
Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Wednesday 17 July 2013

Decision Type: Non-Urgent Non-Executive Non-Key

Title: LICENSING ACT 2003. BROMLEY CUMULATIVE IMPACT AREA

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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: Bromley Town;

1. Reason for report

To seek Members views on the future application of the Cumulative Impact Policy covering Bromley Town Centre in the light of changing circumstances.

2. **RECOMMENDATION(S)**

Members are asked to consider whether to make changes to the cumulative impact policy covering Bromley Town Centre. Four options are suggested -

1. Leave the Cumulative Impact Policy unaltered and allow applications to be made in the usual way, based on their individual merits.

2. Consider a temporary relaxation of the policy to allow those businesses who wish to consider varying their licenses an opportunity to do so. This option could offer an opportunity to proactively manage the process with prior consultation and coordination with businesses and partners to establish common terminal hours for pubs and clubs to prevent businesses leapfrogging closing times, but each application still has to be determined on its own merits.

3. Consider redefining the area covered by the policy

4. Consider removing the cumulative impact policy altogether.

In the case of options 2 , 3 or 4 to ask officers to undertake consultation and submit a further report outlining their implications before a final decision is made.

Corporate Policy

1. Policy Status: Existing Policy: Statement of Licensing Policy 2011 to 2016 which includes the Cumulative Impact Policy for Bromley Town Centre
 2. BBB Priority: Excellent Council Quality Environment Safer Bromley Vibrant, Thriving Town Centres:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Public Protection & Safety Portfolio
 4. Total current budget for this head: £3.2m
 5. Source of funding: Existing revenue budget 2013/14
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Staff

1. Number of staff (current and additional): 56.4 fte
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 75 licenced premises in the area covered by the cumulative impact policy.
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Ward Councillor Views

Have Ward Councillors been asked for comments? The report has been circulated to Ward Members for comment

Summary of Ward Councillor's comments Any Ward Members' comments that have been received will be reported at the meeting

3. COMMENTARY

- 3.1 The Council took over responsibility for the administration of the Licensing Act 2003 in November 2005 and had to prepare a statement of its licensing policy for the period 2005 to 2008 which has subsequently been renewed as required.
- 3.2 The new act established a more flexible approach to the hours that businesses could operate and provide licensable activities, allowing businesses to apply for the hours that they wish to have, subject to a process of consultation. If no objections are received the application is automatically granted. If objections are received then the application is determined by members of the councils licensing subcommittee.
- 3.3 At that time Members were concerned about the large number of existing licenced premises, mainly pubs and clubs, and levels of crime & disorder and the possible adverse impact of the new Act on the promotion of the licensing objectives in Bromley Town Centre and after undertaking the necessary public consultation decided to adopt a cumulative impact policy covering a defined area of Bromley Town Centre with effect from 24 November 2005. That policy is still in place.
- 3.4 A cumulative impact policy establishes a presumption of refusal for applications for new licences and major variations including the time of operation and increasing the capacity of premises. Notwithstanding this policy all applications made under the Act must be determined on its individual merits and Members have the right to grant any application in Bromley Town Centre if they are satisfied that to do so would not have a detrimental effect on the promotion of the licensing objectives, which are
1. The prevention of crime and disorder
 2. Prevention of public nuisance
 3. Public Safety
 4. Protection of children from harm
- 3.5 There is a general recognition that the policy along with other measures taken by the Council and its partners has been successful in protecting Bromley Town Centre from the worst of the excesses that were feared and that crime and disorder has improved.
- 3.6 Since 2005 the nature of the licenced premises has changed in the area covered by the cumulative Impact Area.
1. There is a greater emphasis in food led premises and restaurants.
 2. Two Clubs have closed (Jazzmins and BR1)
 3. The former Royal Bell premises remains closed
 4. More recently the Slug & Lettuce 3 High Street closed and will become a Tesco local
 5. The redevelopment of the Bromley South area has been approved and is progressing, with a number of new licence applications having already been approved.
 6. There is a high rate of turnover of businesses and empty premises businesses in the area of the High Street between Market Square and the junction with Beckenham

Lane.

- 3.7 These factors are indicative of an increasingly difficult trading environment in the town centre, with a particular risk that the top end of High Street / Bromley North / East Street area being disadvantaged.
- 3.8 Informal feedback from businesses to the councils licensing officers suggests that for some of them the cumulative impact policy which makes it difficult for them to apply for longer operating hours is a restrictive factor.
- 3.9 There are a number of possible options open to Members
 - 1. Leave the Cumulative Impact Policy unaltered and allow applications to be made in the usual way, based on their individual merits.
 - 2. Consider a temporary relaxation of the policy to allow those businesses who wish to consider varying their licenses an opportunity to do so. This option could offer an opportunity to proactively manage the process with prior consultation and coordination with businesses and partners to establish common terminal hours for pubs and clubs to prevent businesses leapfrogging closing times, but each application still has to be determined on its own merits.
 - 3. Consider redefining the area covered by the policy.
 - 4. Consider removing the cumulative impact policy altogether.
- 3.10 Should Members be minded to pursue options 2 , 3 or 4 above it is suggested that this Committee ask officers to make enquiries with Bromley Town Ward Members who have not as yet been consulted on this matter, Cllr Morgan- Portfolio Holder for Renewal and Recreation, along with a range of officers and partner organisations including planning, town centre management, the Police and local businesses and residents on their possible effects and to submit a further report

4. POLICY IMPLICATIONS

The Council adopted a statement of Licensing Policy in 2005 which included a special policy of cumulative impact, which has been renewed in subsequent statements of Licensing Policy.

5. LEGAL IMPLICATIONS

The Council is required to adopt and publish a statement of licensing policy, the inclusion of a cumulative impact policy is optional and Members adopted one for Bromley Town Centre from Nov 2005. The Secretary of State has issued statutory guidelines covering the administration of the Licensing Act 2005 including the adoption of cumulative impact policies.

Non-Applicable Sections:	FINANCIAL & PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Licensing Act 2003, Secretary of State's Guidance issued under Section 182 Licensing Act 2003.