

Lower the evidential hurdle for Cumulative Impact Policies to allow licensing authorities to have more control over outlet density

What is a Cumulative Impact Policy?

Cumulative Impact Policies were introduced as a tool for licensing authorities to limit the growth of licensed premises in a problem area. This is set out in the statutory guidance issued under section 182 of the Licensing Act 2003.

When is a Cumulative Impact Policy used?

At present, Cumulative Impact Policies can only be applied by a licensing authority to an application for a licence when it has received relevant representations from a responsible authority, or interested party, on the potential cumulative impact of the grant of the application in question. Responsible authorities under the Licensing Act 2003 include (but are not limited to) police, fire authorities, health and safety authorities, local planning authorities, environmental health, bodies responsible for protecting children from harm and any licensing authorities (other than the relevant licensing authority) in whose area a premises is situated.

How does a licensing authority implement a Cumulative Impact Policy?

The licensing authority will set out the detail of its Cumulative Impact Policy in its Licensing Policy Statement. Before implementing a Cumulative Impact Policy, a licensing authority will usually conduct a consultation exercise and consider the effect that additional premises will have on the cumulative impact.

What changes are proposed through the Bill?

The statutory guidance governing Cumulative Impact Policies will be more focused on local needs and easier for licensing authorities to implement. This will reduce the evidential requirement on licensing authorities. This will give greater weight to the view of local people as the licensing authority will not be constrained by the requirement to provide detailed additional evidence where such evidence is unavailable.

Why isn't this being taken forward in primary legislation?

Cumulative Impact Policies are currently set out in guidance and at present we do not see a need to put this forward through legislation.

What were the main views of consultation respondents?

Having listened to the views of consultation respondents, we will ensure that the statutory guidance sets out clearly how Cumulative Impact Policies should be used to ensure that these are implemented fairly.