

Review of the impact of the Cumulative Impact Zone

What is the ‘cumulative impact zone’?

Under the Licensing Act 2003 and the current version of the Section 18 guidance issued under the Licensing Act 2003 states:

‘A cumulative impact assessment (CIA) may be published by a licensing authority to help it 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. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area’ (Para14.24 December 2022)

In October 2011, a CIA, (formerly called a Cumulative Impact Policy) was first included as part of Derby City Council’s second statement of Licensing Policy and has been included in subsequent statements. This has been applied to an area known as a cumulative impact zone (CIZ) within the city centre – an area defined within the Inner Ring Road coloured yellow (see Chart 1).

This area was identified following a review in 2019/2020 of alcohol fuelled crime and antisocial behaviour related to the night-time economy and unsurprisingly the city centre which has the highest proliferation of bars, restaurants and licensed premises was the key area of concern for emergency services.

What does this mean for the licensed premises in this area?

The evidence that underpins the CIA, should generally be suitable as the basis to refuse a new or full variation application, or impose suitable conditions. It does not create a blanket ban on such applications, as the fundamental way that decisions are made under the Licensing Act 2003 is not changed. Each decision within the area covered by the CIA will be determined on a case-by-case basis, with a view to promoting the licensing objectives.

A CIA, therefore, does not remove the Licensing Authority’s discretion to grant new licences or to vary existing licences.

How has the current Cumulative Impact Policy affected the granting of licences in the defined area?

During the time period 01/03/2020 and 11/11/2022, 21 new premises licence applications were received that were located within the Council’s Cumulative Impact Zone. Of these 19 were granted and 2 were refused. During the same time period 14 full variation applications were received and all were granted. See Table 1

Table 2 outlines how the applications were granted. Of the 33 applications granted, 13 were granted as per the application received, 18 were granted with modified conditions, by agreement with the applicant and the relevant responsible authority. The remaining 2 applications were presented to the Licensing Sub-Committee and were granted with modified conditions.

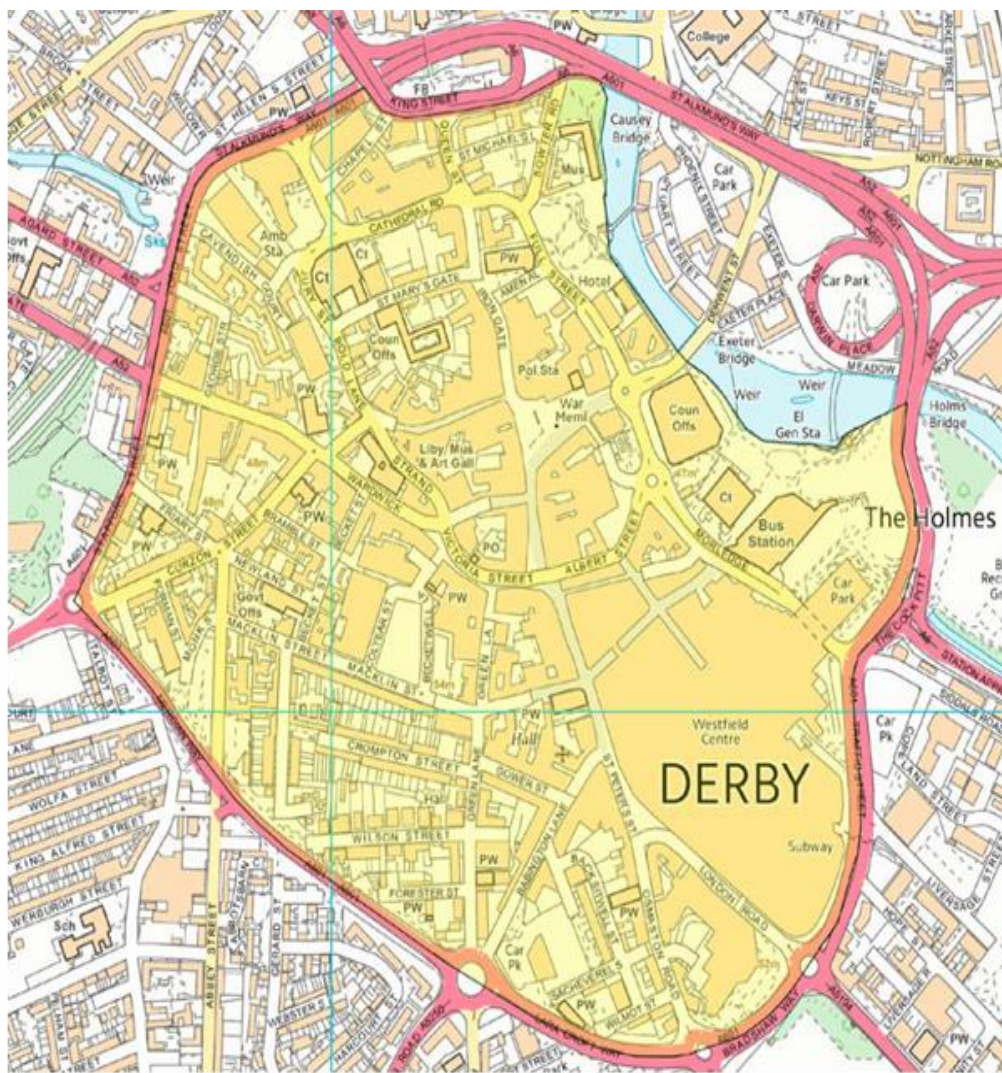


Chart 1 Map of Existing Cumulative Impact Zone (in yellow)

Table 3 outlines the main licensable activity for the premises that applications were granted. The majority, 18, the main activity of the new premise licences covered the sale of alcohol, with only 1 being for late night refreshment. For the variation applications 1 premises had the main activity of entertainment only, with the other 13 involving the sale of alcohol.

Finally, Table 4 indicates the main activity of those premises whose applications were refused, both being for late night refreshment only.

Licence Applications between 01/03/2020 and 11/11/2022 located within the existing Cumulative Impact Zone

Table 1 – Type of Application (Processed)

Type	Granted	Refused
New Premises Licence	19	2
Full Variation	14	0

Table 2 – Outcome of Application

Type	Granted as per Application	Granted with Modified Conditions	Modified Conditions (via Committee)
New Premises Licence	5	12	2
Full Variation	8	6	0

Table 3 – Main Activity of Granted Applications

Type	On & Off Licence	On Licence	Off Licence	Late Night Refreshment only	Entertainment only
New Premises Licence	10	5	3	1	0
Full Variation	12	1	0	0	1

Table 4 – Main Activity of Applications Refused

Type	On & Off Licence	On Licence	Off Licence	Late Night Refreshment only	Entertainment only
New Premises Licence	0	0	0	2	0
Full Variation	0	0	0	0	0

Submission by Ann Walker (acting on behalf of the Licensing Authority, as a Responsible Authority under the Licensing Act 2003)