

Committee Name and Date of Committee Meeting

Cabinet – 14 September 2026

Report Title

Licensing Act 2003 - Cumulative Impact Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Executive Director Approving Submission of the Report

Andrew Bramidge, Executive Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

This report seeks approval to commence consultation on the Council's Cumulative Impact Policy, which forms part of the Statement of Licensing Policy under the Licensing Act 2003. The policy was first adopted in 2020 and reviewed in 2023. Where a cumulative impact assessment is in place, the Council is required to review it at least every three years and ensure that any continued or revised approach is supported by an appropriate evidence base.

The current policy includes a Cumulative Impact Zone (CIZ) covering part of the Wickersley area, including parts of Wickersley North, Thurgroft and Wickersley South wards. The existence of the CIZ does not prevent new licence applications from being made, but it requires applicants to demonstrate that their proposal would not add to the cumulative impact already identified in that area.

The recommended approach is to undertake a wide-ranging consultation with residents, businesses, licence holders, Ward Members, responsible authorities and other relevant stakeholders. The consultation will seek views on the effectiveness of the existing CIZ and invite evidence on whether any other areas of the borough may benefit from a CIZ. A further report will then be brought back to Cabinet setting out the consultation findings and any proposed changes to the policy.

Recommendations

That Cabinet:

1. Approve the commencement of a 2 month period of consultation, reviewing the current Cumulative Impact Zone (CIZ) in place in Wickersley, as well as gathering feedback on any additional areas that may benefit from a CIZ.
2. Note, following consultation, a further report will be submitted, detailing recommendations for any changes that are proposed to the policy as a result of the consultation responses.

List of Appendices Included

Appendix 1 Cumulative Impact Policy 2020-23
Appendix 2 Equality Initial Screening
Appendix 3 Carbon Impact Assessment

Background Papers

Rotherham Council Licensing Act 2003,
Statement of Licensing Policy 2025-30
Cumulative Impact Policy 2023-26

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Licensing Act 2003 - Cumulative Impact Policy

1. Background

- 1.1 The concept of Cumulative Impact was introduced through Section 182 Licensing Guidance, issued by the Home Office since the implementation of the 2003 Licensing Act. The Policing and Crime Act 2017 gave Cumulative Impact a statutory basis, allowing a licensing authority to publish a cumulative impact assessment.
- 1.2 In 2020, the Council implemented a Cumulative Impact Policy, as part of the Statement of Licensing Policy, which outlined the Council's approach to cumulative impact within the borough. The Statement of Licensing Policy included a cumulative impact assessment for an area of Wickersley, as the Council believed that the number of premises licensed within this area under the Licensing Act 2003, was such that any further premises would be inconsistent with the promotion of the licensing objectives.
- 1.3 The Cumulative Impact Policy was subjected to a further review in 2023 and the Cumulative Impact Assessment carried out at that time, set out the evidence for the Authority to renew the Cumulative Impact Zone for a further three years. The current Cumulative Impact Policy is attached as Appendix 1.
- 1.4 The Cumulative Impact Assessment does not create a ban on the grant of licences within the assessed zone but does place an obligation on the applicant to demonstrate that the application is suitable for the area. The applicant must provide suitable evidence that their proposal will not add to the cumulative impact within the area.

2. Key Issues

- 2.1 The Council's Cumulative Impact Policy is required to be reviewed every three years, and this review must be consulted upon, with any revisions published alongside an appropriate evidence base. It is proposed that officers conduct a wide-ranging consultation with residents and all relevant stakeholders, to assess the effectiveness of the current policy and consider any changes that may be required.
- 2.2 The consultation will focus on two main elements:
 - A review of the effectiveness of the current cumulative impact zone, which is active in an area of Wickersley.
 - An analysis of any other parts of the borough that may benefit from a cumulative impact zone being implemented.
- 2.3 The outcome of the consultation will determine whether any amendments should be made to the current policy, which will then be considered for adoption by the Council.

3. Options considered and recommended proposal

- 3.1 The Council is not required to have a Cumulative Impact Policy, but if a Policy is published, it needs to be reviewed at least every three years.
- 3.2 The Council could allow the Cumulative Impact Policy to expire, which would in effect remove the Cumulative Impact Zone for Wickersley.
- 3.3 However, the recommended option is that the Council consults on its existing Policy, reviewing the effectiveness of the current cumulative impact zone, as well as analysing whether any further assessments may be required for other parts of the borough.

4. Consultation on proposal

- 4.1 If the recommendations are approved, formal consultation will be undertaken with residents, businesses, licence holders, Ward Members, responsible authorities and other relevant stakeholders. The consultation will be delivered through a range of methods to ensure that those most directly affected, as well as the wider public, have an opportunity to provide evidence and representations. This will include direct contact with all current premises licence holders, direct engagement with responsible authorities and other key stakeholders, notification to Ward Members and Town and Parish Councils, and a web-based survey made available for residents, businesses and members of the public to respond to.
- 4.2 The consultation will invite views on the effectiveness of the existing Cumulative Impact Zone in Wickersley and seek evidence on whether any other areas of the borough may benefit from a cumulative impact assessment. Responses will be reviewed alongside relevant licensing, crime, disorder and community impact information before any final recommendations are brought back to Cabinet.
- 4.3 The purpose of the consultation is to gather evidence and views to inform the Council's future approach. It does not predetermine whether the existing Cumulative Impact Zone will be retained, amended or removed, or whether any additional areas will be recommended for inclusion.
- 4.4 The online consultation will be split into two sections; one section will be for local residents and those representing local people and the other will be directed towards local businesses. The sections will be further broken down according to the location of the business or the residential address, with those within the current zone (Wickersley) being asked different questions to those that are not.
- 4.5 The section aimed at local residents will seek to obtain information on whether people have experienced issues such as noise disturbance, antisocial behaviour etc. within the last 12 months (that is connected to licensed premises in their area). Those respondents within the Wickersley zone will also be asked for their views on the current zone, and what impact it has had on them.

4.6 Business owners within Wickersley will be asked for detail of the impact that the current policy has had on their business. Businesses elsewhere in the Borough will be asked for their thoughts on what they believe will be the likely impact of including their premises within a zone.

4.7 In addition to the surveys described above, the consultation process will involve a review of data held by partners (where that data relates to licensed premises).

5. Timetable and Accountability for Implementing this Decision

5.1 If the recommendations of this report are agreed, consultation will commence following Cabinet approval and will run for a period of eight weeks.

5.2 The findings of the consultation will be evaluated, and a further report brought back to Cabinet for consideration of any appropriate revisions to the current policy.

6. Financial and Procurement Advice and Implications

6.1 The costs of this consultation will be contained within the approved budget for the Licensing service. Any financial implications resulting from proposed changes to the Cumulative Impact Policy following the consultation will be considered as part of the next report to Cabinet.

6.2 There are no direct procurement implications arising from the recommendations detailed in this report.

7. Legal Advice and Implications

7.1 Where a cumulative impact assessment has been introduced by the Licensing Authority, Section 5A of the Licensing Act 2003 states the assessment must be reviewed before the end of the relevant period (three years beginning with the publication of the cumulative impact assessment or a revision of the cumulative impact assessment). As stated in paragraph 3.2 the Cumulative Impact Zone would automatically lapse if an assessment was not undertaken.

7.2 When determining whether it remains of the opinion set out in the cumulative impact assessment, the Licensing Authority is required to consult with those agencies listed in section 5(3) Licensing Act 2003. If the Licensing Authority is no longer of that opinion a statement to that effect must be published; if the Licensing Authority remains of that opinion, it must revise the cumulative impact assessment so that it includes a statement to that effect and also sets out the evidence as to why the Authority remains of that opinion.

7.3 Any revision of a cumulative impact assessment must also be published and be summarised with the Licensing Authority's Licensing Policy.

- 7.4 The recommended option set out at paragraph 3.3 will mitigate the risk of legal challenge. A decision to allow the Policy to expire without review may leave the Council open to legal challenge. The Licensing Act 2003 is very clear as to the steps which must be taken where a cumulative impact assessment has been published. Any consultation should be carried out over a sufficient period of time; and the recommended eight-week period of consultation is deemed to be sufficient.

8. Human Resources Advice and Implications

- 8.1 There are no human resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no direct implications for children, young people, or vulnerable adults associated to this report. However, the protection of children is a licensing objective under the Licensing Act 2003. Every license holder is required to promote this objective.

10. Equalities and Human Rights Advice and Implications

- 10.1 There are no direct implications for Equalities or Human Rights associated to this report.
- 10.2 An initial equalities screening assessment has been carried out and is included as Appendix 2 to this report.

11. Implications for CO2 Emissions and Climate Change

- 11.1 There are no direct implications for CO2 Emissions and Climate Change associated to this report.
- 11.2 A Carbon Impact Assessment has been carried out and is included as Appendix 3 to this report.

12. Implications for Partners

- 12.1. Relevant partners will be consulted as part of the review process, where they are responsible authorities as set out in the Licensing Act, or have a role which is relevant to upholding the licensing objectives.

13. Risks and Mitigation

- 13.1 The Council's Cumulative Impact Policy must be reviewed every three years as a minimum. If the policy is not reviewed appropriately, the Council could be open to legal challenge if an application is rejected or amended using a current Cumulative Impact Assessment. The Council will mitigate this risk by carrying out the consultation recommended within this report and using this to make any relevant changes.

14. Accountable Officers

Alan Pogorzelec, Licensing Manager

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	John Edwards	20/08/26
Executive Director of Corporate Services (S.151 Officer)	Judith Badger	20/08/26
Service Director of Legal Services (Monitoring Officer)	Phil Horsfield	18/08/26

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