

Special Policy Regarding Cumulative Impact

The Council may take into account the existence of a saturation of premises in one area may have. The cumulative impact of new licences in a particular area may lead to the area becoming saturated with premises of a certain type, making it a focal point for large groups of people together, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. The Council will therefore consider representations from any responsible authority or interested party based on the impact on the licensing objectives if a particular application were to be granted. The onus will be on the person making the representation to provide evidence to support the assertion that the addition of the premises would have the suggested impact on the licensing objectives.

Further, the Council may adopt a special policy regarding cumulative impact where it considers that a significant concentration of licensed premises will or is having an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting such a special policy reference to the steps outlined in paragraph 3.18 of the Licensing Act Guidance shall be made.

Any special policy regarding cumulative impact is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives or the council does not receive any representations the licence will be granted.

A special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises is being operated, representations would be considered and determined in respect of the four licensing objectives. However the special policy may be a justification to refuse an application to vary a licence or certificate.

The Council recognises the difference between cumulative impact and commercial need of premises in an area. Need is a matter for the Council's development control committee and market forces and is not a matter for the Council to consider as part of its licensing function.

The Council will not operate a quota of any description, including any special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned and the differing impact they will have on the local community.

Dudley Metropolitan Borough Council's Special Policy

As a consequence of the number of late night premises within Stourbridge Town Centre (within the Ring Road) area of Dudley Metropolitan Borough Council, the Council and the Police have adopted many special measures to deal with the crime and disorder and anti-social behaviour in that particular area. Measures have included additional police manpower, particularly at weekends; to increase the police presence in Stourbridge Town Centre and the introduction of CCTV, pub watch organisations involving licence holders being encouraged to improve working relationships and to reduce competitive prices, drinks promotions and happy hours.

The Council therefore is adopting a special policy, if representations are made, of refusing licence applications in the above-mentioned Stourbridge Town Centre area, if, by granting them, they would contribute to the cumulative impact on Stourbridge that the Licensing Authority wishes to mitigate.

If an application for a licence for this area is requested the Council will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and, public safety and the steps to be taken to promote the reduction of crime and disorder. The Council will consider the individual merits of any application and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Council will grant the application.

The Council recognises that if no representations are made regarding an application for a licence in an area where a special policy exists, the Council must and will grant the licence.

The policy will be subject to review.