

## Cumulative Impact Policy – Explained.

The Licensing Act was originally billed as the dawn of 24 hour drinking and a general “free for all” deregulation of the previous licensing laws. However, no sooner than it had come into force, the Government issued “Guidance” which introduced the concept of “cumulative impact”. A decade on, a great many of our towns and cities are now covered by “cumulative impact policies” and it has recently been announced that these are to be put on a statutory footing.

### What does it mean?

In some areas, the sheer number of pubs and bars result in large numbers of people congregating late at night causing problems of crime and disorder, public nuisance and the like. Where a Licensing Authority has evidence (usually from the police) that this is happening, they can introduce a “cumulative impact policy”, the effect of which is to make it much more difficult to obtain a new licence, extend the operating hours of premises or increase the size or capacity of premises in that area.

This is achieved by creating a “rebuttable presumption” that any such application will be refused unless the applicant can show that there would be no adverse effect on the licensing objectives, particularly those of preventing crime and disorder and public nuisance.

The policy might not apply only to bars, nightclubs and other drinking venues but also off-licences, late-night take-aways and other types of premises (but not usually hotels and restaurants).

This is of course difficult but not impossible and at Lacey's, we have been successful in making a number of applications in towns and cities with cumulative impact policies including Bath, Bristol and Bournemouth.

The way in which this is achieved differs not only from place to place but is also dependent on the nature of the premises and the way in which it is intended to operate it. For example, if existing premises seek to extend their opening hours, we might advise that a series of Temporary Event Notices be given to try and assess the effect of opening later. In other cases, we successfully argued that a very substantial investment in high quality premises would have the effect of driving up standards in other premises, thereby having a positive impact on an area rather than a negative one.

For further advice on buying licensed premises, please contact:

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