in a public place.

38.13. The Council will address these issues in line with the strategic objectives for crime and disorder reduction within the Borough.

Review date: October 2020 as part of consultation on Statement of Licensing Policy 2021-2026.