

Appendix A

NOTTINGHAM CITY COUNCIL

Cumulative Impact Assessment

June 2018



Nottingham
City Council

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1) Introduction

Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

A Licensing Authority may, in appropriate circumstances, publish a Cumulative Impact Assessment (CIA) to help limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs are relevant to applications for new premises licences, club registration certificates and potentially to applications for variations of the same.

Historically, Nottingham City Council has had concerns about Cumulative Impact within its area since the Licensing Act 2003 (the Act) came into force. This resulted in the declaration of the City Centre Saturation Zone in July 2005 and the Berridge, Arboretum, and Radford Saturation Zone in January 2014. The Authority's various Statements of Licensing Policy created policies to address cumulative impact in those areas which related to all premises licensed to sell or supply alcohol for consumption both on and off the premises within the City Centre Saturation Zone and to all premises licensed to sell or supply alcohol for consumption off the premises within the Berridge, Arboretum, and Radford Saturation Zone.

Following the introduction of section 5A of the Act Cumulative Impact has been placed on a statutory footing and, in accordance with the Section 182 Statutory Guidance the Authority's previous approach and policies have been reviewed.

Nottingham City Council received evidence from the following which has led to the preparation of this Cumulative Impact Assessment:-

Inspector Anwaar Ahmed, Nottinghamshire Police – Appendix 3

David Scothern, Principal Enforcement Officer, Community Protection – Appendix 4

Jennifer Guiste, Principal Enforcement Officer, Community Protection – Appendix 5

Richard Taylor, Environmental Health & Safer Places Manager, Community Protection, Appendix 6

It has also had regard to the Strategies, Policies and other published documents listed in Appendix 7

Based on the evidence contained within this Assessment and for the reasons outlined below the Authority considers that the number of Relevant Authorisations in respect of:-

1. Premises licensed to sell or supply alcohol for consumption both on and off the premises in the City Centre Saturation Zone, and
2. Premises licensed to sell or supply alcohol for consumption off the premises in the Berridge, Arboretum & Radford Saturation Zone

is such that it is likely that it would be inconsistent with the Authority's duty under section 4(1) of the Act to grant any further Relevant Authorisations in respect of premises of the relevant type in those Areas.

In both cases a Relevant Authorisation means a Premises Licence or a Club Premises Certificate under the Act.

The creation of this CIA does not prevent any person from making an application for Relevant Authorisation and each application will continue to be dealt with on its own merits having regard to the contents of this document. It is not the purpose of such assessments to act as a total ban on growth or the licensing of premises which will not add to concerns around cumulative impact. The Authority recognises that the operating and business style of a premises affects the impact it may have. Restaurants, cafes and predominantly seated premises often have a lesser impact than pubs, nightclubs and high capacity vertical drinking establishments.

Nothing in this Assessment should be regarded or interpreted as an indication that any requirement of law may be overridden; each application will be considered and treated on its own merits. No restrictive controls will be introduced or imposed unless they are felt to be necessary and appropriate

In preparing and publishing this CIA regard has been given to the guidance issued by the Secretary of State under section 182 of the Act. In particular the Authority has consulted those persons and bodies as required by the guidance and given proper weight to their views. This Assessment also works alongside existing Council strategies and priorities in relation to crime prevention, regeneration, planning, transport, tourism, race equality and culture.

Consultation on this Assessment took place between ** 2018 and ** 2018 and it was published on ** 2018 to take effect from 7 January 2019.

2) SUMMARY OF EVIDENCE

GENERAL

Evidence from Nottinghamshire Police and held within the Council shows general trends across the City which supports arguments for both Saturation Zones defined in this document.

The City's regional position makes it ideal for access by visitors. Previous information documented in the Authority's Statements of Licensing Policy noted a growth in the number of hotel rooms available in Nottingham and this has not reduced despite the current economic climate. Nottingham still attracts large numbers of people wanting to take part in its nightlife and adding to the numbers already present. Venues and event companies use websites and other methods to advertise to groups such as students, Stag & Hen parties offering guides to which pubs and clubs to visit and which hotels to stay in. Whilst this can be good for tourism it can also fuel tensions which already exist within the City. The City also has high profile entertainment venues such as the Motorpoint Arena, two theatres, prominent sporting venues and excellent transport links by road, rail, tram and bus. It remains the region's capital for entertainment attracting local residents, visitors from around the UK and internationally many of whom want to enjoy the City and its night time economy

Nottingham has two continually expanding universities currently attended by approximately 60,000 students who swell the numbers of drinkers in the City, especially during term time. Student accommodation has increased (and is forecast to continue to do so,) especially within the City Centre making it easier for the growing number of students to take advantage of the offers of the City.

The two Saturation Zones both contain student accommodation and abut each other with migration routes between the two Zones. The effects of preloading (where alcohol is purchased cheaply from off licences and supermarkets and used for the purchaser to start to drink before entering other licensed premises) is not unique to Nottingham but impacts on both Saturation Zones as detailed below and evidenced in the fact that homemade/decanted alcohol mix products were the most confiscated product under the Citywide DPPO (AA2 appendix 2)

Many licensed premises and particularly the larger venues target the student market causing peaks in activity where demand is almost as busy on a weekday from the effect of Student Nights and other promotions during term time as it is at weekends. In addition a number of venues organise student events which attract students from across the country using bespoke transport such as coaches and also impacting the usual transportation systems taking the students home again at the end of the night.

Students impact on crime in a number of ways;

- they are often a target for crime
- Statistically, 18-30 year olds account for the vast majority of both offenders (54%) and victims (over 48%)
- A high proportion are immature drinkers, thus more markedly affected by alcohol;
- Students are mostly in the 16-24 age group which already forms the majority of both the victims and perpetrators of alcohol related violence and disorder. All of these factors increase the potential for crime and disorder;
- Students are responsible for a significant proportion of alcohol seizures, many of these taking place within the Lenton area of Nottingham which falls within the Berridge, Arboretum & Radford Saturation Zone.

The presence of a large number of off licences in both Saturation Zones has increased the prevalence of pre-loading, on street drinking and also the anti-social behaviour associated with it. This has been reflected in an increase in the number of alcohol confiscations made under the Designated Public Places Order.

Night Time Culture

The Night Time Economy (NTE) can be split onto three time periods, each one with its own dynamics and response requirements.

Early Evening – 1900hrs to 2159hrs

This period tends to be used for the purchase of cheap alcohol from off-licences, including major chains and supermarkets, with a view to purchasers consuming alcohol and potentially getting drunk before entering into the early part of the night time economy. This “pre-loading” is not unique to Nottingham but can make a huge difference to a night out in the City. The significant number of off-licenced premises reflects and caters for this increase in demand. Whilst this phenomenon is thought to have caused a reduction in the early evening incidents of crime and disorder in the City Centre Saturation Zone (as patrons enter the City later in the evening having already consumed a large amount of alcohol,) it appears to have the effect of increasing violence later in the evening.

Night Time – 2200hrs -0359hrs

This time period sees the trend for violence to occur particularly in the City Centre Saturation Zone as the footfall seems to slow down – either inside or outside the premises. With the influx of pre-loaders arriving in the City as late as 2230hrs (and therefore staying later) to enjoy the facilities in the night time economy and between 2200hrs and 0059hrs, the level of incidents rises to a peak period between 0100hrs and 0359hrs.

Early Morning period – 0400hrs – 0600hrs

Between these hours the trend for crime and disorder moves back to the open spaces. People are wanting to exit the City whilst others still want entry to the late night venues. The infrastructure in this period is stretched for both Police resources and transportation providers

Public Transport

As indicated above there is a trend for people to come into the City later and leave it later. The infra-structure of the City is less able to cope with this transition and whilst the tram is an excellent transporter of large numbers of people the last tram out of the City is around midnight and 1.00am. The provision of late night buses is limited and offers a reduced capacity. Large numbers of people require egress from the City and take advantage of the numerous taxi cabs and private hire offers, which can cause an over proliferation of vehicles in the City centre at night sparking alcohol fuelled incidents as customers seek to make their way home .

3) SUMMARY OF EVIDENCE

CITY CENTRE SATURATION ZONE

The City Centre Saturation Zone is shown on the map in appendix 1 and relates to all premises selling or supplying alcohol for consumption either on or off the premises (or both). At the time of publication this consists a total of 398 premises.

Crime & Disorder

In 2004/5 when the Saturation Policy was first being considered Police evidence showed that high levels of Crime and disorder were centred in the Zone.

Since that Saturation Policy was first introduced, the dynamics have changed in that the number premises with a capacity of over 500 has fallen. However, even the lower capacity premises contribute to crime and disorder within the City with a number of expedited reviews having been brought in respect of premises with less than 500 capacity.

Violent crime is statistically rising with violence against the person having increased by 19.7% between March 2017 and March 2018. When compared with similar core cities (Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, Newcastle upon Tyne and Sheffield) Nottingham has the fourth highest level of recorded violence per 1000 population as of February 2018, which sits just behind Manchester, Newcastle and Leeds.

Of the total violence reported to the Police City Division 19:00 Thursday – 06:00 Sunday, the City Centre accounts for 14.5%. In the Night Time Economy, that rises

to 35.4%. Of the total violence in the City Division, violence in the City Centre which occurred during the NTE period between Sunday – Wednesday is 4.4% and of which the total City Centre violence is 22.2%,. It can therefore be seen that violence in the City Centre Saturation Zone in the NTE is still very much an issue.

18-30 year olds, (which covers the vast majority of the student population,) accounts for 48.2% of victims for the NTE period and 54.1% of all offenders/suspects.

Anti-social behaviour

Anti-social behaviour (including vomiting and urinating) in the City Centre is a regular occurrence especially at night and during the busy weekend period; an increase in numbers of people going in to licensed premises may lead to an increase in this problem. Litter is a regular problem including flyers and tickets used to advertise clubs and drinks promotions.

The Respect for Nottingham Survey 2017 produced by the Crime & Drugs Partnership highlights the concerns relating to Anti-social behaviour in Nottingham as a whole with 35% of respondents agreeing that 'people being drunk or rowdy in public spaces' as very big or fairly big problem with 31% considered street drinking to also be a very big or fairly big problem.

The same survey reported a reduction in the number of people who felt safe in the City centre during dark and highlighted the main areas of concern to be litter from vomiting, flyers, tickets and food containers, all a by-product of the licensed trade or those who use it.

The City Centre cleansing service operates 24 hours a day, however it requires the opportunity to clean the streets between licensed premises closing and the start of the next working day. In particular the matters found by the service include glass waste, street litter and litter from food vendors and advertising of licensed premises and vomit and urine in the street and alleyways. Staff attempting to deal with these problems frequently suffer abuse and a risk to their health and safety from the behaviour of the perpetrators - customers of licensed premises.

Noise and public nuisance

Public nuisance can encompass a range of behaviours and activities.

The cumulative impact of noise is a serious concern particularly when pubs, clubs and café-bars use loud music to attract customers, and when, as a result of 'smoke-free' legislation, patrons congregate outside (or in the vicinity) of a premises to smoke, where conversation and behaviour can also become noisy and disturbing to residents in the vicinity.

In the City Centre Saturation Zone many former commercial and industrial premises have been converted to residential accommodation, licensed premises or, in some

buildings, a mixture of both. This can lead to complaints as noise from premises, customers and passing revellers can prevent and disturb the sleep of local residents.

The mixture of city living and licensed premises within the Saturation Zone can result in noise breakout from many things such as people on the street, taxis and minicabs, music with bass content, street cleansing vehicles and the emptying of bottles into skips.

The Council's Environmental Health and Safer Places team continues to receive and investigate complaints from residents and businesses about noise from premises and their customers.

4) SUMMARY OF EVIDENCE

BERRIDGE, ARBORETUM, AND RADFORD SATURATION ZONE

The Berridge, Arboretum & Radford Saturation Zone is shown on the map in appendix 2 and relates only to those premises selling or supplying alcohol for consumption off the premises. At the time of publication of this Assessment consists a total of 106 premises.

Crime & Disorder

This Saturation Zone was first introduced in 2014 and covers several areas with high indices of deprivation. There are a number of properties operated by Framework, a charity and housing association dedicated to helping homeless people, preventing homelessness and promoting opportunities for vulnerable and excluded people, particularly around the Radford area. This charity works with thousands of people each year who are either homeless or at risk of homelessness including those with alcohol and drugs problems and offenders. This Saturation Zone houses a high concentration of persons with complex needs who can lapse into criminal and antisocial behaviour often linked to alcohol and its availability from the significant number of licensed premises in this Saturation Zone. and the consumption of it around the Forest Recreation Ground and general area leads to an increase in ASB as the area has become a magnet for street drinkers.

Evidence also suggests that street drinkers will sometimes travel to parts of the Saturation Zone as they see it as an easy place to drink and access alcohol. Concerns are regularly voiced by partners, communities, and local residents and businesses in addition to the local police beat teams about the number of licensed premises in the area.

The Police note that there is a great deal of alcohol related disorder and crime across this Saturation Zone with the misuse of alcohol being linked to the chaotic lifestyles of the vulnerable persons living in this area. In addition areas such as Derby Road, Waverley Street and Talbot Street (which are the main migration routes between the two Saturation Zones) are the most frequent places for alcohol confiscations. Waverley Street and Talbot Street also abut the Forest Recreation Ground and General Cemetery respectively which are problem areas for street drinking.

Anti-Social Behaviour

Alcohol related anti-social behaviour is a major concern within this Saturation Zone linked to both the high concentration of off-licensed premises in the area and the high numbers of students and vulnerable persons who live in the area and are the customers of those premises. It is of particular note that, it has been necessary to use the 'Community Trigger' power introduced by the ASB, Crime & Policing Act 2014 to tackle the increase in Anti-social behaviour within this Saturation Zone. This power enables members of the community who are aggrieved by the way in which on-going complaints of ASB are being handled to require a multi-agency review of actions being taken and here is seeking to address the conflict between the majority of persons and families living in this saturation Zone who seek to live their lives in positive and peaceful ways and the problems caused by the consumers of alcohol within the area.

Hotspots for street drinkers include children's play areas with concerns frequently raised by parents of children attending local schools regarding the intimidating and general behaviour of street drinkers. This is reflected in the high numbers of alcohol confiscations being made throughout the Zone with 299 being made by community protection officers alone in the year 1/4/17-31/3/18. Despite the creation of the Zone in 2014 an increase in alcohol related detritus has been noted in the area over the last 2 years with cleansing staff reporting large groups of street drinkers which intimidate both them and residents.

5) OTHER CONTROL MEASURES IN USE

In preparing this Cumulative Impact Assessment regard has also been had to other available control measures and Council Strategies and Policies.

Planning Services

Planning is based on the principles of sustainable development, regeneration and social inclusion and in relation to the City centre seeks to ensure a balance of uses to maintain its attractiveness and accessibility for the needs of all sections of the community. Whilst the Planning and Licensing regimes are separate they do share common themes with community safety and amenity (including protection from nuisance) being key considerations in the delivery of an inclusive City and in the way planning applications are considered.

The Local Planning Authority has a role in helping to manage the evening and night-time economy in centres, taking account of and complementing the local authority's Statement of Licensing Policy and promotion of the licensing objectives under the Licensing Act 2003. The relevant national legislation governing development is the Town & Country Planning Act 1990, along with The Town and Country Planning (Use Classes) Order 1987 as amended and The Town and Country Planning (General Permitted Development) Order 1995 as amended. The current Local Plan comprises the Nottingham City Aligned Core Strategy (ACS) and 'saved' policies and a proposals map, which were adopted in November 2005. Work is currently underway to prepare a new part 2 of the Local Plan to replace the saved policies document namely the Nottingham City Land and Planning Policies (LAPP). It is anticipated that the LAPP will be adopted in 2019.

The City Centre Time and Place Plan and Land and Planning Policy Document (LAPP) aims to enable and encourage distinct quarters in the City Centre that can evolve over a period of time to meet different needs at different times of the day and night. For example, large scale licensed premises may be more likely to be acceptable in well designed new buildings in developable locations in the Canal Quarter than in the retail core or the highly populated historic Castle Quarter.

Whilst Planning legislation grants the Council a degree of control over the location and operation of new restaurants and drinking establishments within retail centres and elsewhere, there is significantly less control available over the development of off-licences and other retail premises which sell alcohol. Such premises benefit from permitted development rights and are able to change use without the need for express planning permission from the Authority. The scope for control of off-licenses and other retail licensed premises is therefore limited under planning legislation with, for example, newsagents or post offices being converted into off-licences without any requirement for planning permission. Similarly planning permission is not required to convert several other types of high street uses, including redundant public houses, premises used for Financial & Professional Services, Restaurants and Cafés, and Drinking Establishments to shops (and potentially off-licences) or supermarkets.

Although the Licensing and Planning process are governed by separate and distinct pieces of national legislation and local policies, both seek to provide balanced, successful and inclusive retail centres and neighbourhoods, offering safe and convenient services to the citizens of Nottingham. Successful co-ordination of these processes, with the assistance of all Responsible Authorities, including Police and Fire services is increasingly being recognised as essential in the control of where such premises are located and how they operate and should help reduce anti social behaviour and crime.

It is the view of the Planning Authority that concentrations of licensed premises including off licences give rise to problems of public disorder, noise, disturbance and general anti social behaviour in the City centre. These issues also affect adversely the perception of the City centre as a safe place to visit. It is essential that the right balance is struck between the mixture of different commercial and leisure related uses in the City centre and in particular to minimise the concentrations of licensed premises. It is recognised that large licensed venues can give rise to particular problems of disorder, noise and disturbance. This CIA therefore works alongside and compliments Planning Policy addressing issues which are outside of Planning control.

Public Spaces Protection Order (PSPO)

Nottingham City Council's local authority area is covered by Citywide PSPOs introduced in October 2017 for a period of 3 years and which were conversions from the former Designated Public Places Orders first introduced in 2005. Under the PSPO offences are committed if a drinker does not stop drinking and hand over alcohol

when asked to do so by an authorised officer.

Dispersal Powers

Dispersal Powers under the Anti-Social Behaviour Crime and Policing Act 2014 provide extra powers for the Police direct persons to leave an area where their behaviour is causing a nuisance, harassment or distress. Individuals can be moved out of the area and prohibited from returning for up to 48 hours (unless they live in the area).

Whilst the problems associated with Cumulative Impact are significant they are often more transitory and by-products of the consumption of alcohol rather than being caused by prolonged behaviour of identifiable individuals or groups. This power is not therefore always a satisfactory response to the issues caused

Licensing Act 2003

The Police and Responsible Authorities under this Act work with those involved in alcohol licensed businesses as applications for new licences are received or variation of existing licences are requested. This can include mediation around conditions required to ensure that the premises do not have an adverse impact on the licensing objectives taking each application on its merit.

Action is taken against premises which do not adhere to the terms and conditions of their licence and include sanctions up to and including revocation of a licence.

Problem Licensed Premises Approach by Police

Nottinghamshire Police actively promote statistical analysis of the crime and disorder in and around licensed premises and work with those premises which are highlighted as needing additional attention be that support with initiatives such as metal detectors and breathalysers. These approaches are used to address specific issues arising from identifiable premises but have limited effect on issues of cumulative impact which by definition are caused by the accumulated customers of a high concentration of premises and cannot be attributed to a specific premises.

Police Street Drinking Initiative

This initiative involves proactive partnership working to tackle street drinking problems following a rise in complaints from residents.

Environmental Protection

Whilst various powers exist to address statutory and other forms of nuisance these once again are required to be focused on specific and identifiable premises or individuals and cannot be used in relation to problems which occur on the street. For

this reason they are often not available to directly address the issues caused by Cumulative Impact.

City Centre Management

In 2011 the Nottingham Retail BID was created to represent the interests of City centre retail businesses. In total there are over 750 members in the BID area which pay an additional levy of 1.33% of their rateable value of their properties to raise a combined income of £840,000 per annum. The monies raised are used to fund a series of initiatives, projects and events which not only add to the vibrancy of the City but also support the licensed trade and address and assist with some of the crime and disorder and anti-social aspects arising from the night time economy. Projects have included a taxi marshalling scheme funded by the Nottingham BID to maintain order in taxi queues and assist people to get home safely, the promotion of Best Bar None and Purple Flag schemes promoting Nottingham as safe City in which to enjoy a night out. In addition, the Malt Cross Trust Company provides the Street Pastors project which has been in place since 2010. Street Pastors are volunteers from local churches who patrol the City Centre every Friday and Saturday night between 10pm and 3am providing care, support and protection to those using the night time economy who may need assistance.

Despite these excellent schemes however there is still a broad consensus that night-time crime and disorder, nuisance and anti-social behaviour and the quality and size of certain licensed premises does have a negative impact on the City Centre, and that it is still appropriate to maintain a Saturation Policy.

The City Centre Locality Board was established in April 2012 in order to identify partnership issues and concerns for the City Centre that can be resolved and addressed through collective organisations. The group now mirrors existing arrangements within our Neighbourhoods and contributes towards the Area Working model. This group feeds in strategically to the CDP Executive.

6) Conclusions

Despite the various other control measures taken into consideration above the evidence provided in this Assessment, shows that Cumulative Impact in both Zones is resulting in crime and disorder, antisocial behaviour, and public nuisance including

noise nuisance, litter and accumulations. These problems are largely attributable to the significant concentration of alcohol licensed premises in those Zones and their customers..

The evidence provided shows that the Licensing Authority's historic approach in declaring these Saturation Zones and introducing policies to control the number of premises licensed to operate within them has not acted as an arbitrary restriction on trade but has acted as a proactive measure requiring applications to be heavily scrutinised by both those making them and considering them so as to ensure that the particular problems resulting from Cumulative Impact are addressed and not increased. Bearing in mind this history, the limits of other existing powers and the evidence provided the Licensing Authority is satisfied that it still considers the number of Relevant Authorisations Relevant Authorisations in respect of:-

1. Premises licensed to sell or supply alcohol for consumption both on and off the premises in the City Centre Saturation Zone, and
2. Premises licensed to sell or supply alcohol for consumption off the premises in the Berridge, Arboretum & Radford Saturation Zone

is such that it is likely that it would be inconsistent with the Authority's duty under section 4(1) of the Act to grant any further Relevant Authorisations in respect of premises of the relevant type in those Areas..

This CIA is intended to help highlight problems at source by supporting the Authority's Statement of Licensing Policy and those making, considering and determining applications to ensure that only those premises with appropriate control measures in place to address such issues and promote the licensing objectives proceed.