

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT, CULTURE AND SPORT

TO:	LICENSING APPLICATIONS COMMITTEE		
DATE:	23 MARCH 2010	AGENDA ITEM:	4
TITLE:	EVENING ECONOMY DEVELOPMENT THROUGH ADOPTION OF A CUMULATIVE IMPACT POLICY		
LEAD MEMBER:	PAUL GITTINGS	PORTFOLIO:	ENVIRONMENT & SUSTAINABILITY
SERVICE:	ENVIRONMENT AND CONSUMER SERVICES	WARDS:	BOROUGH WIDE
LEAD OFFICER:	CLARE BRADLEY	TEL:	0118 939 0322/72322
JOB TITLE:	ENVIRONMENTAL HEALTH MANAGER (LICENSING AND ENVIRONMENTAL PROTECTION)	E-MAIL:	clare.bradley@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To report the outcome of a consultation exercise recently undertaken relating to the possible adoption of a Cumulative Impact Policy (CIP) in Reading Town Centre.
- 1.2 Having regard to the consultation responses received, to propose formal wording for a Reading Town Centre CIP and to update members with a proposed revised CIP boundary.
- 1.3 To report further updated and detailed evidence to support the revised CIP proposals.
- 1.4 To propose a further consultation period to allow residents, businesses and other interested parties' opportunity to comment on the specific policy wording and revised proposals.
- 1.5 The following documents are appended:
 - Appendix I - Consultation letter dated 23 October 2009
 - Appendices II to VIII - Consultation responses
 - Appendix IX - Proposed CIP wording and associated plans and evidence

2. RECOMMENDATION

- 2.1 Consider the content of the six written responses received during the CIP consultation period, attached.**
- 2.2 Note the new crime statistics provided for 2009.**
- 2.3 Note that available evidence detailing crime and disorder in the town centre, associated with late night alcohol consumption, shows that crime and disorder remains at unacceptably high levels.**
- 2.4 Note the revised proposed boundary of a town centre CIP.**
- 2.5 Note the proposed wording of a Reading Town Centre CIP.**
- 2.6 Instruct Officers to consult with those specified in section 5(3) of the Licensing Act 2003, and report back to Licensing Committee.**

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.
- 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 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

4.7 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.

5. THE PROPOSAL

5.1 Current Position

5.11 On 29 September 2009 the Licensing Sub Committee resolved to instruct Officers to undertake a consultation exercise regarding the possible adoption of a cumulative impact policy for the town centre, and report back the outcome of the consultation. This reports constitutes the reporting of the consultation results.

5.12 On 23 October 2009 a letter, a copy of which is attached at Appendix I, was sent out to over 200 individuals and businesses and the consultation was published on the Council's website. In addition, officers attended meetings of the Town Centre Neighbourhood Action Group, Pubwatch and the Business Improvement District Committee to discuss the proposals.

5.13 In response to the consultation exercise seven responses were received as follows:

- a) Jon Homan, Director, Sackville Developments (Reading) Limited
- b) Keith Stacey, Reading Town Centre Inspector, Thames Valley Police
- c) Punch Taverns
- d) Bill Donne
- e) Reading UK CIC & BID Committee
- f) Russ Wood, Mid Berks CAMRA
- g) Mr & Mrs M, town centre residents

Copies of all of these responses are attached as Appendices II to VIII. This preliminary consultation demonstrates support from businesses, residents and statutory authorities for a town centre CIP, with relatively little opposition.

5.2 Options Proposed

5.2.1 Attached at Appendix IX is the proposed wording of the town centre CIP. Appendices to the CIP wording detail the proposed new boundary of the CIP and extensive crime and disorder statistics for both the whole borough and the CIP area.

5.2.2 It is proposed to carry out a further consultation exercise to seek views of interested parties in accordance with the requirements of Section 5(3) of the Licensing Act 2003.

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 Neighbourhood Action Groups, 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.
- 10.3 Report to Licensing Committee 29 September 2009.