

Cumulative Impact Policy (CIP)

Cumulative Impact is defined in the guidance accompanying the Licensing Act as “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area”.

The effect of adopting a cumulative impact policy is to create a rebuttable presumption that applications for new premises licences and club premises certificates or material variations will be refused if relevant representations are received. A rebuttable presumption is not a presumption that is absolute; it is a presumption that may be overturned if sufficient evidence can be provided against the presumption.

Within any cumulative impact area, applications for new licences or certificates or for variations of existing licences or certificates, where it can be demonstrated that there will not be a negative effect on the licensing objectives are unlikely to receive relevant representations and therefore, will not progress to a hearing, but will be granted in accordance with the requirements of the Licensing Act.

Applications where responsible authorities or interested parties are concerned that the licensing objectives will be impacted upon are likely to receive relevant representations and will therefore proceed to a hearing. If at that hearing an applicant is able to rebut the presumption of refusal, by demonstrating there will be no negative impact on the licensing objectives, a licence can still be granted. However, if the presumption cannot be rebutted the application will be refused.

Reasons for the CIP approach

The adoption of a cumulative impact policy is a highly significant measure, because it creates a presumption against a particular form of economic development, and therefore, as a matter of good regulation a policy should not be adopted unless there is a sound reason to do so.

The Council has undertaken research in respect of Reading town centre that has identified high concentrations of licensed premises and high levels of crime for offence types that are associated with the night-time economy, alcohol and licensed premises.

Of the high number of licensed premises in Reading town centre, the majority are well run, however, the sheer volume and concentration of premises is having a negative impact on the licensing objectives.

As a result, the Council, acting as the Licensing Authority for Reading, after considering evidence of crime and looking at concentrations of licensed premises in the borough, is satisfied that it is appropriate and necessary to adopt a CIP in the town centre in order to promote the licensing objectives.

It should be noted that the Council and partner organisations already employ a range of mechanisms to prevent or limit cumulative impact relating to the problems arising from premises, and their customers behaving badly or unlawfully once away from the premises. The measures currently employed include the provision of night bus services, the use of Taxi Marshals to supervise and control taxi ranks, the presence of Street Pastors in the town centre late at night at weekends to assist people who may be in difficulty, extensive CCTV coverage and

monitoring of the town centre, regular joint operations to detect illegal taxis, active use of dispersal orders to improve the town centre environment and the provision of urilifts toilet facilities in the town centre to provide facilities for people visiting the town centre at night, in an attempt to cut down street urination.

Reading Central CIP Area

The area to which the CIP will apply is to be known as the Reading Central CIP Area and is shown on the plan detailed as Appendix I.

The Central CIP Area totals 64.42 hectares, which is 1.6% of the total area of the borough. Yet the total number of licensed premises within the CIP, as at 1 January 2010, is 174, which is 28.81% of the total number of licensed premises within the borough. The types and number of licensed premises within the CIP Area is as follows:

Restaurant	57
Bar	24
Takeaway/Fast Food	20
Nightclub	10
Pub	19
Off licence	24
Social Club	6
Hotel	7
Special Events	4
Theatre	1
Cinema	1
Casino	1

General Approach to applications within the CIP area

The National Guidance under the Licensing Act suggests that Local Authorities can, within a cumulative impact area, adopt a policy of refusing all new licences subject to relevant representations being made. It is not Reading Borough Council's intention to adopt such a broad approach. To do so may operate disproportionately against some types of premises that are unlikely to harm the licensing objectives and others which can operate without harm earlier in the evening. The policy therefore takes a more targeted approach by presuming only against certain types of operation, and against others only when they operate beyond midnight. For certain types of premises, which are not normally associated with harm to the licensing objectives, the policy is neutral or even positive.

This policy has been drafted having regard to National Guidance. The Guidance does not support fixed terminal hours. However, this policy is not for a fixed terminal hour. Rather, it creates a presumption against certain premises operating beyond a certain hour. In any event, the policy is considered to be an appropriate and proportionate response to the particular circumstances in the Reading Central CIP area. It is considered preferable to introduce such a presumption for certain premises rather than to refuse applications outright.

Application of this policy

This policy applies to all applications for premises licences and for material variations for premises within the Reading Central CIP Area. Material variations include increases of hours and

capacity and all other variations that are likely to add to cumulative impact in the Reading Central CIP Area.

The policy will only be applied where there have been relevant representations. Where there are no relevant representations it is the duty of the licensing authority to grant the application subject to the conditions in the operating schedule and the mandatory conditions imposed by law.

The policy set out below takes a different approach to different types of premises. In the case of applications for hybrid premises that would fall into more than one type, the predominant use will be taken for the purposes of the policy.

The policy

Restaurants - where applications are made for restaurants to sell alcohol ancillary to the consumption of full table meals, it is not envisaged that negative impact on the licensing objectives would result and therefore the Licensing Authority will look favourably upon such applications.

Hotels - where applications are made for hotels to sell alcohol, primarily for consumption by guests, it is not envisaged that any negative impact on the licensing objectives would result and therefore the Licensing Authority will look favourably upon such applications.

Theatres - where applications are made for theatres to sell alcohol primarily to patrons, it is not envisaged that any negative impact on the licensing objectives would result and therefore the Licensing Authority will look favourably upon such applications.

Traditional pubs - experience has shown that traditional pubs tend to appeal to a slightly more mature clientele than a bar or nightclub might, and generally, such premises have little impact on the licensing objectives. This is particularly true where venues sell real ales, do not play loud music and generally do not have opening hours extending beyond midnight. As a result the Licensing Authority will grant such applications where it is satisfied that the application will not add to cumulative impact and that it complies with the other provisions of this licensing policy. Where the application is for opening hours beyond midnight, the policy will be to refuse unless there are exceptional circumstances satisfying the Licensing Authority that granting the application would not contribute to cumulative impact, and there is compliance with the other provisions of this licensing policy.

Café Bars -Where a premises operating schedule, and therefore subsequent licence conditions, specify that alcohol sales are to be by way of waiter service for consumption by persons seated at tables in premises where food is available at all times of operation and is a substantial aspect of the business, the Licensing Authority will look favourably upon the application.

Late night food outlets: Applications involving the sale of food primarily for takeaway up to midnight will be granted where it is demonstrated that they will not add to cumulative impact and that they will comply with the other provisions of this licensing policy. Crime statistics demonstrate that post-midnight crime levels significantly increase. Therefore, the policy is to refuse applications involving such sales beyond midnight.

Off-licences: Shops that sell alcohol to take away, such as newsagents and supermarkets up to midnight will be granted where it is demonstrated that they will not add to cumulative impact and that they will comply with the other provisions of this licensing policy. Crime statistics

demonstrate that post midnight crime levels significantly increase. Therefore, the policy is to refuse applications involving such sales beyond midnight.

Bars/Clubs/music and dancing venues: - The policy is to refuse applications for such premises. Experience has shown that venues which serve alcohol, often at low prices, provide limited seating for customers, provide facilities for music and dancing, and which are alcohol rather than food-led, have the strongest potential to have a negative impact on the licensing objectives and to add to cumulative impact. This policy is intended to be strictly applied.

Supporting evidence for CIP

In researching the appropriateness of a CIP Area a "Crime Study Zone" area, slightly larger than the CIP Area has been investigated in order to determine where and when crimes likely to be associated with the nighttime economy, alcohol and licensed premises are occurring.

The hot spot map attached as Appendix I shows the extent of the crime study zone, the CIP boundary, the location of licensed premises in the area and the location and frequency of crime for 2009. The boundary of the CIP has been determined having regard to the location and frequency of crime in the town centre.

The table below compares crimes occurring between 2004 and 2009 within the Crime Study Zone area. It can be seen that 56% of all drunkenness offences and 59% of public order offences occur in the town centre. The total crime figures for the whole of the borough of Reading are also given for comparison purposes, as is the percentage of crime occurring in the Crime Study Zone.

CRIMES OCCURRING WITHIN TOWN CENTRE CRIME STUDY AREA

	2004	2005	2006	2007	2008	2009	LPA 2009	% of LPA in CIP
Criminal Damage	317	268	314	264	261	266	1347	20
Affray	9	4	14	8	24	18	23	78
Assault	652	618	577	644	608	657	1044	63
Drunk	0	0	11	12	29	48	86	56
GBH	33	25	35	43	31	35	67	52
Murder	0	0	0	0	1	0	1	0
Sexual	27	36	31	19	28	26	48	54
Personal Robbery	64	55	44	57	69	59	231	26
Public Order	317	700	583	684	531	361	608	59
Possession Weapon	51	41	43	22	38	27	61	44
Attempted Murder	1	1	1	0	1	0	1	0
	1471	1748	1653	1753	1621	1497	3517	

(LPA is the Local Police Area, which is broadly in line with the Reading Borough Boundary).

Hot spot maps attached as appendices II to X show crimes occurring in two hourly slots beginning at 12:00 hours through to 06:00 hours. It can be seen from these maps that there is a relatively steady growth in crime throughout the day, with significant increases beginning to be seen between 22:00 and 23:59 and a dramatic peak occurring between midnight and 01:59. Levels of crime and disorder remain high until 04:00 hours, when levels significantly reduce.

Hot spot maps attached as appendices XI to XVII show crimes occurring in 2009 by day of the week from 20:00 to 06:00. It is very clear from these maps that crime levels are significantly higher on Friday and Saturday nights when the evening economy is fully operational.

Hot spot maps attached as appendices XX to XXV show crimes by category, including public order incidents, robbery, sexual offences, possession of weapons, GBH, drunkenness, criminal damage and assaults. Criminal damage, assault and public order offences are by far the most commonly occurring offence type.

Appendices

- Appendix I - Plan of Reading Central Area CIP, hot spot map of Crime Study Zone and CIP
- Appendix II - Hot spot map of crimes occurring 12:00 hours to 13:59 hours
- Appendix III - Hot spot map of crimes occurring 14:00 hours to 15:59 hours
- Appendix IV - Hot spot map of crimes occurring 16:00 hours to 17:59 hours
- Appendix V - Hot spot map of crimes occurring 18:00 hours to 19:59 hours
- Appendix VI - Hot spot map of crimes occurring 20:00 hours to 21:59 hours
- Appendix VII - Hot spot map of crimes occurring 22:00 hours to 23:59 hours
- Appendix VIII - Hot spot map of crimes occurring 00:00 hours to 01:59 hours
- Appendix IX - Hot spot map of crimes occurring 02:00 hours to 03:59 hours
- Appendix X - Hot spot map of crimes occurring 04:00 hours to 05:59 hours
- Appendix XI - Hot spot map of crimes Sunday 20:00 hours to Monday 06:00 hours
- Appendix XII - Hot spot map of crimes Monday 20:00 hours to Tuesday 06:00 hours
- Appendix XIII - Hot spot map of crimes Tuesday 20:00 hours to Wednesday 06:00 hours
- Appendix XIV - Hot spot map of crimes Wednesday 20:00 hours to Thursday 06:00 hours
- Appendix XV - Hot spot map of crimes Thursday 20:00 hours to Friday 06:00 hours
- Appendix XVI - Hot spot map of crimes Friday 20:00 hours to Saturday 06:00 hours
- Appendix XVII - Hot spot map of crimes Saturday 20:00 hours to Sunday 06:00 hours
- Appendix XVIII - Hot spot map of public order offences
- Appendix XIX - Hot spot map of robbery offences
- Appendix XX - Hot spot map of sexual offences
- Appendix XXI - Hot spot map of weapon possession offences
- Appendix XXII - Hot spot map of GBH offences
- Appendix XXIII - Hot spot map of drunkenness offences
- Appendix XXIV - Hot spot map of criminal damage offences
- Appendix XXV - Hot spot map of assault offences