



Licensing Committee

18 July 2019

Title	Cumulative Impact Zone – Proposed Location
Report of	Executive Director for Environment
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Annex 1 – Proposed location of the Cumulative Impact Zone in Burnt Oak
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Summary

This report identifies the area proposed for the cumulative impact zone. Consultation on the adoption of this zone will take place during summer 2019.

Officers Recommendations

1. For the Licensing Committee to note the proposed location of the cumulative impact zone.

1. WHY THIS REPORT IS NEEDED

- 1.1 At the Licensing Committee meeting of 2nd May 2019 it was agreed to consult on the proposed cumulative impact zone in Burnt Oak. This report identifies the area proposed.
- 1.2 A Cumulative Impact Zone (CIZ) may help to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 1.3 CIZ's relate to applications for new premises licences, club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area. Temporary event notices are not affected.
- 1.4 While the evidence underpinning the publication of a CIZ should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the Licensing Act 2003 ("2003 Act"). Each decision in an area still needs to be made on a case-by-case basis with a view to what is appropriate for the promotion of the licensing objectives.
- 1.5 There must be a good evidential basis for a decision to adopt a CIZ. Information which licensing authorities may be able to draw on includes:
 - local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - environmental health complaints, particularly in relation to litter and noise;
 - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
 - residents' questionnaires;
 - evidence from local and parish councillors; and
 - evidence obtained through local consultation
- 1.6 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:
 - trends in licence applications, particularly trends in applications by types of premises and terminal hours;
 - changes in terminal hours of premises;
 - premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

- 1.7 The committee have already determined a CIZ should be considered in relation to the identified problem area in Burnt Oak. As they felt that the local licensing policies were currently not flexible or robust enough to prevent the proliferation of licensed premises in problem areas. It was a cross party motion that a comprehensive review of the London Borough of Barnet's policies be undertaken.
- 1.8 Burnt Oak Ward was identified by the Licensing Committee as an alcohol related violence/crime hotspot. The committee has, in May 2019, instructed the Licensing Department to start the process of collating the evidence from all of the relevant stakeholders and strategic partners in order to produce a draft proposal for a comprehensive Saturation Policy. This report identifies the area proposed for the CIZ.
- 1.9 The draft licensing policy has been amended at Section 5.3 to detail how a CIZ would operate. This section identifies that any CIZ in operation in the Borough will be detailed in Appendix 2. If the consultation supports the adoption of the CIZ in the area detailed in this report the map in Annex 1 would form Appendix 2 of the Licensing Policy.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The committee need to be informed of the exact area proposed for the CIZ.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The report is for noting only.

4 POST DECISION IMPLEMENTATION

- 4.1 The Licensing team will be consulting on the proposed CIZ during summer 2019.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 This review of licensing issues within Burnt Oak, supports the corporate priority of "Tackling anti-social behaviour and environmental crime "

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 As the Licensing policy is already due for revision this year, the consultation on the CIZ will also have no further financial implications and will be delivered within existing resources.

5.3 Social Value

- 5.3.1 Not relevant to this report

5.4 Legal and Constitutional References

5.4.1 Section 5A of the Licensing Act 2003 Act sets out what a licensing authority needs to do in order to publish a CIZ and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act, including:

- (a) The police
- (b) The fire and rescue authority for that area,
- (c) Public health
- (d) Representatives of holders of premises licences issued by that authority,
- (e) Representatives of holders of club premises certificates issued by that authority,
- (f) Representatives of holders of personal licences issued by that authority,
- (g) Businesses and residents in its area.

5.4.2 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council’s Constitution states that the Licensing Committee is responsible for, “*all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.*”

5.5 Risk Management

5.5.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised.

5.6 Equalities and Diversity

5.6.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

5.6.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority’s policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

5.7 Corporate Parenting

5.7.1 Not relevant to this report.

5.8 Consultation and Engagement

5.8.1 A full consultation will be undertaken in relation to this matter, as set out in Section 5A of the Licensing Act 2003. All parties will be advised:

1. The reasons why the Licensing Authority is considering the CIZ

2. Proposed area of the CIZ (Annex 1)
3. What licenses are affected by the CIZ

5.8.2 The evidential basis for the CIZ will also be provided

5.9 Insight

5.9.1 Not relevant to this report.

6 BACKGROUND PAPERS

Statutory Guidance issued under section 182 Licensing Act 2003 (April 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

London Borough of Barnet Licensing Policy, Section 6.

Evaluation of Islington Council CIZ

<https://sphr.nihr.ac.uk/research/cumulative-impact-zone-policy/>

Committee report in relation to PSPO in Burnt Oak
<https://barnet.moderngov.co.uk/documents/s30238/DPPO%20Committee%20Report.pdf>

Community Alcohol Partnership
<https://www.communityalcoholpartnerships.co.uk/about>