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 2010 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.
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.

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 ‘Interested parties,’ 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 ‘Interested Parties’ 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;
• 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.

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 Police review of the Cumulative Impact Policy April 2016

7.3 Figures using the Police Recording system (CORA) show the number of incidents within the Wisbech Town Centre Wards. This system evidences the numbers reducing significantly since a partnership approach was adopted by Public Health, Trading Standards and Cambridgeshire Constabulary in preventing further proliferation of alcohol outlets within the CIZ area. Since the formation of the alcohol partnership agencies, health and mental health services have seen an increase in demand for support, as street drinkers are directly engaged and offered help.

7.4 Alcohol related incidents have moved away from a Night Time Economy issue to be one that currently involves the street drinking community. Increases in litter, public urination and defecation have been reported and these have mainly been in areas evidenced to be used by street drinkers. Some of the Town’s historic areas have been targeted as they are out of sight of the CCTV cameras and the general public. Sugar Tub Lane and Ghost Lane are particularly impacted with Ghost Passage having seen large quantities of human excrement having to be cleared by the public health services.

7.5 Officers patrolling these areas have on occasions, been attacked by street drinkers and one PCSO has had a glass bottle thrown at him by an aggressive male who did not want to be moved on. Other areas of the CIZ and also in the town centre wards, including Tillery Park, Town Park and the St Peters Church gardens all suffer from street drinkers at various times throughout the day and often well into the early hours. Seven pre-planned dispersals have been utilised within the CIZ since 31/01/2014 within the CIZ targeting alcohol and or anti-social behaviours. These powers come under Section 35 of the Anti-Social Behaviour, Crime and Policing Act 2014.

7.6 It is worth noting that the Constabulary uses a Secure Information Recording System called SIRCS which is operated by Empowering Communities and from January 2015 to April 2016 281 pieces of information were placed onto the system – most of this from the town centre alone relating to alcohol. This information has come from the Wisbech Pub Watch Group,
Police and Horsefair Security. It evidences the strong shift from night time pub related issues to street drinking becoming an increasing problem.

7.7 Offence/Incident Table

<table>
<thead>
<tr>
<th>Offence/Incident</th>
<th>2012-2013</th>
<th>=+/-%</th>
<th>Offence/Incident</th>
<th>2014-2015</th>
<th>=+/-%</th>
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<tr>
<td>ASB</td>
<td>2,382-2,159</td>
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<td>Alcohol Related Crime</td>
<td>970-727</td>
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<td>721-662</td>
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<td>Violence</td>
<td>231-151</td>
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<td>Criminal Damage</td>
<td>580-502</td>
<td>-13.4%</td>
<td>Criminal Damage</td>
<td>497-483</td>
<td>-2.8%</td>
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<tr>
<td>Alcohol related Violence</td>
<td>30-23</td>
<td>-23.3%</td>
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Historic Figures used for CIZ Policy

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<th>2011</th>
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<tr>
<td>Violent Crime</td>
<td>516</td>
<td>454</td>
<td>504</td>
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<td>Alcohol related Violent crime (%) of total violent crime</td>
<td>211 (40.9%)</td>
<td>188 (41.1%)</td>
<td>244 (48.4%)</td>
<td>+15.8% (+7.5%)</td>
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<td>Antisocial behaviour</td>
<td>1858</td>
<td>1543</td>
<td>1480</td>
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<td>Alcohol related ASB (%) of total ASB</td>
<td>508 (27.3%)</td>
<td>498 (32.3%)</td>
<td>533 (36.0%)</td>
<td>+4.9% (+8.7%)</td>
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<td>Criminal Damage</td>
<td>377</td>
<td>372</td>
<td>314</td>
<td>-16.7%</td>
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<tr>
<td>Alcohol related Criminal Damage (%) of total criminal damage</td>
<td>46 (12.2%)</td>
<td>58 (15.6%)</td>
<td>69 (22.0%)</td>
<td>+50% (+9.8)</td>
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7.8 It is still evident that in areas of street drinking there is a high proportion of alcohol related ASB, urination and defecation, with the associated impact this has on public perception and fear of crime. The local community have made this one of their local priorities for the police to tackle and the ability to deliver on this priority has been facilitated through the benefits provided by the CIZ Policy.

7.9 As part of the CIZ review, incidents outside of the CIZ were considered and the decision has been that the current geographical limits of the CIZ area remain both appropriate and proportionate for the town at this time. Consideration was given to extending the area covered but it is believed that this would not significantly improve the current effectiveness of the CIZ area.
Map key:

Red Markers – Off Sales Premises
Black Markers – On Sales Premises
Green Markers – Late Night Refreshment Premises (23:00hrs onwards)
Purple circle – indicates approximate area of current CIZ area
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.

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.
### REVISION HISTORY

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