

Appendix RS-4 Consultation Responses – 2 consultation responses received

Response 1

**Reading Borough Council**

Consultation on:

- 1) Statement of Licensing Policy (SoP)
- 2) Cumulative Impact Policy (CIP)

Respondent:

Bill Donne, Licensing Consultant and Paralegal, Silver Fox Licensing Consultants

Date: 12<sup>th</sup> September 2023

**EXECUTIVE SUMMARY**

That the policy relating to the prohibition of the sale of beers, ciders and alcopops over 6.5% abv and the requirement that licensed premises cannot sell single cans or bottles of should be excluded from the SoP.

The re-adoption of a CIP should be rejected.

**SITUATION**

The Council are required under the Licensing Act 2003 to review and publish their SoP at least every five years. The Council they should consult all stakeholders prior to confirming the SoP.

The CIP, when in place, has to be reviewed at least every three years

**BACKGROUND**

The CIP indicates that the Licensing Authority's approach to applications received for the Grant of a new Premises Licence or, a variation to an existing licence will be the presumption of rebuttal in respect of certain styles of operations in the licensed hospitality and retail sectors. The style of operation that will attract representations from the police and the licensing department in particular, will be for either for proposed vertical drinking and that wish to open late, past midnight, through to 03:00 hours or later. In other Authority areas new off licence premises are not allowed.

Officers from the Responsible Authority can and will object to the application simply because the policy is in place, irrespective of the merits of the application. And yet S.182 of the Licensing Act 2003 makes it quite clear that each application should be based on its own merits.

A CIP can apply to particular types of application, premises or hours. In fact, the Licensing Act 2003 made no reference to CIPs. They were an invention of national guidance published under section 182 of the Act. They were then put on a statutory footing by the Policing and Crime Act 2017.

A CIP should only be used as a method of last resort where the Authority feels that the area is out of control because of the cumulative detrimental effect of having too many licensed premises operating until late hours. The CIP is a clear statement that the night time economy is out of control and the police simply cannot cope.

The concept of CIP was promoted by Westminster City Council, which had experienced a large increase in licenced premises since the 1990s, with the total number increasing to nearly 3000, and the number of pubs and bars increasing to nearly 1500.

The response from central Government was to include the concept of CIPs in the national guidance to limit further proliferation of licensed premises. Since then, the number of cumulative impact areas has itself proliferated. The most recent available data shows that no fewer than 86 local authorities have adopted CIPs, with a total of 189 cumulative impact areas in place. Most CIPs relate to town and city centres where pubs, late night bars and nightclubs are located.

The CIP establishes the concept of the presumption of rebuttal to applications submitted for certain types of licensed premises operations. The challenge for an operator wishing to invest in a new business is to demonstrate that their particular operation will not have an adverse impact on the four licensing objectives. This is problematic, as the applicant cannot prove this as they have not yet opened. This position means that the matter will revert to a hearing before the Licensing Sub-Committee.

However, post covid, many Local Authorities have taken the decision not to renew their CIP for their area. Generally, a CIP will be proposed by the Police and a barrage of crime statistics will be presented to the Local Authority to justify their case. Thames Valley Police have presented statistical data to Reading Borough Council (RBC) to suggest that the only way forward to prevent the town centre to deteriorate into anarchy. It should be noted the previous CIP for Reading lapsed two years ago despite the statement published on the Council's own website.

## ASSESSMENT

The re-introduction of a CIP will be damaging to Reading's night time economy. It is a blunt instrument that prevents inward investment at a time when the economy is suffering. Nationally, between the years 2000 and 2022 the number of night clubs have closed by early 1700 venues. Reading has fared slightly better.

The adoption of a CIP is a lazy approach to licensing. The police have provided the Licensing Authority with statistical data relating to crimes committed across two wards Abbey and Battle. The statistics are open to interpretation, for example the statement that 27% of sexual offences relate to the NTE, with violence at over 6,000 addresses where offences occurred. He report fails to confirm as to whether the incidents occur in the NTE, ie during the evening, or actually related to licensed premises. The statistics are simply unclear and do not, as presented in this report, correlate directly to licensed premises.

The Council, as the Licensing Authority should adopt a holistic approach to the evening and night time economy in Reading. Councillors should delve deeper in to the way the town centre is managed and policed.

Most Councillors will be aware that the police have suffered a shortage of police officers in the Reading LPA for a number of years. The old style policing in the town with a 'meet and greet' policy with police officers deployed early in the evening was abandoned.

There has been inconsistent management of the policing in the town with, it seems, a different inspector appointed every twelve months. This is not to say I am critical of the inspectors. The longer term appointments have managed to familiarise themselves with the logistics of how the Reading ENTE works and have built a good rapport with venue management, This takes time.

This is now being resolved by a successful recruitment drive and more officers on the streets going forward.

But this has not always been the case, where police officers have been seconded to other geographic areas for national events leaving the streets of Reading neglected.

Are Councillors aware that Reading town centre has a comprehensive CCTV system? Are they also aware that for the past four years there has only been two full time CCTV operators employed by TVP to cover seven days a week? This situation has arisen because RBC and TVP could not agree recruitment, budgets and manpower deployment for four years despite interventions by other organisations. At best, allowing for holidays and sickness the CCTV coverage was less than 40% of the time. Five years ago the CCTV was manned 24/7. The CCTV operators were the eyes and ears and were instrumental in recognising issues in the town before the situation escalated.

Weight should be given the organisations working in the ENTE to make Reading Safer, Purple Flag accredited, an award winning Pubwatch, a successful BID, Street Pastors, First Stop First Aid and Best Bar None accreditation scheme.

## RECOMMENDATION

CIPs prevent inward investment, entrepreneurship and employment for young and old people.

They provide artificial protection to incumbent licence holders over new entrants to the market. They reduce incentives to innovate. They inflate the value of licences and therefore of properties. They involve applicants in excessive costs in trying to prove that they are an exception to the CIP policy.

As such, they ought to be a measure of last resort. Other steps for dealing with cumulative impact ought to have failed before CIPs are considered.



## The Council's Comment on Response 1

Single cans, single bottles and high strength beers, ciders and alcopops are favoured by street drinkers.

Bearing in mind two of the Licensing Objectives from the Licensing Act are:

- The prevention of crime and disorder
- The prevention of public nuisance

It is therefore justifiable to consider the impact from licensed premises and their contribution to risks flowing from supporting street drinking.

One of our key aims in decision making is - Protecting the public and local residents from crime, anti-social behaviour and noise nuisance associated and caused by irresponsible licensed premises. Street drinking and excessive consumption of super strength products has been shown to undermine the licensing objectives and cause anti-social behaviour – as well as being damaging to health. Other policies, initiatives and strategies which will be taken into account may include the Council's Drug and Alcohol policy as well as policies to do with general health and wellbeing and public health.

The consultation response herein does not give a compelling argument as to why these products should remain available for street drinkers to exploit.

The rest of this consultation response relates to the policy decision around a CIP which is being considered separately, so these comments will be considered when that policy goes through committee stages.

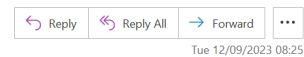
## **Response 2**

FW: Consultation – Reading Borough Council's statement of licensing policy and cumulative impact policy



Licensing

To: ● Masson, Clyde; ● Abell, Rob; ○ Licensingenforcement



Tue 12/09/2023 08:25

To whom it may concern

The accumulation of Off Licenses and licensed food premises in the Oxford Road area has attracted people with nothing better do or an unsatisfactory home life resulting in increased crime, misdemeanour and lawlessness. Such behaviour affects our community, not only at night, but also during the day. Policing of our community is paramount to prevent ASB, crime and disorder and to protect community safety. The increased response and presence by Police may also need to be accompanied by NHS intervention. Discarded cans, bottles and food containers blight our community and reduce the respect of residents and passer by for the area for and lead to further inconsiderate behaviour.

Regards  
Teresa Colliass

Chair

Oxford Road Safer Neighbourhood Forum

“The accumulation of Off Licenses and licensed food premises in the Oxford Road area has attracted people with nothing better do or an unsatisfactory home life resulting in increased crime, misdemeanour and lawlessness. Such behaviour affects our community, not only at night, but also during the day. Policing of our community is paramount to prevent ASB, crime and disorder and to protect community safety. The increased response and presence by Police may also need to be accompanied by NHS intervention. Discarded cans, bottles and food containers blight our community and reduce the respect of residents and passer by for the area for and lead to further inconsiderate behaviour.”

### The Council's Comment on Response 2

Because the response mentions "accumulation of Off Licences..." this would fit within the work on the Cumulative Impact Assessment which is all about the effects of licensed premises accumulating in an area. It is therefore recommended that this representation is included as part of that report. The other comments within this representation relate back to the Licensing objectives to prevent public nuisance, crime and disorder and are therefore to be noted by the Committee.