

## READING BOROUGH COUNCIL

### REPORT BY DIRECTOR OF ENVIRONMENT, CULTURE AND SPORT

<b>TO:</b>	<b>LICENSING COMMITTEE</b>		
<b>DATE:</b>	<b>29 SEPTEMBER 2009</b>	<b>AGENDA ITEM:</b>	<b>4</b>
<b>TITLE:</b>	<b>EVENING ECONOMY DEVELOPMENT THROUGH ADOPTION OF A CUMULATIVE IMPACT POLICY</b>		
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#### 1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To identify the potential benefits to Reading, its residents and visitors, offered by the adoption of a cumulative impact policy.
- 1.2 To allow members to consider currently available evidence in connection with a Cumulative Impact Policy (CIP) for Reading and to decide whether to undertake a consultation exercise in accordance with section 5(3) of the Licensing Act 2003.
- 1.3 The following documents are appended:
  - Appendix I - plan showing proposed boundary of cumulative impact area for consultation purposes.
  - Appendix II A & B - plan showing Incidents of drunk and disorderly 6pm to 6am and 6am to 6pm
  - Appendix II C & D - plan showing Incidents of criminal damage 6pm to 6am and 6am to 6pm
  - Appendix II E & F - plan showing incidents of serious violence 6pm to 6am and 6am to 6pm
  - Appendix II G & H - plan showing incidents of violence 6pm to 6am and 6am to 6pm Appendix II G & H
  - Appendix III - plan provided by the Ambulance Service showing assaults to which ambulance have been called.

## **2. RECOMMENDATION**

- 2.1 Note that an opportunity to positively influence future evening economy/alcohol based entertainment activity in Reading exists through the ability to adopt a cumulative impact policy.
- 2.2 Note that whilst levels of crime and disorder in Reading are falling, concern exists about levels in the town centre associated with late night alcohol consumption.
- 2.3 Note that available evidence detailing crime and disorder in the town centre, associated with late night alcohol consumption, shows that, although falling, crime and disorder remains at unacceptably high levels.
- 2.4 Note the possible boundary of a town centre Cumulative Impact Area (CIP), in line with the original town centre street drinking restriction area, as detailed at Appendix I.
- 2.5 Instruct Officers to consult with those specified in section 5(3) of the Licensing Act 2003, and report back to Cabinet.

## **3. POLICY CONTEXT**

- 3.1 In July 2003, the Licensing Act 2003 received Royal Assent and was subsequently implemented with effect from November 2005. The Act, amongst other things transferred responsibility for the granting of licences to sell alcohol from the Licensing Justices to the Local Authority.
- 3.2 In July 2004, the Secretary of State for the Department for Culture, Media and Sport published the guidance accompanying the Act. This guidance was updated in June 2007.
- 3.3 The development of a Licensing Policy Statement is a legal requirement placed upon the Licensing Authority by the Act. A Licensing Authority must publish its policy every 3 years. Prior to publishing its policy statement, the Authority must consult as prescribed in the Act, and must also have regard to the Secretary of States Guidance.
- 3.4 Reading Borough Council's original Licensing Policy Statement was approved by Cabinet on 6 December 2004, and adopted by full Council on 25 January 2005. An amended version was approved by Council on 16 October 2007.

## **4. BACKGROUND**

- 4.1 The Licensing Act specifies four licensing objectives, as detailed below:
  - (a) The prevention of crime and disorder.

- (b) Public safety.
- (c) The prevention of public nuisance.
- (d) The protection of children from harm.

- 4.2 Cumulative Impact is not mentioned specifically in the Licensing Act 2003. However, the Secretary of States Guidance sets out, in Chapter 13, information regarding the cumulative impact of a concentration of licensed premises. Cumulative Impact is the potential to impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 4.3 Cumulative Impact policies are considered appropriate in areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual and serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport. Queuing in turn may be leading to conflict, disorder and anti-social behaviour. While more flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises, it is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater in these cases than the impact of individual premises.
- 4.4 Local Authorities may, within their Licensing Policy Statements, adopt a special policy with respect to “Cumulative Impact”. A Policy of this kind creates a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact, thereby increasing the levels of crime and disorder currently being experienced, will normally be refused. The effect of this is that, operators wanting to open new venues in Reading would need to focus on the effects of their proposed operation and the positive impact that they could have. For example, very large vertical drinking type establishments appealing to very limited age ranges would be unlikely to be granted licences, unless they could demonstrate that their operation would not result in an increase in crime and disorder or have other negative impacts on the licensing objectives. Whereas, venue appealing to wide age ranges, offering more than simply a place to drink, that can demonstrate they would be safe and well run would be much more likely to be accepted.
- 4.5 The ability of a local authority to adopt a cumulative impact policy has significant positive benefits not found within other legislative powers and can allow statutory authorities to influence the development of the town for the benefit of all. The existence of a cumulative impact policy used effectively would not act as a barrier to development, but as a tool to encourage diversity of activity and the development of entertainment venues that, rather than add to the levels of crime and disorder, have a positive impact on the town.
- 4.6 It is important to note that licences for operations that are unable to demonstrate the necessary positive benefit to the town would only be refused following relevant representations, on the basis of cumulative impact, being made by a

statutory authority or interested party. If a representation were made a hearing would need to occur in each case in order for the application to be properly considered and determined. If no representations are made then the licence is automatically granted despite the fact that it may be within a cumulative impact area.

4.7 The inclusion of a cumulative impact policy within a Licensing Policy Statement must have an evidential basis. For example, evidence of anti-social behaviour, noise disturbance and crime statistics could be used to evidence the need for a policy.

4.8 The existence of a cumulative impact policy does not mean that the Council could not choose to depart from the policy if it saw fit to do so and could give good reasons for doing so. It should also be noted that such a policy can not be used to revoke existing premises licences, even when they impact negatively in cumulative impact terms, nor can it be used to deal with premises outside any boundary that of a cumulative impact area that might be set.

4.9 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below.

- Identify concern about crime and disorder or public nuisance
- Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent
- Identify the boundaries of the area where problems are occurring
- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation
- Include and publish details of special policy in licensing policy statement

4.10 The people/bodies to be consulted in accordance with section 5(3) of the 2003 Act include:

the chief officer of police for the area;  
the fire and rescue authority for the area;  
persons/bodies representative of local holders of premises licences;  
persons/bodies representative of local holders of club premises certificates;  
persons/bodies representative of local holders of personal licences; and  
persons/bodies representative of businesses and residents in the area.

4.11 In assessing the need for a CIP, the current DCMS guidance issued under the Licensing Act 2003, advises that the private sector, local residents and community groups in particular, have an equally vital role to play in promoting the licensing objectives in partnership with public bodies. The Secretary of State strongly recommends that licensing authorities form licensing liaison groups and forums that bring together all interested parties on a regular basis to monitor

developments and propose possible solutions to any problems that may arise. The Secretary of State also recommends that licensing authorities should hold 'well publicised' open meetings where local people and businesses, can give their views on how well they feel the licensing objectives are being met.

4.12 Although specific licensing liaison groups have not been formed in Reading, there are a number of other forums, which fulfil similar roles to this; these include Neighbourhood Action Groups (NAG) and Safer Reading Forums. The Town Centre Neighbourhood Action Group, which is attended by residents and business representatives, as well as Police and Council representatives, has identified alcohol related crime, disorder and antisocial behaviour as the number one priority for action. The establishment of a cumulative impact policy would seem to fit well with this particular priority of the NAG.

4.13 Many local authorities across the country have adopted cumulative impact policies in order that they can positively shape the future development of their towns and cities. Oxford is one authority that has had a policy in place for sometime now. Officers, lead members and police representatives have visited Oxford and discussed with Council representatives the implementation, operation and positive benefits that have arisen from this policy. It is clear that in Oxford development and commercial activity has not been stifled by this policy, but development has occurred in a sympathetic and appropriate manner, enhancing rather than degrading the town.

4.14 Currently, Reading Borough Council, in conjunction with other partners, is developing an updated cultural strategy entitled "A life worth living - The next chapter". This strategy will provide a framework for the creation of a cross sector strategic partnership for culture, leisure and sport in Reading, which in turn will support the development of a balanced night time economy helping to place the richness and diversity of the Towns cultures visibly at the heart of the town centre through planning, urban design, public art, horticulture and cultural animation. The adoption of a cumulative impact policy would add to the tools available to shape and encourage appropriate development within the town centre.

## **5. THE PROPOSAL**

### **5.1 Current Position**

5.1.1 When the review of Licensing Policy Statement was considered by full Council on 16 October 2007, the policy was approved with the following rider;

That Council notes:

(a) that the sale, and excessive consumption, of alcohol continues to contribute to crime and anti-social behaviour in Reading;

(b) the importance of continued joint work by Reading Borough Council and Thames Valley Police to enforce the law in respect of the sale of alcohol to under-age customers and to those who are already drunk;

(c) the continuing increase in the number of premises with on and off licences with particular concentrations in areas of Reading, and therefore,

(d) instructs officers to bring forward early proposals that will facilitate discussions on designating areas of Reading as Special Saturation Zones, similar to those already adopted by Oxford City Council and supported by Oxford Police.

## **5.2 Options Proposed**

5.2.1 Attached at Appendix II to this report are details of crime statistics occurring in the town centre. The plans show:

Incidents of drunk and disorderly 6pm to 6am and 6am to 6pm Appendix II A & B

Incidents of criminal damage 6pm to 6am and 6am to 6pm Appendix II C & D

Incidents of serious violence 6pm to 6am and 6am to 6pm Appendix II E & F

Incidents of violence 6pm to 6am and 6am to 6pm Appendix II G & H

5.2.2 These statistics show high levels of violence and criminal damage occurring at night, when the alcohol based evening economy is operating. The figures also demonstrate vastly reduced levels of crime and disorder during the daytime in the same area.

5.2.3 Attached at Appendix III to this report is a provided by the Ambulance Service, which shows assaults in the Town Centre that has required ambulance attendance between the period of April 2008 to March 2009. This plan clearly shows a similar picture to the crime statistics detailed at Appendix II, in that dramatically increased number of assaults occur in the Town Centre during the evening, when compared to daytime levels.

5.2.4 It is proposed to carry out a consultation exercise to seek views of interested parties on the adoption of a cumulative impact policy for the town centre area, in line with the original town centre street drinking restriction area, as detailed on the plan attached at Appendix I.

## **5.3 Options Considered**

5.3.1 There are few other mechanisms available to local authorities to control the establishment of new licensed premises that may contribute to the cumulative impact and crime and disorder levels in a particular area. At this stage it is not felt appropriate to look towards more draconian measures of control, such as alcohol disorder zones, however, a greater degree of control over the development of new licensed premises in an existing problem area would be extremely welcome for the future development of Reading.

5.3.2 If in the future, other areas where unacceptably high levels of crime and disorder associated with late night alcohol consumption are identified, further proposals for additional cumulative impact policy areas may follow.

## **6. CONTRIBUTION TO STRATEGIC AIMS**

## **6.1 Community Safety Implications**

The objectives of the Licensing Act are clearly stated as follows:

- (i) the prevention of crime and disorder;
- (ii) public safety;
- (iii) the prevention of public nuisance; and
- (iv) the protection of children from harm

These objectives fit well with the strategic aims of the Council.

## **6.2 Sustainability**

Entertainment events can be a valuable part of a vibrant and lively town and have contributed towards making Reading the place it is today. However, it is vital that mechanisms are available to allow control of such venues in order to protect people who are living in the vicinity from noise and antisocial behaviour.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

7.1 Community engagement in respect of licensing matters occurs on an ongoing basis through the NAGs, Pubwatch and Antisocial Behaviour Action Groups.

## **8. LEGAL IMPLICATIONS**

8.1 The Licensing Policy and any revision of it requires approval by full Council under Part II of the Local Government Act 2000.

## **9. FINANCIAL IMPLICATIONS**

9.1 The costs associated with the development and adoption of the Licensing Policy Statement can be met from within existing budgets.

## **10. BACKGROUND PAPERS**

10.1 Report to Council 16 October 2007 Licensing Policy Statement  
10.2 DCMS guidance issued under section 182 of the Licensing Act 2003.