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Fenland District Council

Cumulative Impact Policy

1.0 Legislative Framework

1.1 Fenland District Council, as the Licensing Authority, has a duty to comply with its obligations under Section 17 of the Crime and Disorder Act 1998, and to promote the Licensing Objectives contained within the Licensing Act 2003, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.2 Due regard is had to Section 182 Guidance issued under Section 182 of the Licensing Act 2003, as revised in 2012 concerning the cumulative impact of licensed premises within an area, and the resultant impact on the promotion of the licensing objectives.

1.3 The cumulative impact of licensed premises on the promotion of the licensing objectives under the Licensing Act 2003 is a proper matter which the Licensing Authority can take into account.

1.4 This should not, however, be equated with the 'need' for a licensed premises. This relates to the commercial demand for a particular type of premises. The issue of 'need' is a matter for the market to decide, and does not form part of the Cumulative Impact Policy or wider Licensing Policy Statement.

2.0 Definition

2.1 For the purposes of the Fenland District Council Statement of Licensing Policy, cumulative impact is defined as:

'The potential impact on the promotion of the licensing objectives where there are a number of licensed premises concentrated in one area.'

2.2 Where the number, type and density of licensed premises are unusually high, serious problems of noise, nuisance and disorder can occur outside or some distance away from the licensed premises in question. This is described as the cumulative impact of all premises taken together.

2.3 It is recognised that the impact on surrounding areas in relation to the behaviour of patrons from a number of premises located in close proximity to one another is greater than the impact of individual premises.

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2.4 The issue of cumulative impact is also linked to:

- Any material increase in the occupant capacity of the premises;
- Any change in the nature of the operation of the premises. This may include a change to layout, the provision of vertical drinking, * the inclusion of regulated entertainment, the addition of other licensable activities, extension to the times regulated entertainment and alcohol is sold or supplied, both on and off the premises;
- Consideration will also be given to applications for premises seeking to provide late night refreshment between the hours of 11.00pm -5.00am.

3.0 Context

3.1 The Licensing Authority may receive relevant representations from either a 'Responsible Authority' or an 'Interested Party,' that the cumulative impact of new premises licences, material changes and variations to existing permissions is leading to an area becoming saturated with licensed premises.

3.2 The issue of cumulative impact will be taken into account when considering the individual merits of an application. The onus is on the person or organisation making representations to prove any assertion by way of evidence, that the addition of the premises concerned and/or a variation to activities, hours or a change in nature of operation will undermine the promotion of the licensing objectives.

3.3 The Licensing Authority will not operate a quota of any kind which would pre-determine an application, nor will it seek to impose general limitations on trading hours in particular areas unless there are clear, evidence based reasons for doing so.

3.4 Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide regulated entertainment, but with contrasting styles and characteristics.

3.5 Proper regard will be made to those differences and the impact they are likely to have on the local community. It is recognised that it may not always be possible to attribute issues to a particular premise, or patrons from a particular premises, but that cumulatively; there can be a negative effect.

4.0 Adoption of Cumulative Impact Policy

4.1 Consideration will be given to the infrastructure in place to facilitate the dispersal of patrons from an area, including the availability of late night bus services, taxis and street cleansing services when establishments offering food, alcohol and regulated entertainment close.

4.2 A major concern for the Council is the level of alcohol related violent crime and alcohol related Anti Social Behaviour. This is particularly apparent in the town centre and its impact on policing the evening and night time economy.

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4.3 The Council have considered:

- Evidence of serious concern, regarding the concentration of licensed premises that is undermining the promotion of the licensing objectives from a Responsible Authority, namely Cambridgeshire Constabulary.
- Evidence from 'Other Persons,' to include local businesses, residents and representatives groups regarding noise, nuisance and disorder where a particular concentration of licensed premises in an area of Fenland is considered to be causing a negative impact on one or more of the licensing objectives.

5.0 What Does The Policy Do?

5.1 The effect of adopting a Cumulative Impact Policy is to create a rebuttable presumption that applications for new premises licence, club premises certificates or material variations to such will normally be refused if relevant representations are received.

5.2 Applicants must address the Cumulative Impact Policy and produce evidence to demonstrate how the application will:

- (a) Not add to cumulate impact, and challenges already being experienced in the area or;
- (b) Undermine the promotion of the licensing objectives.

5.3 The applicant must produce evidence to rebut the presumption to refuse an application within the Cumulative Impact Policy area. This Policy takes effect where a relevant representation is received.

5.4 It must be stressed that the presumption to refuse an application does not relieve Responsible Authorities of 'Other Persons' of the need to provide supporting evidence in conjunction with a relevant representation. This must be submitted before the Licensing Authority may lawfully consider giving effect to the Cumulative Impact Policy.

5.5 Where there is evidence that a particular area of the District is already suffering adverse effects arising from a concentration of licensed premises, and it can be demonstrated that communities are under pressure because of it, this will be taken into account in determining any further applications or material changes to licensed premises within the area identified. This includes:

- The character of the surrounding area;
- The impact of the licence on the surrounding area, both individually, and cumulatively with existing licences;
- The nature and character of the proposed operation;

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- The availability of other support services at key times, for example street cleansing services;
- The impact upon the policing of an area.

6.0 Integration of Strategies

- 6.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the control of the licence holder but is still a key aspect of such control and will be part of a holistic approach to the management of the day and night time economy in the District.
- 6.2 The Licensing Authority recognises that as well as licensing legislation, there are a number of other mechanisms for addressing issues of noise, nuisance and anti social behaviour which occur in the vicinity of licensed premises. These include:
- Planning controls;
 - Ongoing measures to provide a safer and cleaner environment in partnership with residents, local businesses and others;
 - Powers to designate parts of the District which restricts the consumption of alcohol in designated public places;
 - Confiscation of alcohol in designated areas;
 - Police enforcement of the law with regard to disorder and anti-social behaviour;
 - Police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
 - The power of police, local businesses or residents to seek a review of the premises licence;
 - Enforcement action against those selling or supplying alcohol to people who are underage or already drunk.
- 6.3 The Licensing Authority may address a number of these issues through Community Safety Partnerships in line with the strategic objectives for crime and disorder reduction within the District.
- 6.4 The Licensing Authority and Cambridgeshire Police are aware of the problems associated with the town centre area in respect of alcohol related crime and disorder and have launched a number of initiatives to combat this including intelligence sharing about problem premises, joint licensing visits and targeted activity.
- 6.5 There is an established alcohol treatment referral scheme for those individuals who come into custody and investment in diversionary activities for young people.
- 6.6 The Licensing Authority recognises that the Cumulative Impact Policy is one of a range of mechanisms to regulate activities of both premises and individuals, as part of a holistic approach which seeks to offer treatment to individuals and other interventions as appropriate.

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6.7 Other measures include an established radio system to facilitate communication between licensed premises and exclude problem individuals from venues, CCTV coverage and monitoring of the centre, regular joint operations to monitor licensed premises, active use of dispersal orders.

7.0 Where Does The Cumulative Impact Policy Apply?

7.1 The Licensing Authority has applied a special Cumulative Impact Policy to an area around Wisbech Town Centre. This is identified on the map attached at Appendix A.

7.2 The Licensing Authority believes that, following evidence from Cambridgeshire Constabulary, taking account of relevant feedback from the public consultation and in conjunction with the Crime Safety Partnership, that the cumulative impact of licensed premises in this area undermines the promotion of the licensing objectives.

7.3 Within Wisbech Town Centre, there is strong evidence of an impact on crime and disorder caused by the number of people attending licensed premises. The Police have provided statistical information in respect of the number of crimes within this area. Statistical evidence demonstrates the following:

- Over the past three years total violent crime, criminal damage and anti-social behaviour has actually decreased in Wisbech Town Centre Wards. However, as shown by the chart below, *alcohol-related* crimes and incidents – both the actual volumes and the proportions of these when compared to the total amounts – have increased since 2009.

CHART 2: VIOLENT CRIME, CRIMINAL DAMAGE & ASB - WISBECH TOWN CENTRE WARDS Offence/incident	2009	2010	2011	% change 2009 to 2011
Violent crime	516	454	504	-2.3%
Alcohol-related violent crime (% of total violent crime)	211 (40.9%)	188 (41.4%)	244 (48.4%)	+15.6% (+7.5%)
Anti-social behaviour	1858	1543	1480	-20.3%
Alcohol-related ASB (% of total ASB)	508 (27.3%)	498 (32.3%)	533 (36.0%)	+4.9% (+8.7%)
Criminal Damage	377	372	314	-16.7%
Alcohol-related criminal damage (% of total Criminal Damage)	46 (12.2%)	58 (15.6%)	69 (22.0%)	+50% (+9.8%)

- Within the Fenland Strategic Assessment * It was reported that 31% of all violent crime in the district is committed within the major 'pub clusters' (groups of three or more pubs/clubs within 100 metres of each other). The Wisbech Town Centre 'pub cluster' was the biggest contributor to this.

* http://www.cambridgeshire.gov.uk/NR/ronlyres/71A95BF2-5E5E-4E5A-9180-0B0BFE9876FB/0/FenlandSA2011v3_1_Part_One.pdf

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- In comparison of the pub clusters across Cambridgeshire the Wisbech Town Centre cluster was 2nd only to central Cambridge for the number of violent offences committed during the last 12 months and had a higher offence rate compared to many areas that are already defined as Cumulative Impact Zones.
- Further evidence provided by analysis of Ambulance call outs also shows that Wisbech Town Centre is the primary location for victims of violent assault within Fenland.
- Analysis of the timings of alcohol-related violent crime and ASB further suggests a link with the night time economy.
 - **65.2%** of alcohol related violent crimes occurred between 7pm and 4am the following morning – and six out of ten of these occurred on a Friday or Saturday night;
 - **53.7%** of alcohol related ASB incidents occurred between 7pm and 4am the following morning – and over half were on a Friday or Saturday night.
- The timing of alcohol related criminal damage offences are more difficult to analyse as often these offences occur where no witness is present. Nevertheless, analysis shows that, where timings have been reported, **73.4%** of such offences occur in the evening or overnight (47/64 offences). Offences are slightly more prevalent on a Friday or Saturday night (40.4%), although Wednesdays and Sundays record a high proportion too.
- Since 28 November 2008, the majority of Wisbech Town Centre has been subject to a 'Designated Public Place Order' (DPPO), which prohibits the drinking of alcohol in public places in that given zone. The vast majority of licensed premises are located within this DPPO zone.
- Despite the regular, robust policing of the DPPO zone, alcohol-related problems still exist in the town centre area and thus it has become necessary to consider the cumulative impact of the licensed premises on crime and anti-social behaviour.

8.0 Conclusion

- 8.1 The conclusion drawn in respect of the evidence is that where relevant representations are submitted, the Cumulative Impact Policy should aim to limit the number of new or material variations to licensed premises. The rebuttable presumption to refuse such remains in place.
- 8.2 The Licensing Authority believes that the presence of a Cumulative Impact Policy in the designated area will support and assist the range of strategies in place to tackle alcohol related crime and disorder.

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- 8.3 Accordingly, the Licensing Authority has resolved to maintain the Cumulative Impact Policy. The Policy will come into effect where relevant representations are received, will seek to prevent a further increase in the number of licensed premises and material changes to licences within that area.
- 8.4 The Licensing Authority wishes to encourage the provision of a range of entertainment in the area and to reduce the dominance of pubs, off licences, and take away premises with off licences. Any further expansion of licensed premises and the evening or night time economy should be consistent with the wider regeneration aspirations of the Council and its partners and should actively promote an inclusive town centre for all that is a safe and pleasant place to be in. This will be balanced against any likely negative impact on the licensing objectives.
- 8.5 The Licensing Authority has resolved that the Cumulative Impact Policy is one such measure to facilitate this, and ensure that the correct balance is sought.