

## **Appendix A**

### **Cumulative Impact Assessment**

1. Cumulative Impact is defined as the potential impact on the promotion of the licensing objectives of a number of licenced premises concentrated in one area. In some areas where the number, type or density of licensed premises is high, or exceptional, serious problems of nuisance, crime or disorder may occur within or some distance away from the area.
2. A Cumulative Impact Assessment may be published by a Licensing Authority to help it to limit the number or type of 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.
3. The Licensing Act sets out what a licensing authority must do in order to publish a cumulative impact assessment (CIA). This includes publishing the evidential basis for its opinion and consulting on this evidence. A cumulative Impact Assessment must be published, and consulted upon, every three years. The evidence underpinning the publication of the CIA must be suitable as a basis for a decision to refuse an application or impose conditions.
4. The evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the particular problems identified in the specific area to be covered by the CIA. The Secretary of State's Guidance provides a list of Information which licensing authorities may be able to draw on when considering whether to publish a CIA including
  - 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 councillors;
  - evidence obtained through local consultation;
  - Underage drinking statistics.

### **The steps taken to develop the Special Policy on Cumulative Impact**

5. Whilst the Statement of Licensing Policy has incorporated a Special Policy on Cumulative Impact since 2006, this has been reviewed periodically as required by the Act, including the last review carried out in 2023 to take into account the changes brought about by the Policing and Crime Act 2017.

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6. For this review, a report was compiled that plotted the density of licensed premises in the borough against police, ambulance and noise data obtained between April 2020 and March 2023. This was mapped and analysed and together with the outcome of a residents' survey carried out in 2021 that was presented to the Licensing Committee on the 17<sup>th</sup> October 2023. Of the two existing areas where a special policy was in place, the Committee were of the view that there was strong evidence to indicate that two should remain in place. A full consultation was then carried out with residents and business in the borough, or their representatives, as well as with the responsible authorities under the Licensing Act 2003. A copy of the evidence considered by this Committee is available in the report of the Licensing Committee of the 17<sup>th</sup> October 2023, available on request or on the Council's website [www.merton.gov.uk](http://www.merton.gov.uk)
7. A further meeting of the Licensing Committee was held on the 22<sup>nd</sup> February 2024 when the results of the consultation were fully considered and the areas where a special policy on Cumulative Impact will apply were agreed. A copy of the evidence considered by this Committee and minutes of the discussion are available on request or on the Council's website [www.merton.gov.uk](http://www.merton.gov.uk)
8. **Cumulative Impact Assessments (CIA) and Cumulative Impact Policy (CIP)**
  - 8.1. Having regard to the Cumulative Impact Assessment, a Special Policy on Cumulative Impact will apply to the areas as listed in the following sections. The separate areas where Cumulative Impact Assessments have been published are referred to as Cumulative Impact Zones (CIZ)
  - 8.2. The Cumulative Impact Policy, in conjunction with the Cumulative Impact Assessment has the following effect:
    - a) The CIP creates an evidential presumption: namely. that it is likely that applications for the grant of any further relevant authorisations in the areas identified in the CIA would negatively impact on the licensing objectives.
    - b) It is for an applicant to rebut that presumption.
    - c) Those making representations against an application for a further relevant authorisation in respect of premises located in an area the subject of a CIP are not required to adduce evidence that there would be negative cumulative impact if the application were granted. The policy presumption applies whether or not they adduce evidence.
    - d) The likely negative impact presumed by the Policy is not limited to an impact on the immediate vicinity of the premises the subject of an application but extends to the whole of the CIA areas.

## 9. Wimbledon Town Centre CIZ

- 9.1. The area included in the Wimbledon Town Centre Cumulative Impact Assessment is shown in Figure 1 of Appendix 4
- 9.2. The Wimbledon Town Centre CIZ falls within four Wards, Hillside, Abbey, Wimbledon Town and Dundonald. It is a vibrant area with a diverse offering of entertainment venues. It has the highest concentrations of licensed premises in the borough.

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- 9.3. The special policy relates to all applications for new licences or variations that increase the hours or capacity or add licensable activities.
- 9.4. The Cumulative Impact Assessment identified that residents of Wimbledon Town and Dundonald and Abbey Wards register high levels of concern regarding people being drunk and rowdy in public spaces and general anti-social behaviour. These Wards have high levels of complaints to the police about anti-social behaviour, as well as high levels of ambulance call outs for alcohol and assaults and police call outs for violence – non domestic. Although relatively low in numbers, the area also attracts a number of complaints to the Council's licensing and noise teams.
- 9.5. The Authority recognises that it must balance the needs of business with those of local residents. However, currently the number and type of premises are impacting negatively on the licensing objectives. In adopting the special policy, the authority is setting down a strong statement of approach to considering applications for the grant or variation of premises licences in the Wimbledon Town Centre CIZ.
- 9.6. The authority considers that the number of licensed premises in Wimbledon Town Centre Cumulative Impact Area is such that is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics. For example, whilst large nightclubs or late-night bars and public houses might add to the problems of cumulative impact, a small restaurant or theatre may not. For this reason, applications with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:
- 9.7. **Exceptions to Wimbledon Town Centre CIZ**
- a. Premises that are not alcohol led and
    - i. support the people visiting the area during the day; and/or
    - ii. support the wider cultural offering in the area
  - b. Small premises that only intend to operate during daytime hours, e.g. those with a capacity of fifty persons or less who only intend to operate until 11pm.
  - c. Premises that are not alcohol led and intending to open at night after 11pm, where:
    - (a) A comprehensive operating schedule is offered to demonstrate that there will be no negative cumulative impact and which offers a positive contribution to the Night Time Economy, which may include:
      - i. Providing safe spaces for people late at night.
      - ii. Providing a robust Dispersal Policy to ensure minimum disruption to residents, using staff and door security outside the premises, directing customers in an orderly manner away from the premises and remaining outside until all customers have left the vicinity.

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- iii. The adequacy of the applicant's proposals to prevent crime and disorder utilising CCTV and door supervisors as necessary.
- iv. Providing robust staff training manuals and code of conduct to delivery drivers/riders for premises that are applying to primarily offer a delivery service, to minimise noise and disturbance.
- v. Providing clear robust management plans for outdoor areas of licensed premises to reduce noise, odour, and smoke pollution to residents.
- vi. A strong commitment to preventing violence against women and promoting women's safety at night, with steps to include and sufficient numbers of appropriately trained staff, and
- vii. Robust steps are proposed to prevent vertical drinking with restaurant style conditions to restrict alcohol to be ancillary to the service of meals.

- d. Instances where the applicant is applying for a new licence on substantially similar terms to a licence they have recently surrendered for a premises of comparable size in the cumulative impact policy area.

- 9.8. Examples of factors we will not consider as exceptional include but are not limited to:
- a) that the premises will be well managed and run
  - b) that the premises will be constructed to a high standard
  - c) that the applicant operates similar premises elsewhere without complaint

### 10. Mitcham Town Centre CIZ

- 10.1. The area included in the Mitcham Town Centre Cumulative Impact Assessment is shown in Figure 2 of Appendix 4
- 10.2. The Mitcham Town Centre Cumulative Impact Zone mainly falls within four Wards, Graveney, Figges Marsh, Lavender Fields and Cricket Green.
- 10.3. The special policy relates to all applications for new off licence or variation applications that increase the hours or capacity of the premises
- 10.4. Residents of the four Wards in which the Mitcham Town Centre cumulative impact area lies express high levels of concern about anti-social behaviour, people being drunk and rowdy in public places and people hanging around the streets. The area also records high levels of crime, anti-social behaviour and ambulance call outs.
- 10.5. In September 2023, the Head of Community Safety presented a report to the Overview and Scrutiny Commission which included information on street drinking delivery and Public Place Protection Order Enforcement. The report stated that in July 2023, the Council looked at available evidence, the results of a consultation with the public, Police and community representatives and an equalities impact assessment and implemented a borough wide PSPO to address alcohol related ASB. This included the PSPO which operated in five

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wards in the east of the borough (Cricket Green, Figges Marsh, Graveney, Lavender Fields and Ravensbury). The borough wide Order will be in place until July 2026. A summary of the Annual Residents Survey (last conducted in 2021) showed that residents in Mitcham saw being drunk or rowdy as a problem. Residents also expressed concerns about alcohol related ASB and street drinking

- 10.6. In view of the continuing problem with street drinking around Mitcham Town Centre and having regard to the data on levels of crime, anti-social behaviour, ambulance call outs and hospital admissions for alcohol related conditions the Authority approved the special policy on cumulative impact in Mitcham Town Centre as it relates to applications for off-sales of alcohol.
- 10.7. In publishing this cumulative impact assessment, the authority is setting down a strong statement of approach to considering applications or the grant or variation of “off-sales” premises licences in the Mitcham Town Centre CIA. The authority considers that the number of “off-sales” premises licences in the Mitcham Town Centre CIA is such that it’s likely that granting further licences would be inconsistent with the authority’s duty to promote licensing objectives. However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics. For example, alcohol ancillary to the main business activity e.g. florist providing champagne with flowers or cheese shop selling wine to accompany cheese. For this reason, applications for “off-sales” of alcohol with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives
- 10.8. The Licensing Authority recognises that it must balance the needs of business with those of local residents. However, currently the number and type of premises are impacting negatively on the licensing objectives. In adopting the special policy, the authority is setting down a strong statement of approach to considering applications for “off” sales of alcohol for the grant or variation of premises licences and club premises certificates in the Mitcham Town Centre. However, the Authority recognises that the impact of premises can be different for premises with different styles and characteristics of their business model. For this reason, applications with comprehensive operating schedules that meet the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:
- 10.9. **Exceptions to Mitcham Town Centre CIZ**
- a) Applications with comprehensive operating schedules that meet all the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:
- i. Specialist premises selling alcohol ancillary to main activity of business e.g., florist providing champagne with flowers, cheese shop selling wine to accompany cheese.
  - ii. Premises that can demonstrate that the risk of alcohol purchased from the premises being consumed on the street is minimal due to the nature and type of alcohol being sold, which could include the following:
    - i. conditions restricting the sale of high strength alcohol, single cans and miniatures.

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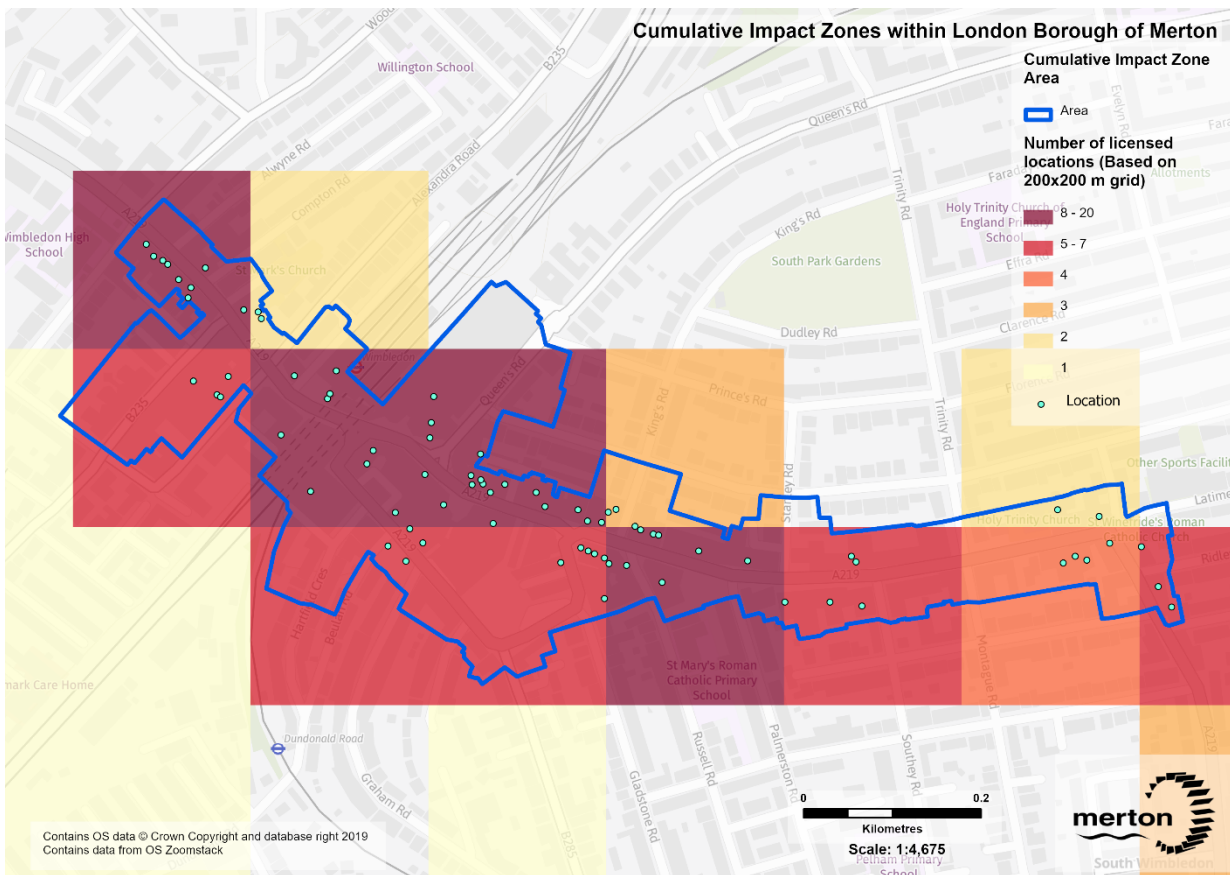
- ii. conditions that no beer, lager, cider, ale or spirit mixers with an Alcohol By Volume (ABV) content of above 5.5% will be sold or offered for sale.
- iii. Instances where the applicant is applying for a new licence on substantially similar terms to a licence, they have recently surrendered for a premises of comparable size in the cumulative impact policy area

10.10. Examples of factors we will not consider as exceptional include but are not limited to:

- a) that the premises will be well managed and run
- b) that the premises will be constructed to a high standard.
- c) that the applicant operates similar premises elsewhere without complaint

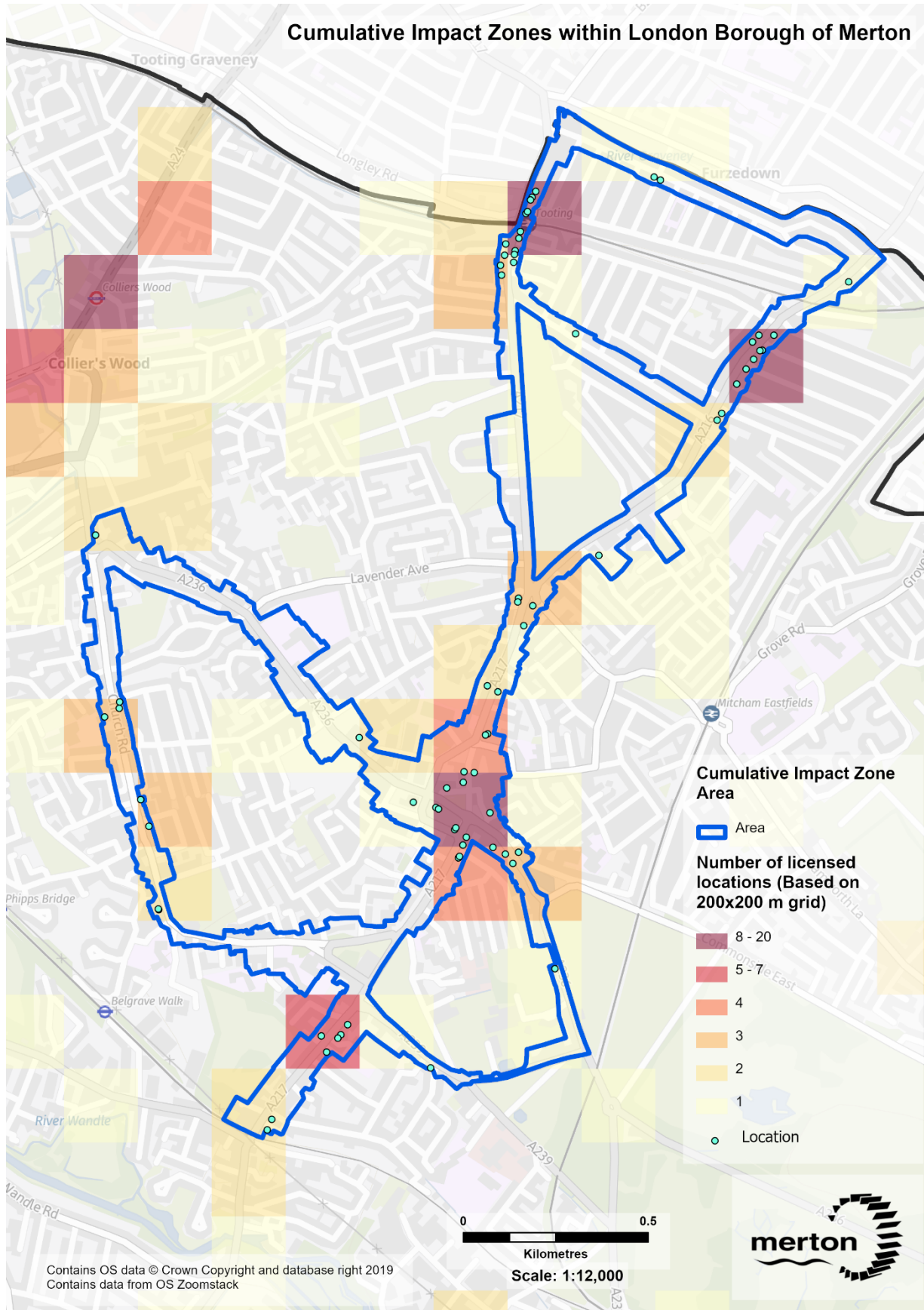
## APPENDIX 4

**Fig 1 Wimbledon Town Centre Cumulative Impact Zone**



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Fig 2. Mitcham Town Centre Cumulative Impact Zone



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