

LICENSING COMMITTEE

17 OCTOBER 2013

RESPONSE TO CONSULTATION ON PROPOSED EXTENSION TO SPECIAL POLICY ON CUMULATIVE IMPACT – LICENSING ACT 2003

REPORT BY GROUP MANAGER – ENVIRONMENTAL HEALTH AND TRADING STANDARDS

SUMMARY

At its meeting in May, the Committee resolved that the area in Kingston Town to which the Council's Special Policy on Cumulative Impact applies will remain as it is, subject to some limited expansion to include the two transport hub areas at Cromwell Road and Wheatfield Way as shown in the map at Annex 2 to this report. Consultation on this proposed zone extension ended on 20 September 2013 and the responses to the consultation, all of which were in support of the extension of the zone, are set out in Annex 3 to this report.

RECOMMENDATIONS

It is **RECOMMENDED** that:

1. the responses to the consultation on the proposal to extend the Special Policy be noted and the Committee determine whether to extend the area to which the Special Policy on Cumulative Impact applies, as shown in Annex 2 of the report;
2. if the area is to be extended, the revised Special Policy on Cumulative Impact with the extended area be **RECOMMENDED** to full Council to approve as an amendment to the Council's Statement on Licensing Policy.

BACKGROUND

1. At its meeting on 31 October 2011, the Council determined that a Special Policy on Cumulative Impact be adopted in respect of an area of the Borough comprising parts of Grove, Canbury and Tudor wards.
2. A copy of the Special Policy, including a map of the area to which it currently applies, is given at **ANNEX 1**.
3. In May 2013, the Committee resolved that the area to which the Special Policy on Cumulative Impact applies will remain as it is, subject to some limited expansion as shown in the map at **ANNEX 2**.

CONSULTATION

4. The proposed extension to the area incorporated within the Special Policy on Cumulative Impact was subject to a period of consultation which ended on 20 September 2013.
5. A number of statutory and non-statutory bodies, together with local business groups, resident associations and members of the licensed trade were directly notified of the consultation.

6. In addition, premises with licences permitting the sale or supply of alcohol located within the Cumulative Impact area were also directly notified, together with Pubwatch and Kingston First.
7. Comments on the proposed expansion to the Cumulative Impact Policy were sought from all parties who were consulted.

RESPONSE TO THE CONSULTATION

8. The Authority received three written responses to the consultation and these are given at **ANNEX 3**.
9. All responses to the consultation were in support of the extension.

PROPOSAL

10. The Committee is requested to determine whether the area incorporated within the Special Policy on Cumulative Impact should be extended.
11. Any agreed Special Policy will form part of the Council's Statement of Licensing Policy, and will replace Annex 3 of that Policy.
12. A draft Policy, which also incorporates the additional decision made at the May 2013 committee meeting (that the policy shall apply to all Licensable Activities as defined by the Licensing Act 2003) is given at **ANNEX 4**
13. Where the Committee agree that the Special Policy on Cumulative Impact should be amended, this must be approved by Council, and the Committee is therefore invited to recommend to the next available full Council meeting the replacement of the Special Policy on Cumulative Impact within the Statement of Licensing Policy, with the Special Policy agreed herewith.

FINANCIAL IMPLICATIONS

14. There are no particular financial implications arising from this report.

LEGAL IMPLICATIONS

15. The licensing authority is required by the Licensing Act 2003 to approve a statement of Licensing Policy once every 5 years, and to undertake revisions as appropriate. The Secretary of State's Guidance on the Licensing Act sets out the framework for agreeing a Special Policy on Cumulative Impact.

EQUALITY IMPACT ASSESSMENT IMPLICATIONS

16. Whilst this report relates to the revision of policy, which would ordinarily require an EQIA, the nature of the changes being proposed are unlikely to impact directly on any particular group in the community, and it is therefore not proposed that an Impact Assessment be carried out.

ENVIRONMENTAL IMPLICATIONS

17. The Special Policy on Cumulative Impact sets out the framework within which decisions are made that affect crime and disorder and public nuisance.

LIST OF ANNEXES

Annex 1 – Current Special Policy on Cumulative Impact

Annex 2 – Maps showing the proposed extension of the area to which the policy applies

Annex 3 – Consultation responses

Annex 4 – Draft Special Policy on Cumulative Impact

Background papers: held by the author of report, David Kingstone, Environmental Health Manager (Licensing & Pollution Control) – tel 020 8547 5537, e-mail: david.kingstone@rbk.kingston.gov.uk