

Public Document Pack



Nottingham
City Council

Licensing Committee

Date: Monday, 4 October 2021

Time: 10.00 am

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Please see information at the bottom of this agenda front sheet about arrangements for ensuring Covid-safety.

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Governance Officer: Kate Morris, Governance Officer **Direct Dial:** 0115 8764353

1 Apologies for Absence

2 Change in membership

To note that Councillors Lauren O'Grady and Chantal Lee are no longer members of this committee

To note that Councillor Wendy Smith is now a member of this committee

3 Declarations Of Interests

If you need advice on declaring an interest, please contact the Governance Officer above, if possible before the day of the meeting

4 Minutes

To confirm the minutes of the meeting held on 10 August 2021

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5 Cumulative Impact Assessment

Report of the Director Community Protection

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If you need any advice on declaring an interest in any item on the agenda, please contact the governance officer shown above, if possible before the day of the meeting

Citizens attending meetings are asked to arrive at least 15 minutes before the start of the meeting to be issued with visitor badges

In order to hold this meeting in as Covid-safe way as possible, all attendees are:

- asked to maintain a sensible level of social distancing from others as far as practically possible when moving around the building and when entering and leaving the meeting room. As far as possible, please remain seated and maintain distancing between seats throughout the meeting.
- strongly encouraged to wear a face covering when entering and leaving the meeting room and throughout the meeting, unless you need to remove it while speaking to enable others to hear you. This does not apply to anyone exempt from wearing a face covering.
- make use of the hand sanitiser available and, when moving about the building follow signs about traffic flows, lift capacities etc

Nottingham City Council Licensing Committee

Minutes of the meeting held remotely via Zoom and live-streamed on YouTube on Tuesday 10 August 2021 from 10:02am to 10:26am

Membership

Present

Councillor Toby Neal (Chair)
Councillor Gul Nawaz Khan (Vice Chair)
Councillor Audrey Dinnall
Councillor Nicola Heaton
Councillor Zafran Nawaz Khan
Councillor Dave Liversidge
Councillor AJ Matsiko
Councillor Linda Woodings
Councillor Cate Woodward
Councillor Audra Wynter

Absent

Councillor Rebecca Langton
Councillor Lauren O`Grady
Councillor Mohammed Saghir

Colleagues, partners and others in attendance:

Ann Barrett - Team Leader, Legal Services
Melanie Bird - Licensing Compliance Manager
Adrian Mann - Governance Officer
Pete Mitchell - Head of Regulation

1 Changes to Membership

The Committee noted that Councillor Chantal Lee has resigned from the Committee.

2 Apologies for Absence

Councillor Rebecca Langton - on leave

3 Declarations of Interests

None.

4 Minutes

The minutes of the meeting held on 23 October 2018 were confirmed as a true record and signed by the Chair.

5 Gambling Policy 2022-25

Melanie Bird, Licensing Compliance Manager, presented a report on the draft Statement of Gambling Policy 2022-25. The following points were discussed:

- (a) the Council is required to produce and publish a Statement of Gambling Policy for a three-year period. A new Statement for 2022-25 is being produced and will come into effect from 31 January 2022. The Portfolio Holder for Neighbourhoods, Safety and Inclusion has released the draft Statement for public consultation from

8 August to 10 September, and the Licensing Committee is a required consultee. Following the conclusion of the consultation process, the final Statement will be brought to the full Council meeting on 8 November for approval;

- (b) currently, there are six licensed casinos in the city. There is a statutory limit on the number of new Casino Licences that can be granted nationally. The Council has not submitted a bid to enable it to award any further licences, so it is not possible for a new Casino Licence to be granted in the city under the current legislation. Nevertheless, the Council had passed a resolution that it would not grant any further licenses for casinos during the period of the current Statement, and it is proposed to renew this resolution for the period of the new Statement;
- (c) the Committee considered that the resolution to grant no further Casino Licenses should be renewed. It noted that the current policy seeks to ensure that the existing casinos cannot admit anyone below the age of 18, and that children are not targeted by related advertising. However, the results of an adult's gambling may have an effect on both themselves and the physical and mental health and wellbeing of their families, so the Council should be aware of the wider impacts of gambling on the health of vulnerable people;
- (d) physical licensed gambling establishments in the city have a part to play in mitigating these impacts but, due to the widespread availability of online gambling, it is difficult to create a precise assessment of the effects of the licensed premises upon public health. The Council's role regarding the licensing of casinos is in relation to the premises only, as operators that are licensed and regulated by the Gambling Commission. Casinos are regulated by the Council in a coherent manner, with regular compliance checks carried out, and are managed effectively by their operators in adhering to the terms of their licenses, including keeping records of all people who seek and are denied entry.

Resolved to note the draft Statement of Gambling Policy 2022-25, and to support the renewal of the 'no casino' resolution.

6 Proposed Cumulative Impact Assessment

Pete Mitchell, Head of Regulation, presented a report on the review of the current Cumulative Impact Assessment (CIA) of licensed premises. The following points were discussed:

- (a) the current CIA was published in October 2018. The three-yearly statutory review process is being carried out and the CIA has been updated to reflect the current statistical data and information. It is a requirement that the draft CIA is released by the Licensing Committee for public consultation, which is proposed to take place from 11 August to 10 September, to inform a final CIA to be brought back to the Committee for adoption at its meeting on 4 October;
- (b) based on the review and following consultation with Nottinghamshire Police, it is proposed to maintain the City Centre Saturation Zone (first created in July 2005) and the Berridge, Arboretum and Radford Saturation Zone (first created in January 2014). The Berridge, Arboretum and Radford zone was created primarily to restrict the concentration of off-licenses as a means of addressing public health

concerns and anti-social behaviour, as the sale of very strong alcohol at cheap prices has been a problem for the area;

- (c) the City Centre zone is intended to restrict off-licenses and establishments where a primary purpose is to sell high volumes of alcohol, to seek to limit anti-social behaviour and crime. In order to ensure that the city centre is a good environment for people to visit and enjoy, this policy promotes more mixed premises with a wider offer than solely high-volume alcohol sales. There are approximately 429 licensed premises in the city centre, which represents an 8% increase since 2018 (rather than the 22% increase as stated currently in the draft CIA, which will be corrected before it is published for consultation);
- (d) the designation of a Saturation Zone does not ban the granting of any new licenses within the area. Licenses to sell alcohol may still be applied for and any application will be considered on the basis of its own merits, taking proper account of current policy and any representations made in response;
- (e) the Committee considered that it is important for appropriate measures to be in place to tackle street drinking and the wider health impacts of alcohol consumption, and that the Saturation Zones have helped to maintain Nottingham's 'Purple Flag' status as a safe city for a number of years.

Resolved to approve the release of the draft Cumulative Impact Assessment for public consultation.

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LICENSING COMMITTEE - 4 OCTOBER 2021

Title of paper:	Cumulative Impact Assessment	
Director(s)/ Corporate Director(s):	Andrew Errington Director Community Protection	Wards affected: ALL
Report author(s) and contact details:	Melanie Bird Licensing Compliance Manager melanie.bird@nottinghamcity.gov.uk 07903702608 Paul Dales Chief Environmental Health Officer 07983 334708 paul.dales@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Ann Barrett, Team Leader, Legal Services 0115 8764411 ann.barrett@nottinghamcity.gov.uk	
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input checked="" type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
<p>To advise the Licensing Committee of the responses received (appendix 2) during the statutory consultation process conducted in respect of the draft Cumulative Impact Assessment (CIA) (appendix 1) in respect of the City Centre and Radford, Berridge and Arboretum areas.</p> <p>To seek a final decision as to whether or not to publish the draft CIA and if so in what terms in light of the consultation responses and advice given.</p> <p>A list of respondents is also attached at appendix 3</p>		
Recommendation(s):		
1	To consider the consultation responses and the Officers comments at Appendix 2	
2	That the Committee determine not to publish the CIA at this time.	
3	That Committee amend its terms of reference as set out in Appendix 4	

1 Reasons for Recommendations

- 1.1. Having published a Cumulative Impact Assessment (CIA) in October 2018 the Council as Licensing Authority is now under a statutory duty to review that Cumulative Impact Assessment and consider whether it still holds the same opinion.
- 1.2. Licensing officers had sought evidence from Responsible Authorities and prepared the attached draft Cumulative Impact Assessment which had been updated to reflect current statistical data and information.
- 1.3. The retention of the existing Saturation Zones had been requested, and evidenced, by both Nottinghamshire Police and the Council's Community Protection Team and a draft Cumulative Impact Assessment was approved by this Committee for consultation on 10 August 2021. The results of the consultation have now been collated and assessed.
- 1.4. A common theme throughout the responses was that insufficient weight had been placed on the effects of the pandemic on businesses and that more general consideration ought to be given to the benefits and effects that the hospitality industry has on the wider economy and vitality of the city centre in particular. It has also transpired that the plans and statistical information provided and contained in the draft CIA were incorrectly based on the City Centre area and Radford, Berridge and Arboretum area in their entirety as opposed to the delineated cumulative impact zones designated by the current CIA and previous policies. Taking all of this into account it is recommended that the Committee does not adopt the proposed CIA at the time and that officers re-focus their considerations and evidence gathering to look at a more holistic picture including the effects of such policies on the hospitality industry and the economy alongside updated evidence of the problems having a large concentration of licensed premises can have not only in terms of crime and anti-social behaviour but also in terms of health related statistics .

2 Background (Including Outcomes of Consultation)

- 2.1 As outlined above and in the report to this Committee of 10 August 2021, CIAs may only remain in force for a period of three years from publication prior to which the Licensing Authority must review the CIA and consider whether it still holds the same opinion. The Authority's current CIA is due to expire on 9 October 2021.
- 2.2 Licensing officers sought evidence and views from Responsible Authorities on whether it might be appropriate to maintain a CIA which tended to indicate that renewal of the CIA might be appropriate. A consultative draft Cumulative Impact Assessment was therefore approved by this Committee on 10 August 2021 and consultation took place between 11 August 2021 and 8 September 2021 with both public and statutory consultees. A summary of consultation responses, the officer assessment of them appear at appendix 2.
- 2.3 The CIA at Appendix 1 is in the same form as the consultative draft and has not been amended following the responses received. However, in light of some of the comments clarification has been sought in respect of the plans and statistical information provided and unfortunately it has transpired that the plans attached at

appendix 1 and 2 of the draft CIA and the statistical information, in particular at Sections 3 and 4 is incorrectly based on a wider areas than was intended.

- 2.4 Given the legitimate concerns expressed about the wider effects of the CIA (and the City Centre Saturation Zone in particular) in the current economic climate and the evidential discrepancies It is recommended that the current draft CIA proceed no further at this time. The existing CIA will lapse on 9th October 2021 but this will not prevent either Responsible Authorities or any other person from making representations against applications where they feel appropriate. Whilst CIAs set down a strong statement of intent they do not change the fundamental way that licensing decisions are made and each application still has to be considered on its own merits against the information provided by those making representations. The absence of a CIA does not prevent representations being made that an application premises will give rise to a negative cumulative impact on one or more of the licensing objectives. It will however remain incumbent on the person making such representations to provide the relevant evidence of cumulative impact.
- 2.5 It is proposed that officers will carry out further evidence gathering which it is envisaged will be brought to this Committee in Spring/Summer 2022 allowing further time to investigate the impact on the business sector, in particular in the City Centre and Radford, Berridge and Arboretum areas of the City and to allow for further views to be made from a wider sector of stakeholders including Public Health. This period of time will also allow statistical data to be reviewed and permit further analysis of each of the existing and previous boundaries relevant to the City Centre and Radford, Berridge and Arboretum Saturation Zones.
- 2.6 The lapse of the current Cumulative Impact Assessment Policy will allow a natural hiatus whereby the Licensing Authority may consider further analysis of the available data and of the current business sector climate, particularly the impact that the Covid-19 pandemic has had on the hospitality industry within Nottingham. This issue was prevalent within the responses received from the consultation. Further consideration will confirm with interested parties that Nottingham's Licensing Authority takes their views into account and that there is a commitment to apply a further period of analysis to the issues raised. The re-consideration of a CIA in r 2022 will allow an approach that can tailor the assessment to the needs of the city as it adapts to a "new normal".
- 2.7 The lapse of the current CIA will however have implications for this Committees Terms of Reference, those of its Licensing Panels and the Statement of Licensing Policy. Currently any application which raises Cumulative Impact for premises which are outside one of the adopted Cumulative Impact Zones has to be considered by a full meeting of this Committee rather than a panel. As such zones will no longer exist and for the sake of efficiency it is recommended that any application where representations are received relating to Cumulative Impact now be referred to a Panel to consider. If an authority has a CIA it is also required to be summarised in the Councils statement of Licensing Policy. The current CIA is summarised in the Council's statement of Licensing Policy from paragraphs 6.33-6.40. Once the current CIA lapses these paragraphs will no longer be relevant. The Statement of Policy cannot be changed to remove these paragraphs without going through a consultation process. Given that work will be taking place which may result in a further CIA in the future it is not proposed to make such amendments at this time rather the matter will be re-considered alongside re-consideration of the CIA. Appropriate information will however be placed on the Council's website to inform the public that those parts of the Policy are in effect no longer applicable.

3 Other Options Considered in Making Recommendations

- 3.1 Adopting the consultative draft CIA would pose a risk of legal challenge and it is felt more appropriate that further consideration is given to the wider issues raised by the public consultation

4 Finance Colleague Comments (Including Implications And Value For Money/VAT)

- 4.1 The statutory fees levied for the regime are intended to cover the cost of the creation and consultation of a Cumulative Impact Assessment.

5 Legal and Procurement Colleague Comments (Including Risk Management Issues, and Legal, Crime And Disorder Act and Procurement Implications)

- 5.1 Section 5A of the Licensing Act allows an Authority to publish a CIA “stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority’s duty under section 4(1) to grant any further relevant authorisations in respect of premises in those parts”

- 5.2. The adoption of a CIA is a power not a duty and should be based on robust evidence which is required to be set out in the CIA. As indicated in the body of the report there have been some legitimate challenges to the evidential base and plans contained within the draft CIA and the recommendation not to adopt that CIA is appropriate in these circumstances. Paragraph 2.4 of the report correctly reflects that statutory Guidance that the absence of a CIA does not prevent issues of Cumulative impact from being raised in representations nor fundamentally affect the way that applications are considered. Those making such representations however will need to ensure that they are supported by appropriate evidence.

- 5.3 The lapse of the CIA will have an effect both on the Council’s statement of Licensing Policy and on the Committee’s terms of reference. proposals in relation to the Licensing Policy are set out in paragraph 2.7 above and seem reasonable at this time. In relation to the Committee’s terms of reference section 6 of the Licensing Act 2003 requires Council (as Licensing Authority) to establish a Licensing Committee however section 7 then refers all matters relating to the discharge of the Licensing Authority’s functions (with some limited exceptions) to the Licensing Committee. On this basis this Committee can set it’s own terms of reference and amendments to those currently contained in the Constitution are proposed in appendix 4. These effectively mean that if issues of cumulative impact are raised in representations the relevant applications can be considered by a panel rather than needing to convene a full meeting of this Committee. the existing terms of reference for Licensing Panels do not require any amendment to reflect these proposed changes. If approved a report will be taken to Council requesting that the relevant changes be reflected in the Constitution.

Ann Barrett, Team Leader, Legal Services, 21 September 2021

6 Strategic Assets & Property Colleague Comments (For Decision Relating to all Property Assets and Associated Infrastructure)

6.1 None

7 Equality Impact Assessment

7.1 Has the equality impact of the proposals in this report been assessed?

No



The Cumulative Impact Assessment has been prepared to enable fairness to all parties.

8 List of Background Papers Other Than Published Works or Those Disclosing Confidential or Exempt Information

8.1 None

9 Published Documents Referred to in Compiling This Report

9.1 Licensing Act 2003
Section 182 Guidance
Policing & Crime Act 2017

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NOTTINGHAM CITY COUNCIL

Cumulative Impact Assessment

October 2021



Nottingham
City Council

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3	Statement of Evidence - City Centre Saturation Zone <ul style="list-style-type: none">• Crime & Disorder• Anti-Social Behaviour• Noise & Nuisance	
4	Statement of Evidence Berridge, Arboretum & Radford Saturation Zone <ul style="list-style-type: none">• Crime & Disorder• Anti-Social Behaviour	
5	Other Control Measures in Use	
6	Conclusion	
7	Appendices <ol style="list-style-type: none">1) Map of City Centre Saturation Zone2) Map of Berridge, Arboretum & Radford Saturation Zone3) Evidence - Inspector Paul Gummer dated 17 July 20214) Evidence - NTE statistics Charts dated July 20215) Evidence – Inspector Amy English dated 19 July 20216) Evidence – Inspector Luke Todd dated 22 July 20217) Evidence - Richard Taylor, Environmental Health & Safer Places Team Manager, Community Protection8) Evidence - Melanie Fretwell, Principal Enforcement Officer, ASB Service9) Strategies, Policies & other published documents given regard	

1) Introduction

- 1.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 1.2 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 further premises licences and Club Premises Certificates.
- 1.3 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.
- 1.4 Following the introduction of section 5A of the Act and in accordance with the Section 182 Statutory Guidance the Authority reviewed its approach to Cumulative Impact and published a Cumulative Impact Assessment on 9 October 2018. That Assessment maintained the previous Saturation Zones and concluded 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.”

1.5 Section 5A of the Act requires the Authority to review that CIA before the end of a 3 year period starting on the day of publication to consider whether it remains of that view.

1.6 Nottingham City Council has received evidence from the following which has been considered in the review of the CIA and led to the preparation of this Cumulative Impact Assessment 2021:-

- Inspector Paul Gummer, Nottinghamshire Police dated 17 July 2021, Appendix 3
- Inspector Amy English, Nottinghamshire Police dated 19 July 2021, Appendix 4
- Inspector Luke Todd, Nottinghamshire Police dated 22 July 2021, Appendix 5
- NTE Statistics Charts dated July 2021 – Appendix 6
- Richard Taylor, Environmental Health & Safer Places Manager, Community Protection, Appendix 7
- Melanie Fretwell, Principal Enforcement Officer, ASB Service, Appendix 8

The Authority has also had regard to the Strategies, Policies and other published documents listed in Appendix 9

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

3. Premises licensed to sell or supply alcohol for consumption both on and off the premises in the City Centre Saturation Zone, and
4. 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.

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

- 1.9 The creation of this CIA does not prevent any person from making an application for a Relevant Authorisation and each application will continue to be dealt with on its own merits, having regard to the contents of this document. The Authority wishes to ensure and maintain a diverse range of leisure and entertainment opportunities within the City but needs to balance that around the impact arising from having a large number of licensed premises concentrated in an area. It is not the purpose of CIAs 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 can often have a lesser impact than pubs, nightclubs and high capacity vertical drinking establishments.
- 1.10 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. Generally, where the Licensing Authority's discretion is engaged, applications for Relevant Authorisations will be refused unless it is satisfied that the promotion of the licensing objectives will not be undermined. However, no restrictive controls will be introduced or imposed in respect of an application unless they are felt to be appropriate and it is incumbent on both Responsible Authorities and applicants to assess any risks posed by the application bearing in mind the contents of this CIA to ensure that any representations that are made and/or conditions that are requested or negotiated are appropriate.
- 1.11 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.
- 1.12 Consultation on this Assessment took place 11 August 2021 and 8 September 2021, inclusive.

2) SUMMARY OF EVIDENCE

2.1 GENERAL

2.2 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.

2.3. It is important It is important to take into account the impact of COVID-19 mitigations from March 2020 onwards upon crime, anti-social behaviour, Night Time Economy (NTE), and City Centre footfall, such that direct comparisons of data between 2019/20 and 2020/21 must be cautious, and heavily caveated. For this reason, data from 2018/19 has also been included as a comparator. Whilst violent crime fell dramatically in 2020/21 due to the covid pandemic Nottingham when compared to the UK's core and Nottingham's most similar cities of Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, Newcastle upon Tyne and Sheffield has the fifth highest level of recorded violence per 1000 population as of July 2021 behind Manchester, Birmingham, Liverpool and Leeds. Of the total violence on the city area the city centre accounts for 8%. Although violence also fell in the remaining areas of the city area, the reduction over the same period was only 3%. The greatest monthly reductions in violence in the city centre directly correlate to periods when licenced premises were closed due to Covid restrictions. It can be seen therefore that the number and capacity of licenced premises in the city centre directly affect the levels of violence.

2.4 The Respect for Nottingham Survey 2019 shows 'alcohol related violence and disorder' within the top three crime and ASB concerns reported by residents citywide.

2.5 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. The Council is keen to encourage a diverse range of premises catering for a wide range of age groups and uses. Prior to the pandemic Nottingham attracted 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.

- 2.6 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 night time economy from their front doors.
- 2.7 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.
- 2.8 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.
- 2.9 Students impact on crime in a number of ways;
- they are often a target for crime
 - Statistically, 18-30 year olds account for the majority of offenders (54%) and a high proportion of 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 high proportion of alcohol seizures, many of these taking place within the Lenton area of Nottingham which falls within the Berridge, Arboretum & Radford Saturation Zone.
- 2.10 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.

2.11 Alcohol harm represents a significant burden to Nottingham City, not merely in relation to the health of its residents, but also in much wider terms. As at October 2018 Public Health advised that :-

- alcohol misuse is the single biggest risk factor for early death and illness in people aged 15-49 years.
- Approximately 70% of violent crime occurring at the weekend or in the evening is alcohol related, as are 70% of attendances at ED over the weekend period.
- There is also a known relationship between alcohol and mental health, including risk of depression, bipolar disorder and personality disorder. Just under half of users of community mental health services report problematic drug and/or alcohol use in the previous year.
- The economic burden of alcohol-related harm is substantial: at a national level, alcohol is estimated to generate costs of £21bn a year, of which £11bn are costs associated with alcohol related crime, and £3.5bn with costs to the NHS. Rates of alcohol admissions in Nottingham City are higher than the national or regional average.
- There is evidence to support the value of using licensing powers to help tackle alcohol harms, with greater use of such powers being linked to reductions in alcohol-related hospital admissions. This is reflected in national-level guidance from Public Health England. Cumulative Impact Zones can contribute directly to such an effect. They can also contribute indirectly, as their mere presence provides a prompt for people to consider the harms of alcohol. Conversely, their absence would help to normalise thinking around high alcohol outlet density and consumption.

2.12 Whilst Public Health is not a licensing objective or a reason in itself to support the declaration of Cumulative Impact Zones it is clearly affected by alcohol consumption in general and by alcohol related violence which can form the basis for the declaration of Cumulative Impact Zones.

2.13 Night Time Culture

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

2.15 Early Evening – 1900hrs to 2159hrs

2.16 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).

2.17 Night Time (NTE) – 2200hrs -0359hrs

2.18 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.

2.19 Early Morning period – 0400hrs – 0600hrs

2.20 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

2.21 Public Transport

2.22 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

3.1 CITY CENTRE SATURATION ZONE

3.2 The City Centre Saturation Zone is shown on the map at Appendix One and relates to all premises selling or supplying alcohol for consumption either on or off the premises (or both). Whilst this figure will naturally fluctuate, at the time of publication this consists of approximately 429 premises (an increase of approximately 8% since the CIA 2018).

3.3 Crime & Disorder

- 3.4 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.
- 3.5 Recorded offences across all crime types have reduced sharply during 2020/21, attributable in most part to restrictions on movement and patronage of licensed premises, per COVID-19 mitigations. (Charts/ tables are shown at Appendix One)
- 3.6 In general, a downward trend in volume of recorded offences is observed between 2018/19 and 2019/20; violence against the person offences reduced by 10%, and public order offences by 3%.
- 3.7 Drug offences are a notable exception to this trend, with a 40% increase in offending recorded between 2018/19 and 2019/20. Increases across this period are also observed in respect of vehicle offences (19%), personal robbery (2%), and miscellaneous crimes against society (5%).
- 3.8 During 2020/21, violence against the person offences typically spike on Friday night/Saturday morning, and on Saturday night/Sunday morning, between the hours of 2200 and 0100 (i.e. Night Time period as per 2.16). At mid-week, violent offences tended to peak during early to mid-afternoon.

3.9 Anti-social behaviour

- 3.10 Recorded ASB incidents have increased in volume markedly during 2020/21. Again, direct comparisons between this period and previous years must be caveated, as this spike appears broadly attributable to mitigations around COVID-19 (i.e. lockdown restrictions).
- 3.11 ASB 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.
- 3.12 Prior to this, from 2015/16 to 2019/20, total ASB citywide had reduced in volume by 15%. A small increase (of 338 incidents) was noted between 2018/19 and 2019/20.
- 3.13 Over a five-year period (2015/16 to 2019/20), the City Centre shows as a consistent ASB hotspot, accounting for over 21% of all recorded ASB incidents.
- 3.14 There is a considerable density of purpose-built student residences in this area, which may have implications around ASB – as noted at 2.9, students

account for a significant proportion of both victims and perpetrators of crime and ASB.

- 3.15 The Respect for Nottingham Survey 2019 (produced by the Crime & Drugs Partnership) reinforces concerns around ASB in Nottingham as a whole, with 21% of respondents offering comments related to 'noise/ loud music/ shouting etc'.
- 3.16 Only 12% of respondents citywide identified 'people being drunk or rowdy in public spaces' as a very or fairly big problem, and just 11% specified 'street drinking/ drinking alcohol in the streets'. This compares favourably with the 2017 survey, which noted that 35% of respondents felt drunk/ rowdy public behaviour was a very or fairly big problem.
- 3.17 However, the same survey showed a reduction in the number of respondents (46%) who felt 'very safe' or 'fairly safe' in the City Centre when it is dark (as compared to 2013 to 2017). 67% of respondents highlighted their main reason for feeling unsafe as 'people being drunk and/ or rowdy'.
- 3.18 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 matters dealt with by the service include glass waste, litter from food vendors, advertisements for licensed premises, and bodily fluids in the street and alleyways. Staff attempting to deal with these problems frequently suffer abuse and risk to their health and safety arising from behaviour of perpetrators – typically patrons of licensed premises.

3.19 Noise and public nuisance

- 3.20 Public nuisance can encompass a range of behaviours and activities. Including light, odour, music/noise breakout from the premises and noise from patrons queuing, leaving or smoking outside a premises. Some aspects of ASB complaints are principally around excessive noise and alcohol-related disorder. In comparison to other offence types, ASB appears to occur disproportionately around late night refreshment premises.
- 3.21 The sustainable development of Nottingham is a key priority for the Council and the Council has to balance the various, often conflicting, requirements of commercial and residential uses, particularly in the City Centre and other areas of high residential density. When possible, Environmental Health uses the planning regime to ensure the future residents of new build and converted buildings are appropriately protected from environmental and neighbourhood noise, including noise from existing premises and activity associated with

them that may cause public nuisance. However this process cannot mitigate for potential future disturbance and nuisance caused by increased intensity of activity from nearby premises or noise from patrons of more distant premises who might use a route overlooked by residential properties as a preferred route to return home or to access public transport systems.

- 3.22 The planning principal of 'agent of change' is not applicable when a premises' contribution to environmental/neighbourhood noise manifests itself some distance away, such as on a preferred pedestrian route through a mixed use area with residential accommodation. Furthermore changes to planning legislation in 2020 now means that a premises use can change from a use that is unlikely to cause a public nuisance to one that can, without requiring planning permission.
- 3.23 As a 'Responsible Authority' under the Licensing Act 2003 the Council's Environmental Health function reviews all applications and variations under the Act for their potential to cause public nuisance and the measures proposed by the operator to prevent it/promote the licensing objectives. However, without evidence of public nuisance, which is clearly unavailable in the case of new premises/operator/operating model (however likely or foreseeable to a responsible authority), the operator is likely to be issued a licence.
- 3.24 In addition to being a responsible authority the Council's Environmental Health and Safer places team also discharges the Council's statutory duty to investigate a range of statutory nuisances, including noise, odour and light nuisance. As such, and despite the requirement for operators with licensable activities to promote the licensing objectives, the team continues to receive and investigate complaints from residents and businesses about noise from premises and customers in the immediate vicinity of premises with licensable activities, and 'revellers' who are moving between venues or making their way home. However, except where it is possible to identify public nuisance arising from a specific premises, it is not possible using the standard license review process or nuisance legislation to resolve the problem, resulting in repeated complaints from residents of noise and other disturbance, reduction in the amenity of an area and the increased likelihood of changes in residential tenure in an area that negatively impact on its sustainability.
- 3.25 Therefore the ability to identify and designate Saturation Zones together with a supporting Cumulative Impact policy is necessary in order to address the limitations of the licensing, planning and statutory nuisance regimes and prevent the foreseeable adverse impacts of increasing licensable activity in a given geographic area.

- 3.26 **Conclusion** - To summarise, the Licensing Authority will look to the Police as the main source of advice on crime and disorder following the Guidance to Licensing Authorities issued under Section 182 of the Licensing Act 2003. The implementation of the Cumulative Impact Assessment has been supported since its implementation and has proved to be of benefit in recent years when consideration has taken place in respect of licensing applications. Due to the issues that arise that are current, serious and relevant it proves to be vital that the opportunity to object to applications based on the areas in the Cumulative Impact remain of focus.

Inspector Todd's evidence at 12.14 of his statement indicates:

I have considered all the analysis before me and through past experience and knowledge, I fully support the implementation of a Cumulative Impact Policy (CIP) to which the Licensing Authority will have regard when considering applications, covering the same area as the zone previously established for the City and which has been of immense benefit in recent years. The issues the CIA will seek to address are current, serious and relevant and it is vital that the opportunity to object to applications based on this area of focus remain

4) **SUMMARY OF EVIDENCE**

4.1 **BERRIDGE, ARBORETUM, AND RADFORD SATURATION ZONE**

- 4.2 The Berridge, Arboretum & Radford Saturation Zone is shown on the map at Appendix Two and relates only to those premises selling or supplying alcohol for consumption off the premises. At the time of publication of this Assessment there are 49 premises identified as off-licence only (a decrease of 6 from the 2018 CIA). Where alcohol related anti-social behaviour has come about an individual has visited (usually a local) shop in the area, purchased alcohol and then gone on to drink it locally and subsequently cause anti-social behaviour or environmental littering by throwing the cans or bottles away in the streets, parks and public areas. The statistics provided therefore evidence a continuing need to control the number of alcohol licences being issued within these areas in order to control the resultant anti-social behaviour, environmental crime and most importantly, the health and wellbeing of citizens attracted to purchasing increasingly more and more alcohol to consume in the locality.

Uniformed Officers have witnessed alcohol as being the predominant sales tactic continuing to be used by shops and businesses to attract custom and within the locality Officers continue to see alcohol as a prevailing factor for causing anti-social behaviour. The health and wellbeing of citizens must

continue to be the Council's highest priority. (Full details are provided in Appendix 8 – Statement from Melanie Fretwell)

4.3 **Crime & Disorder**

- 4.4 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 work around homelessness, 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 therefore accommodates a high concentration of persons with complex needs who can lapse into criminal and antisocial behaviour often linked to alcohol.
- 4.5 Consumption of alcohol in and around the Forest Recreation Ground leads to an increase in ASB as the area has become a magnet for street drinkers, with parents of local school children reporting incidents and concerns over street drinking.
- 4.6 Evidence also suggests that street drinkers will sometimes travel to parts of this Saturation Zone as they see it as an easy place to purchase and drink 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.
- 4.7 As discussed at 2.9 and 3.14, there are also considerable concentrations of students resident within this Saturation Zone, creating similar implications.
- 4.8 A notable increase of 2% in violence against the person offences during 2020/21 is observed, on top of a 3% increase from 2018/19 to 2019/20 (and contrary to broader crime patterns within COVID-19 restrictions, as stated above – charts/ tables are shown at Appendix Two)
- 4.9 Criminal damage/ arson offences during 2020/21 have also increased by 10% over 2019/20, returning to the same levels observed in 2018/19, following an interim reduction. Meanwhile, miscellaneous crimes against society have increased markedly across the period (by 5% from 2018/19 to 2019/20, and by 10% from 2019/20 to date.)
- 4.10 Similarly to the City Centre, this zone also shows an increase in violence against the person offences on Saturday night/Sunday morning (from around 2000 to 2100 and 0000 to 0100.) However, by contrast, these occurrences

peak during mid-week, with 0000 to 0100 on Wednesday and Thursday nights showing a dramatic spike in incidents. There are also notable increases in recorded offences around 1600 to 1800 throughout the week.

4.11 Anti-Social Behaviour

- 4.12 Alcohol related ASB 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 patronise those premises. ASB incidences within Radford have increased by over 100% during 2020/21 – coinciding with the introduction of COVID-19 mitigations.
- 4.13 The area is a clear ASB hotspot, and it is of particular note that the ‘Community Trigger’ power introduced by the ASB, Crime & Policing Act 2014 has been utilised to tackle ASB within this Saturation Zone. Between 2018 and 2021, 2043 alcohol confiscations were recorded in the Radford, Lenton and Wollaton East area and for the same period in the Berridge and Arboretum area there were 2428 (information taken from evidence provided by Melanie Fretwell at appendix 8) which evidences a steady increase which peaked in 2018-2019. However, due to the pandemic the numbers in respect of the Radford and Lenton area have decreased, but the Arboretum and Berridge in contrast showed a significant increase evidencing the increased need for strategic measures to be implemented around alcohol related anti-social behaviour. This is further evidenced in the statement provided by Inspector Luke Todd in particular at points 6-11 and 13 of his statement at appendix 6.
- 4.14 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 throughout the zone.
- 4.15 Whilst only a small proportion of incidents took place at off-licences, the alcohol sold from them is known to be a very large contributor to many of the other calls received by the Police relating to this Zone.
- 4.16 The 2019 Respect for Nottingham Survey ranks Radford as the lowest ward in the City (56%) in terms of feeling very or fairly safe when walking alone after dark, and Hyson Green & Arboretum as the fourth lowest (64%).

5) OTHER CONTROL MEASURES IN USE

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

5.2 Planning Services

- 5.3 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.
- 5.4 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 the Nottingham City Land and Planning Policies Part 2 Local Plan (LAPP), adopted in January 2020.
- 5.5 The City Centre Time and Place Plan and the LAPP aim 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.
- 5.6 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. Recent changes to the Use Classes Order, through the new Class E commercial, business and service use class, have provided more flexibility for city centre uses to change without planning permission, although Pubs and other drinking establishments are now 'sui generis', which means that planning permission is almost always needed to change to a different use.

- 5.7 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.
- 5.8 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.

5.9 Public Spaces Protection Order (PSPO)

- 5.10 Nottingham City Council's local authority area is covered by Citywide PSPOs introduced in 2020 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. The PSPOs will be reviewed as they approach the end of their lifespan and can be extended if appropriate.

5.11 Dispersal Powers

- 5.12 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 they 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).
- 5.13 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

5.14 Licensing Act 2003

5.15 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.

5.16 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.

5.17 Problem Licensed Premises Approach by Police

5.18 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 premise.

5.19 Police Street Drinking Initiative

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

5.21 Environmental Protection

5.22 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 (see earlier section on Noise and Public Nuisance).

5.23 City Centre Management

5.24 In 2012 Nottingham BID was created to represent the interests of City Centre retail, leisure and professional services businesses. In total there are over 750 members in the BID area which pay an additional levy of 1.25% of their rateable value of their properties to raise a combined income of approximately £1 100 000 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 running the cities Best Bar None scheme, now one of the largest in the country, leading on the cities Purple Flag accreditation, maintained since 2010 and funding the cities street pastors who provide care and support to those using the night time economy and may need assistance. In addition, the BID runs a digital radio scheme across the city centre, connecting businesses in to the Police & CCTV cameras, and provides a dedicated street presence with the Street Ambassador team, who play a crucial role in managing and reporting activity.

- 5.25 The City Centre Management Group was established in April 2018 in order to identify partnership issues and concerns for the City Centre that can be resolved and addressed through collective organisations meeting on the first Monday of every month. The group now carries an action plan to collaboratively resolve any ongoing issues within the city centre boundaries as well as giving all partners an opportunity and platform to look at raising new issues as they arise. The City Centre Management Group also conduct an operational walk around a set location of the city on the last Friday of every month to identify any improvements that can be made in that particular locality.

6) Conclusions

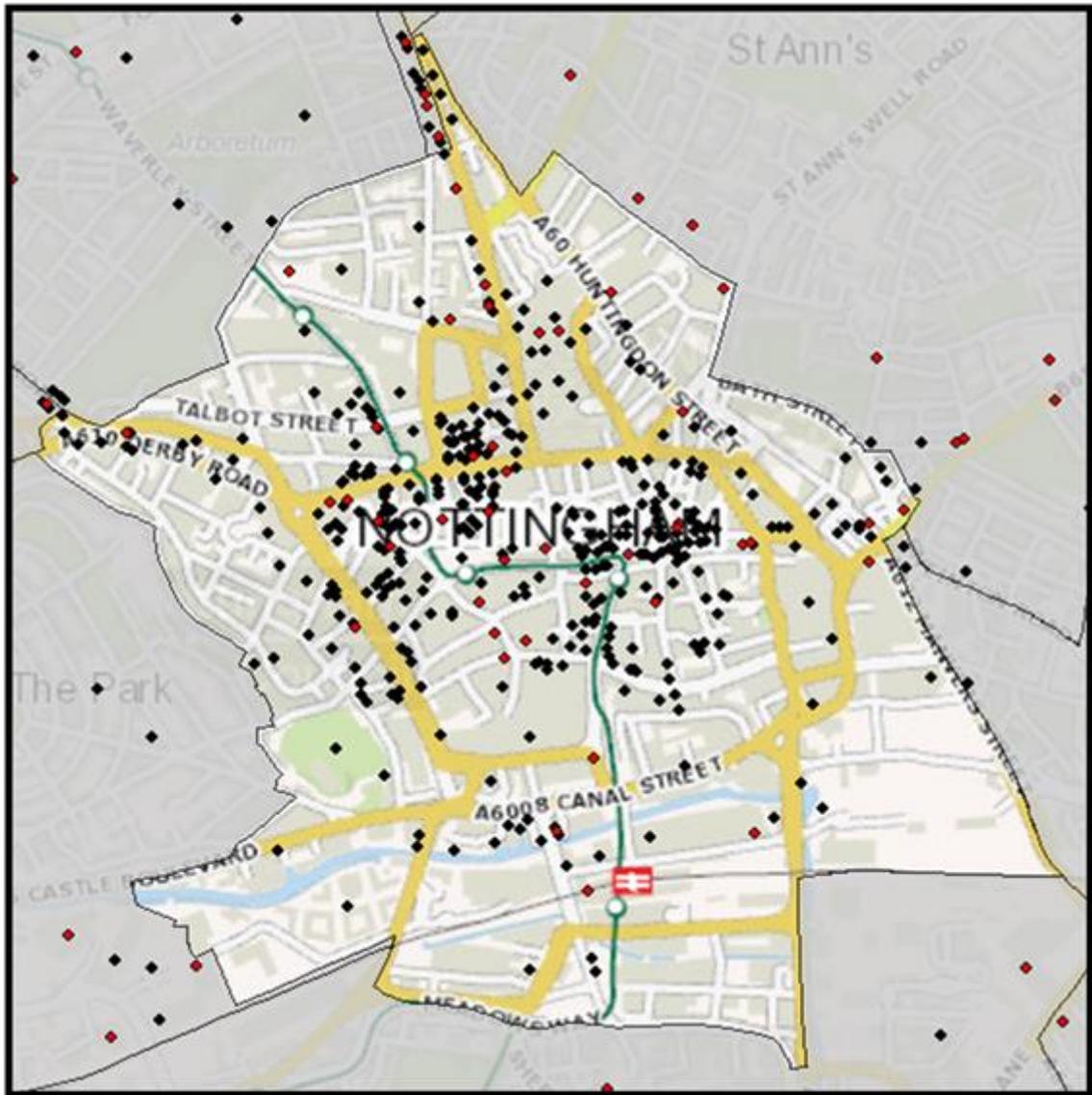
- 6.1 Despite the various other control measures taken into consideration above the evidence provided in this Assessment, shows that Cumulative Impact in both Zones is resulting in crime and disorder, antisocial behaviour, and public nuisance including noise nuisance, litter and accumulations. These problems are largely attributable to the significant concentration of alcohol licensed premises in those Zones and their customers.
- 6.2 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 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.

- 6.3 It is clear from the tables provided in Police evidence that the Authority's previous Cumulative Impact Policies have not been used inflexibly and that new applications are granted on a regular basis where appropriate.
- 6.4 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.

Appendix One – City Centre Saturation Zone

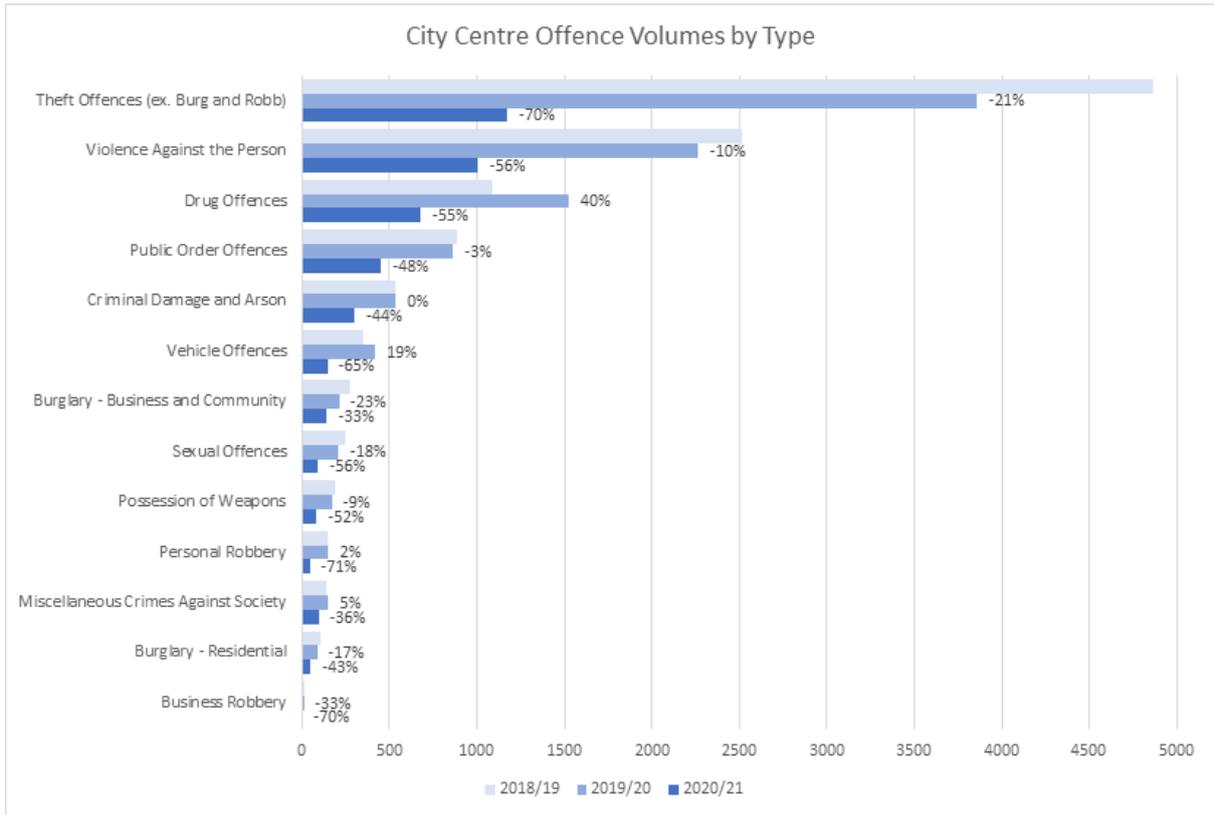


KEY

Licensed premises for the sale and supply of alcohol

● Off Licence only

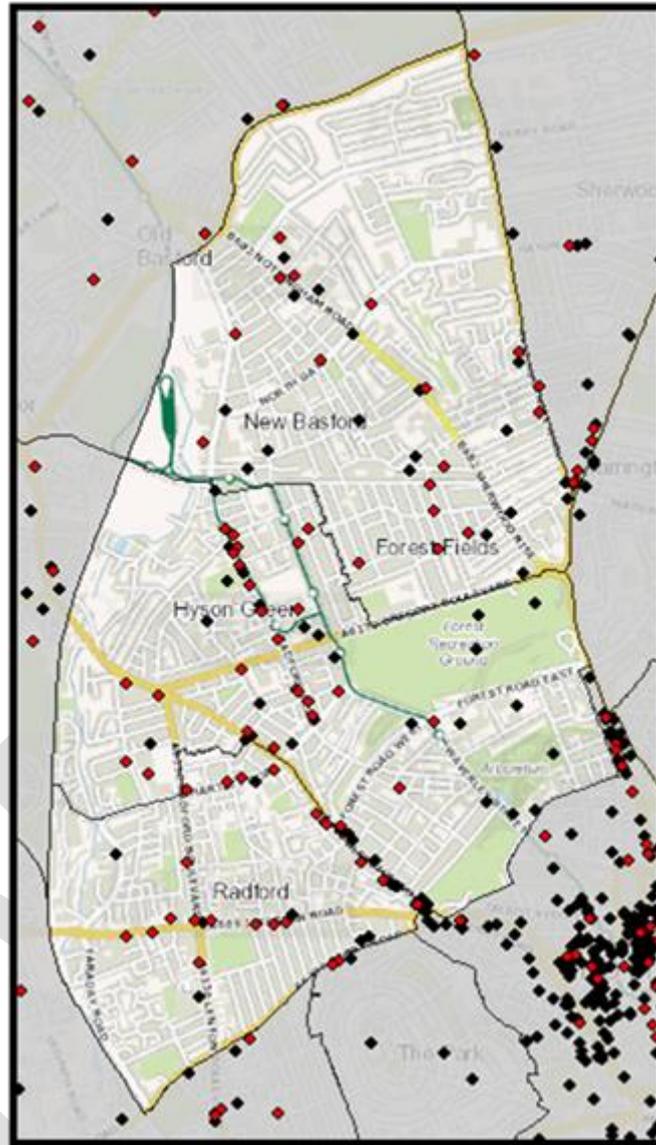
● On Licence & On/Off Licence



City Centre VAP 2020/21

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	Day Totals
Monday	10	4	2	2	1	1	4	1	2	4	4	5	8	12	9	8	10	8	7	13	4	12	9	4	144
Tuesday	7	3	2	2	2	2	0	4	7	5	1	3	6	8	13	7	8	12	10	10	2	2	5	10	131
Wednesday	12	6	2	3	1	2	0	3	1	4	3	7	5	7	13	8	8	10	5	9	6	9	8	6	138
Thursday	12	8	2	3	1	1	0	3	2	5	4	7	14	10	10	9	10	7	4	8	6	3	6	9	144
Friday	8	5	3	0	1	3	5	1	1	6	6	5	6	3	4	14	10	9	10	5	8	8	10	13	144
Saturday	13	12	8	5	1	1	2	2	4	6	5	6	5	8	9	9	5	10	8	5	13	10	15	14	176
Sunday	15	12	4	5	0	2	0	1	1	0	2	2	2	5	8	11	10	8	6	10	6	8	7	4	129
Hour Totals	77	50	23	20	7	12	11	15	18	30	25	35	46	53	66	66	61	64	50	60	45	52	60	60	1006

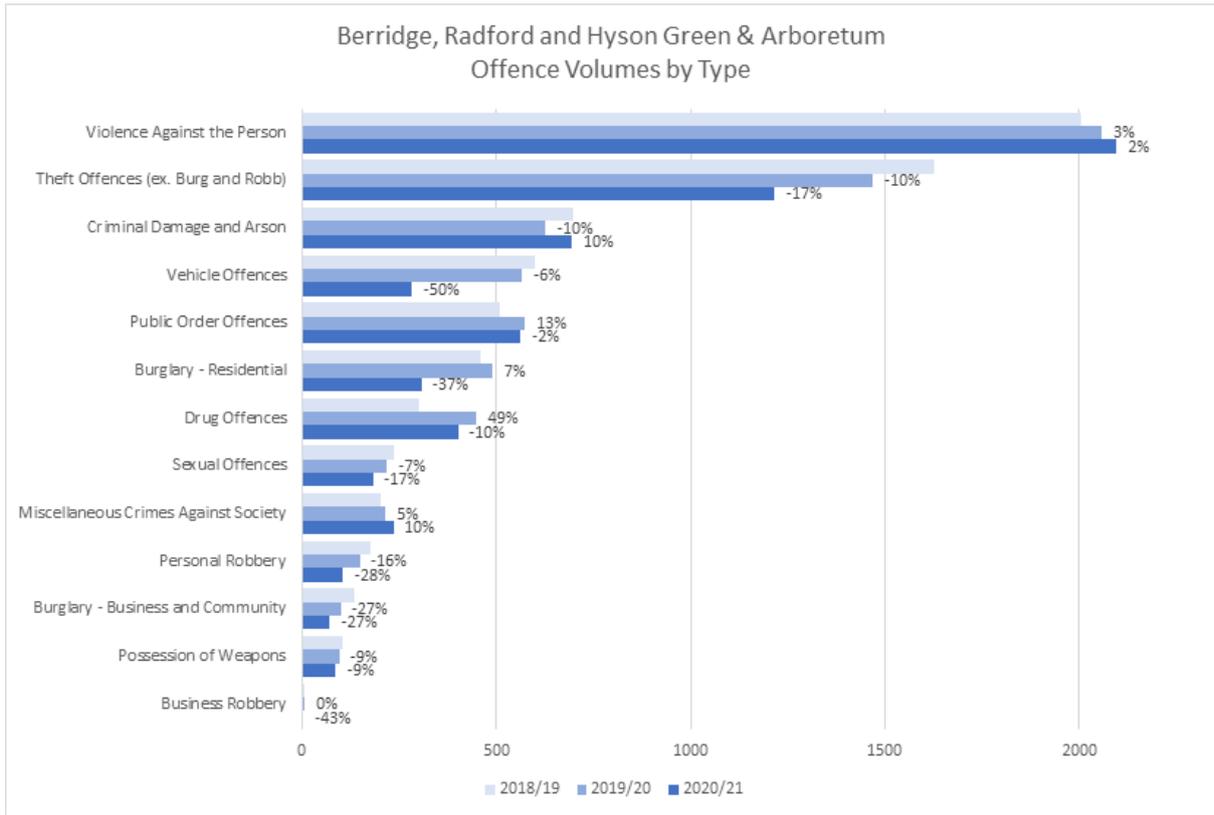
Appendix Two – Berridge, Arboretum & Radford Saturation Zone



KEY

Licensed premises for the sale and supply of alcohol

- Off Licence only
- On Licence & On/Off Licence



Berridge, Radford and Hyson Green & Arboretum VAP 2020/21

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	Day Totals
Monday	28	8	4	1	4	2	2	3	10	12	14	11	17	12	24	15	19	19	17	17	20	10	15	10	294
Tuesday	29	6	2	5		2	1	4	3	15	11	19	12	19	14	22	27	23	19	10	26	21	18	12	320
Wednesday	43	9	6	3	3	2	2	3	9	11	22	12	12	21	19	21	19	29	18	17	9	12	19	18	339
Thursday	41	11	4	3	3	5	2	2	4	4	12	15	16	22	16	16	19	19	15	12	19	12	15	12	299
Friday	28	5	7	3	1	5	1	1	6	11	21	14	14	20	20	17	25	20	15	15	14	18	17	18	316
Saturday	17	10	5	9	4	4	5	1	4	8	12	11	14	11	19	18	20	14	15	12	22	15	11	11	272
Sunday	31	7	12	2	3	2	3	3	2	4	9	18	15	12	16	10	11	18	13	11	16	16	6	14	254
Hour Total	217	56	40	26	18	22	16	17	38	65	101	100	100	117	128	119	140	142	112	94	126	104	101	95	2094

APPLICATION FOR THE IMPOSITION OF A CUMULATIVE IMPACT ASSESSMENT
COVERING NOTTINGHAM CITY CENTRE.

WITNESS STATEMENT OF INSP PAUL GUMMER _____

Background

1. I am a Police Inspector, serving with Nottinghamshire Police, currently stationed at Byron House. I am the Local Area Commander for Nottingham City Centre with responsibility for crime and ASB. Throughout my service I have been involved in policing the City Centre, including Night Time Economy operations.
2. Keeping the City Centre safe and reducing crime and disorder remain key objectives. Violent crime has fallen dramatically in Nottingham for the period of 2020 to 2021 compared to the previous year, reducing by 56%. Nottingham when compared to the UK's core and Nottingham's most similar cities of Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, Newcastle upon Tyne and Sheffield has the fifth highest level of recorded violence per 1000 population as of July 2021 behind Manchester, Birmingham, Liverpool and Leeds. Of the total violence on the city area the city centre accounts for 8%. Although violence also fell in the remaining areas of the city area, the reduction over the same period was only 3%. The greatest monthly reductions in violence in the city centre directly correlate to periods when licenced premises were closed due to Covid restrictions. It can be seen therefore that the number and capacity of licenced premises in the city centre directly affect the levels of violence.
3. A long term partnership plan is in place to create and maintain a city centre that is safer, more accessible and attractive and with more choice. The aspiration is to continue to have a varied mix of clientele visiting the City to enjoy its night time economy, to keep improving our offer and improve and exceed perceptions by being varied, exciting but

safe and relaxing. Nottingham's Purple Flag accreditation, awarded again in 2020 for the eleventh consecutive year recognises that the City Centre is managing its night time experience for the benefit of all users, including operators, residents, tourists and visitors. There is no will to stifle the growth of Nottingham as a place of enjoyment, just to limit the venues which are likely to generate violence and ASB and tarnish the City.

4. Nottingham has two Universities, a National Ice Arena, two theatres, prominent sporting venues and excellent transport links by road, rail, tram and bus. Nottingham remains the region's capital for entertainment attracting local residents, visitors from around the UK, and international interest, all of whom want to enjoy the city centre night time economy.
5. A large proportion of incidents of assault, disorder, criminal damage and drunkenness that take place in city centre licensed premises are associated with a number of 'repeat premises'. The Licensing Team monitor these premises on a daily basis.
6. In general we have a very good working relationship with most city centre venues. Premises that have had violence and disorder are managed in the form of a meeting by the Licensing Team. During the meetings each incident is discussed and attributed to the premise, or not, depending on evidence. Premises that have exceptionally high levels of disorder or breach their licensing conditions are given written warnings and advised to improve their performance or review proceedings will be considered. This is proving an effective method of reducing the incidents within the premises themselves. The previous CIP meant that should an operator lose their licence, it would be much harder if not impossible to get another licence in the most lucrative City Centre area, so an interest in protecting the licence through good management should have a positive impact.

The Night time culture – 2019/20 (2020 to 2021 is ignored due to Covid restrictions).

7. The culture associated with the Night Time Economy is made up of a number of phases
 - a. Early evening "pre-loading" – the trend is to purchase alcohol cheaply from "off licences", including the major supermarket chains. This is not a new phenomenon and is not unique to Nottingham's NTE . In this way people can start to get drunk

cheaply before they even come into the city. Early evening (19:00 to 21:59) hours sees violence commonly occurring in open spaces, albeit that level of violence is significantly lower than later in the evening. Given the cheap price of alcohol from off licences, having the first few drinks outside the City can make a huge difference towards the cost of a night out. The 'off licences' cater for an increasing trend in "preloading" and in part provide the fuel for the street drinkers in Nottingham. It is the 'pre-loading' phenomenon that is thought to have caused the reduction in early evening incidents as users of the city centre now arrive later in the evening having already consumed large quantities of alcohol. During this time, incidents are generally low, (see NTE Statistics & Charts 2021).

- b. Night Time – 2200 to 0359hrs – the trend has been for violence to commonly occur inside venues as foot traffic starts to slow down – revellers are either inside a venue or making their way home. Pre-loaders are arriving in the city at a later time of the night; this can be as late as 22.30 – 23.30 with people hoping to arrive when there is a party atmosphere and not before. Between 2200-0059hrs, levels of incidents have risen, however the peak time is between 0100-0359hrs. The city is still busy between 03.00 and 04.00hrs, often thereafter, as a natural consequence of arriving in the city later means that people want to stay later.
- c. Return to normality. As the night draws to a close, i.e. between 04:00 and 06:00hrs, the trend for violence now commonly moves back towards open spaces. As the amount of customers in the city increases later into the evening, our ability to deal with any problems created reduces. Additionally, the infrastructure of the city is also less able to cope; the tram is an excellent example of a large transporter of people but the last trams out of the city are mostly between midnight and 0100hrs. There are some late night bus services but the capacity of the transport infrastructure is greatly reduced. The dispersal of large volumes of people in the early hours of the morning requires large numbers of taxi cabs, this is their busy period. At all times outside of this, there are consequently many more cabs for hire than are required. The few venues which are still open during this time suffer alcohol fuelled incidents around the door as drunken individuals try to gain entry rather than leave the city. Arguably, being open prolongs the NTE and its effects. Venues open at this hour are predominantly of the vertical drinking type.

Crime and Disorder Trends

8. There are certain crime and disorder trends that impact on the night time behaviour in the centre of Nottingham. The first of these is the growing student population; Nottingham has two continually expanding Universities, collectively they have approximately 65000 students who swell the numbers of drinkers in the city during term time. This is an approximate increase of 50% since the last review 3 years ago. Student accommodation within the City Centre has increased, making it very easy and tempting to literally step out of the front door and become part of the night time economy. Many licensed premises target the student community, particularly the larger venues. Hence, during term time on weekday nights, we have peaks of activity where demand is almost as busy as a Friday or Saturday night, as a result of 'Student Nights' and similar promotions. Further, we see a number of events organised at venues during week days to attract students from across the country. These students visit the city for one night using bespoke transport such as a number of organised coaches, and the normal transport infrastructure. A greater number of vertical drinking venues within the city would lead to greater midweek capacity for such events and their associated issues and policing requirements.

9. University students' impact on crime in a number of ways, namely:
 - they are very often the victims of 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 within the '16-24' age group, which already forms the majority of both victims and perpetrators of alcohol related violence and disorder;
 - Students are responsible for a good proportion of alcohol seizures, much of this taking place within the Lenton area related to pre-loading or pre-night out parties and their associated ASB issues.

10. Nottingham has become a centre for leisure tourism, a fact that can be evidenced by the sharp growth in the number of hotel rooms, in and around the City Centre over recent

years. Prior to Covid restrictions, each weekend Nottingham attracted a large influx of people wanting to take part in the nightlife, adding to the numbers already present. There are dedicated websites that advertise to groups, such as Hen and Stag parties, offering guides to which bars to visit and where to stay overnight. Rather than take in the cultural experience, the aim of these parties is often to maximize their alcohol intake, usually within vertical drinking establishments.

11. The effect of having large numbers of people in drink on the streets at night is an increase in the incidents of anti-social behaviour. This ranges from littering, to the prevalence of urinating in the streets and doorways of premises within the city centre. The police regularly receive complaints from owners of business premises and residents of City Centre accommodation about this type of behaviour. It can taint the experience of early morning visitors to the city in addition to those enjoying the NTE.
12. The number of officers available to police the city centre on a Friday or Saturday night is limited and resources have to be balanced against other competing needs throughout the force area. Additional vertical drinking establishments will make our job much more difficult especially if we see an influx of larger volume premises, namely those with over 400 capacity. Demand will be created, of the sort which arguably will cause alcohol related issues rather than culturally enrich the city. In order to police this activity on Fridays and Saturdays, the police have to adopt a pragmatic approach. NTE Policing is based around high profile foot patrols during the early part of the evening, meeting people as they arrive in the city, gaining an intelligence picture of any large groups arriving and paying particular attention to known 'hotspots'. We aim to defuse tension and conflict and adopt an early intervention approach with the use of our section 35 powers to issue "direction to leave an area" orders.
13. Another factor that contributes to city centre violence and disorder is late night fast food outlets. It is the experience of the police that when people leave late night premises, a significant proportion tend not to leave the city centre immediately. They congregate at fast food outlets and the queues at those premises become flash points for disorder and violence. McDonalds at Angel Row and Clumber Street appear to have the highest level of violence, compared to similar premises. There is a culture of eating following the consumption of alcohol. As a result of people being in the city at a later time, late night

refreshment venues are also opening later, if not all night. It is not uncommon to find such premises employing door staff to maintain order, both within the venue and in the queue. These locations themselves can become a flashpoint for violence between customers in drink

14. The previous Cumulative Impact Policy has been vital in recent years. It has been very helpful to potential applicants who have been able to consider whether they wished to proceed with an application, strong guidance for local authorities in considering applications and most importantly to local people as it has helped produce a baseline from which authorities and communities have been able to build work to address the array of alcohol related and other social issues affecting these areas.

Observations from the Analysis

15. Previously the City Council has deemed it necessary and proportionate to have a Cumulative Impact Policy in place and we have seen the benefits of that decision. If the Cumulative Impact policy is lost, the proactive measures on offer will reduce, therefore limiting the control within the City Centre. The spread of licensed premises will begin with the knock on effect that alcohol related crime and ASB will increase, impacting the Night Time Economy and reputation of Nottingham City. The police are aware of the impact Covid restrictions have had particularly in the licencing industry and the long term implications on which businesses remain is still not clear. However our aspiration is not to reduce the number of licence premises or restrict the economic development of this sector but to ensure we have the tools to operate a partnership approach and control new applications fairly and consistently to ensure new operators are responsible and promote the licensing objectives, ensuring a safer Nottingham for all.
16. I have outlined how we make good use of powers available to us under other legislation to tackle problems in and around licensed premises. I have considered all the analysis before me and through past experience and knowledge, I fully support the implementation of Cumulative Impact Assessments (CIA) to which the Licensing

Authority will have regard when considering applications, covering the same areas as the zones previously established and which have been of immense benefit in recent years. The issues the CIAs will seek to address are current, serious and important, and it is vital that the opportunity to object to applications based on these areas for focus remain.

Dated the 17th July 2021

Signed: Insp Paul Gummer

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City Division Violence

Nottinghamshire Police
**Intelligence
Analysis**



NTE Stats

July 2021

Author	Paul Gummer
Commissioning Officer	Paul Gummer
Version	Draft V1.0
Publication Date	17/07/2021
GSC	Official Sensitive

Introduction

Rationale

Details have been requested in order to aid the construction of the Cumulative Impact Plan. The Cumulative Impact Plan is due for completion in July 2021.

Aim

Provide a briefing document in relation to the consultation on Licensing Policy - Cumulative Impact Policy

Methodology

Definitions

Data for this has been extracted from the Niche system via Business Objects. The data recovered is as recorded from Niche.

Due to time restraints in the request of the order it has not been possible to extract specific figures relating to the NTE period – therefore details of crime types within the city centre area have been used for the purpose of comparison and year on year trends. Although figures for 2020 and 2021 are provided they are recognised as being anomalous as licenced premises were significantly restricted or even closed throughout this period.

The NTE period is defined as 18:00 to 04:00 the following day for Thursday/Friday, Friday/Saturday and Saturday/Sunday.

Data Sets & Parameters

- 3 years worth of crime data was extracted from Niche which were separated in to financial years (April – March) 2018/19, 2019/20 and 2020/21.
- Charts produced for crime types in City Centre show monthly data from July 2016 to present to demonstrate long term trends.

Data Limitations

- As the data is as recorded on Niche any recording errors on Niche will be replicated in this data series.
- Niche store data qualifiers as string as such each object can be identified by more than 1. E.g. a victim/offender relationship can be acquaintance, partner and employee. This affects the below categories:

victim/offender relationship and crime category.

Handling Instructions

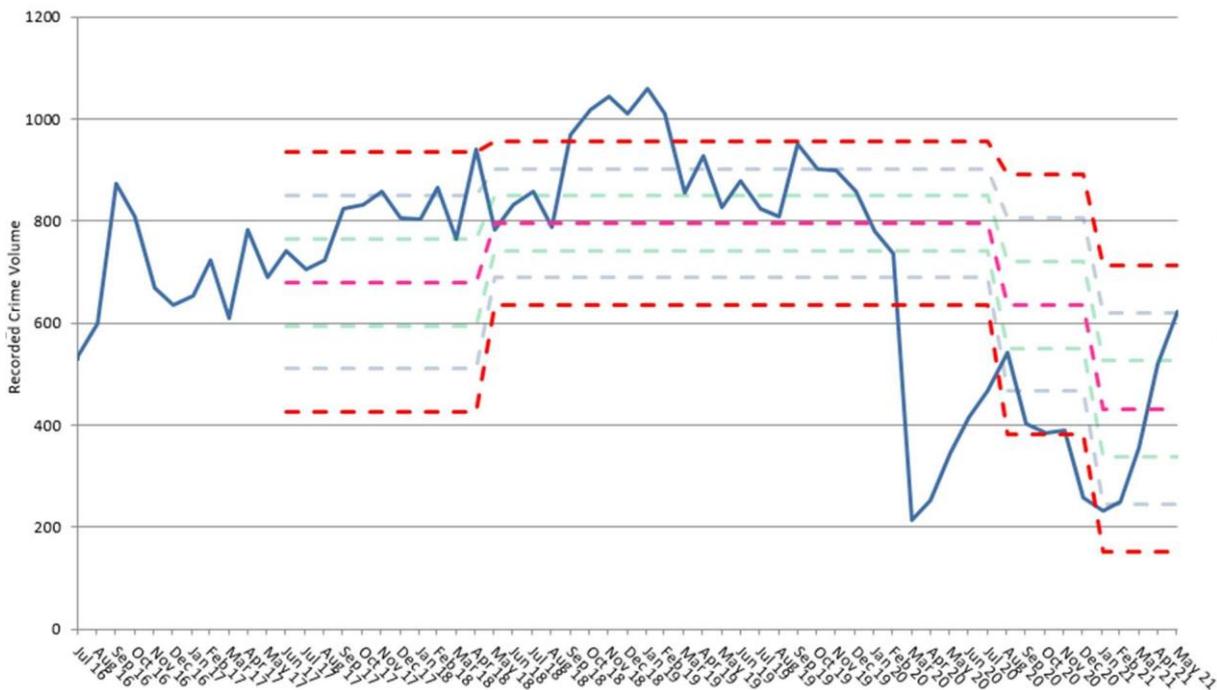
This document is classified as **Official - Sensitive** and should be handled and stored accordingly. The report and its contents may not be disseminated or published outside of the police without the permission of the authorising body. It is not to be placed within the public domain in any format. It is not to be distributed electronically over an unsecured email address.

Data

All Crime

In 2018 to 2019 25% of all crime within the city area occurred in the city centre, this dropped to 24% in 2019 to 2020 and 13% in 2020 to 2021.

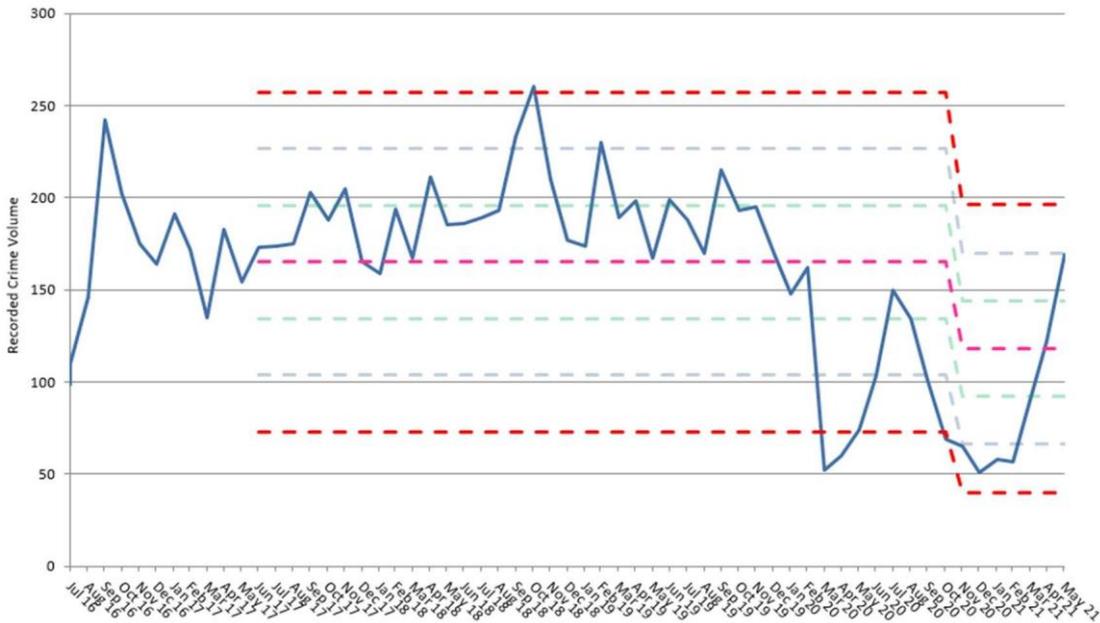
The below chart shows the monthly figures for all crime in the city centre over the last 5 years



Violence Against the Person

In 2018 to 2019 18% of violence against the person occurred within the city area occurred in the city centre, this dropped to 17% in 2019 to 2020 and 8% in 2020 to 2021.

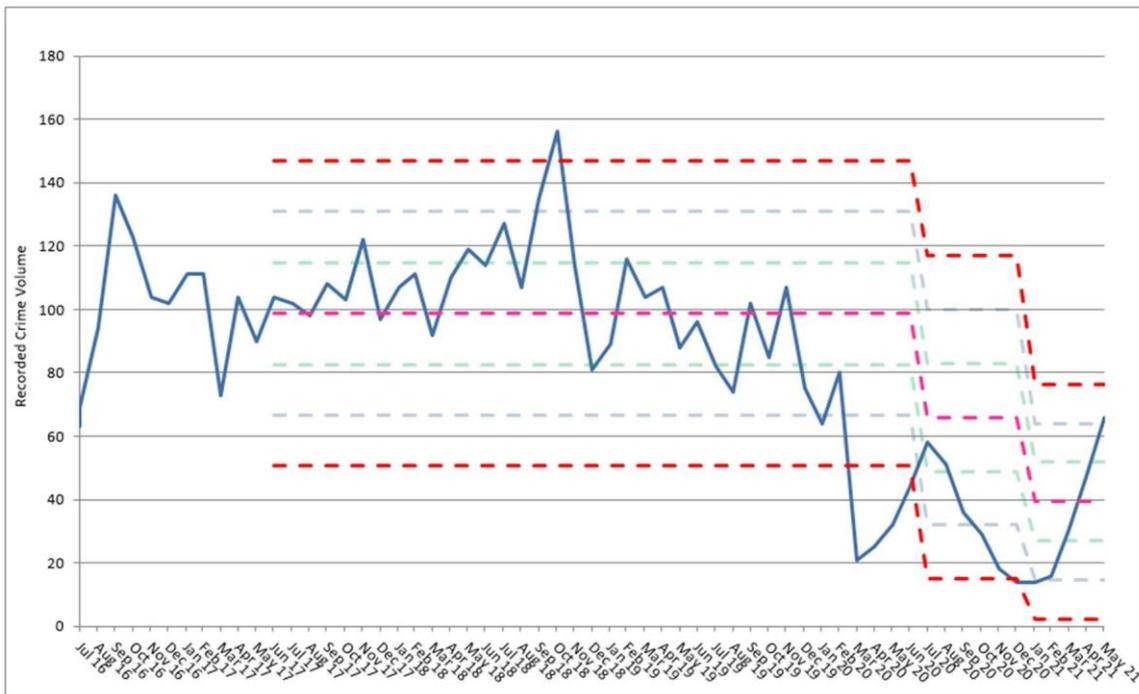
The below chart shows the monthly figures for violence against the person in the city centre over the last 5 years



Historically the percentage of Violence against the person offences in the city centre, compared to the whole city area - doubles during the NTE period.

There is no indication that this altered during 2018 to 2019 or 2019 to 2020 – however it did not occur in 2020 to 2021 particularly during the periods when licenced premises were forced to close. Demonstrating a significant correlation between Violence Against the Person in the city centre and access to licenced premises in the NTE

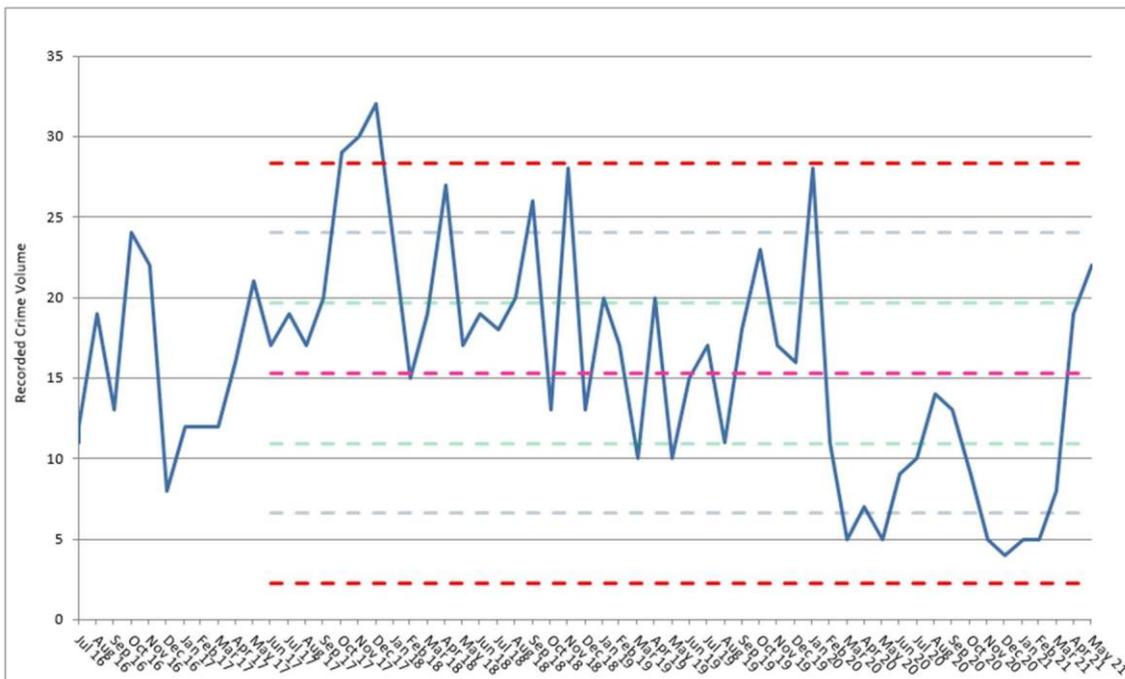
Violence with Injury matches closely with the trends for all violence. As per the below chart, showing monthly figures for violence against the person in the city centre over the last 5 years



Sexual Offences

In 2018 to 2019 17% of sexual offences occurred within the city area occurred in the city centre, this dropped to 15% in 2019 to 2020 and 9% in 2020 to 2021.

The below chart shows the monthly figures for sexual in the city centre over the last 5 years.



Although the variations prior to 2020 to 2021 are more erratic than for other crime types – the same pattern can be seen through 2020 to 2021 where the offences drastically fall when licenced premises were forced to close and rise as lockdown measures were eased.

The below summary of violence is from the last period where detailed analysis was undertaken. Time constraints have prevented this being repeated for the period 2020 to 2021 – however the effects of Covid lockdowns would have dramatically altered the picture and would therefore not provide useful insight into normal operating conditions. As such the below data is considered to provide more insight for the city centre operating with no Covid social restrictions.

Summary of Violence 2017/18

- Of the total violence on the City division the City centre accounts for 14.5%. For NTE violence this share rises to 35.4%.
- In 2017/18 45.2% of the violent offences in the city centre occurred during the NTE period – which only accounts for 21.4% of the total time period.
- Of the total violence on City Division, violence in the City Centre which occurred during the NTE hours but between Sunday – Wednesday = 4.4% and of the total City Centre violence = 22.2%.

Category	2016/17	2017/18	Difference	% Difference
Alcohol	1619	1717	98	6.05%
Domestic	2701	3038	337	12.48%
NTE	2478	2680	202	8.15%
Prejudice	246	260	14	5.69%
Mental Health	104	233	129	124.04%

- Compared to 2016/17 all crime categories increased in occurrence count. The domestic category received the largest volume increase with 337 occurrences (12.48%), whilst the mental health category had the largest percentage increase with 124.04% (129 occurrences).
- The domestic category is primarily made up of s39 common assaults and s47 actual bodily harm offences, both receiving rises of 6.8% and 10.2% respectively.
- Mental health also had large rises of s39 common assaults and s47 actual bodily harm offences. However it also saw significant rises in harassment, sending letters with intent to cause distress or anxiety and threats to kill. These rose from 15 to 54 offences representing a rise of 260%.

Category	Alcohol	Domestic	NTE	Prejudice	Mental Health
Stranger	617	19	904	113	25
Partner Current/Ex	71	818	136	1	16
Parent	25	130	42	3	11
Child	18	76	60	0	7
Other Family member	23	87	39	1	6
Neighbour	20	0	24	19	7
Employee/Employer	1	4	2	1	0
Other	100	27	181	24	47
Acquaintance	126	24	237	32	25

- NTE victim/offender relationship is primarily stranger, appearing in over 55.6% of occurrences where a relationship was identified. Second to this was acquaintance which was represented in 14.6% of offences.
- This was similar to the Alcohol category where the primary relationship was stranger in 61.6% of occurrences and acquaintance in second with 12.6%.
- Unsurprisingly the top 2 relationships for the Domestic category are partner current/ex and parent. They are

represented in 69.0% and 11.0% of the Domestic occurrences respectively.

- Prejudice primarily represented by stranger relationships, whilst Mental Health primarily represented other relationships. The other relationship could include hospital members and other staff that aid with their treatment.

Summary of NTE Violence 2017/18

- Between 2016/17 and 2017/18 there was an 8.15% increase in recorded VAP NTE crimes.
- Compared to 2016/17, 2017/18 saw a rise in occurrences for everyday in the NTE apart from Sunday which saw a small decrease. The percentage changes were as follows:
 - o Thursday: 18.1%
 - o Friday: 19.8%
 - o Saturday: 6.4%
 - o Sunday: -3.2%
- For the entire NTE period 2017/18 saw a rise of 8.2% when compared to 2016/17.
- In 2017/18 the time period with the highest volume of crime is 00:00 – 02:59 on a Sunday morning. Not only contain a higher volume of crime than Friday and Saturday mornings during the same period. It was also the largest period during Saturday nights/Sunday mornings, containing 40.6% of all the occurrences.
- 18 – 30 year olds account for 48.2% of victims for NTE violence and 54.1% of all offenders/suspects.
- From where data was available suspects/offenders were primarily unemployed (212 nominals) or students (97 nominals). Victims were either not stated (517 nominals) like offenders were either students (299 nominals) or unemployed (268 nominals).
- 19 year olds were the primary victims of ABH (69 offences) whilst 22 and 27 year olds had the shared most GBH offence (7 each).
- On Friday nights NTE violence was primarily located around Talbot Street and the Rock City night club.
- On Saturday nights the offences were primarily located on the junction of Upper Parliament Street and Queen Street near to the Corner House. Ink is one of the closest clubs to this site but there are numerous clubs and bars in this immediate vicinity.
- The 3 highest individual address for NTE violence 2017/18 were:
 - o Rock City Talbot Street – 43
 - o Pryzm Lower Parliament Street – 36
 - o Talbot Street – 30
- 2 of these addresses could be linked to Rock City Night Club on Talbot Street but it should also be noted that it is one of the largest clubs in Nottingham and therefore will have greater footfall in and around that area.
- When reviewing GBH offences the 3 highest individual address for NTE violence 2017/18 were:
 - o St James's Street – 5
 - o Goose Gate – 3
 - o Talbot Street – 3
- During the NTE periods of 2017/18, increased activity was seen between the hours of 23:00 – 03:00. This increased activity was seen across all offence types.
- Offences against partners were more prevalent in the earlier hours of the NTE period, decreasing in volume as time passed. On the other hand offences against strangers rose until 02:00, after which they slowly decreased.
- Between the hours of 20:00 and 00:00 offences primarily occurred in a dwelling. After this period offences then increase in hospitality establishments and open spaces. Hospitality occurrences peaked between 01:00 and 02:00, whilst open spaces saw increased activity between 00:00 and 03:00.

Cumulative Impact Assessment – Nottingham City Area

APPLICATION FOR THE IMPOSITION OF A CUMULATIVE IMPACT
ASSESSMENT COVERING BERRIDGE, HYSON GREEN,
ARBORETUM AND RADFORD AREAS

WITNESS STATEMENT OF INSPECTOR AMY ENGLISH

1. I am a Police Inspector with Nottinghamshire Police, based at Radford Road Police Station, Nottingham. I have completed 8 years' service, which have all been within the City of Nottingham. I have had various roles at ranks up to Inspector within uniformed policing. I took up my current role in September 2020. I am the Neighbourhood Policing Inspector responsible for four Ward areas, which include the Berridge, Arboretum and Radford and Park, which are the subject of this application for a Cumulative Impact Assessment.
2. The four Wards are subdivided into fourteen Police Beat areas. I have line management for the Neighbourhood Policing teams in the area and Operation Reacher and also work closely with Response officer teams, CID and other specialist departments, partners, community groups and individuals. We continue to work to cut crime and antisocial behaviour and to improve public safety.
3. The proposed Cumulative Impact Assessment area covers geographic areas which have high indices of deprivation. The majority of persons living and working in the area seek to live their lives in positive ways, however, the high concentration of persons with complex needs and who lapse into criminal and antisocial behaviour often linked with alcohol and its existing widespread availability, make it essential to work very closely with existing licensed premises to ensure adherence to licence conditions and legislation. When new premises licences are applied for it is vital to give them detailed

scrutiny to ensure that often already difficult local environments are not made worse by further alcohol sales.

4. Despite much work by statutory authorities, partner agencies and organisations, by communities and individuals, there is still a great deal of alcohol related disorder, violence and other crimes across these areas and the limiting of both extensions to existing premises licence hours and new premises licences prevents deterioration in prevailing issues which Police and others are working to tackle. Some improvements have been made which local people and representatives correctly demand are sustained. Misuse of alcohol still blights the lives of many through on-street antisocial behaviour, violence on the street and in the home, and other forms of criminal behaviour linked with chaotic lifestyles of persons who are alcohol dependent.
5. Problems of anti-social behaviour, noise, litter and criminal behaviour also emanate from groups of often alcohol dependent street drinkers which have concentrations and gathering points in the Arboretum Ward and Radford area. Operation Navarrese is a police led operation to tackle the anti-social behaviour within Hyson Green linked to street drinking and begging. Operation Dapple is a partnership operation with the City Council that refers to student related alcohol consumption and ASB in public spaces within the Public Spaces Protection Order zones.
6. There are regular concerns regarding street drinking in the wards with police receiving regular reports of anti-social behaviour linked to alcohol misuse. Further licensed premises would increase the number of people who would purchase alcohol and begin drinking on the street, raising further the level of antisocial behaviour and the likelihood of alcohol related violence and disorder.
7. Analysis of crime and anti-social behavior (ASB) has been completed focusing on the proposed Berridge, Arboretum and Radford Cumulative Impact Area. The period analysed covers the last 3 financial years for crime and ASB data.

Observations from the Analysis:

8. At the current time, there are 47 off-licensed premises offering the sale of alcohol within the proposed area. The previous saturation zone has allowed Nottinghamshire Police to successfully object to higher risk venues.
9. Keeping the local communities safe and reducing crime and disorder remain key objectives. The analysis incorporates both offences of violence with and violence without injury, in both public and private locations and the number of offences is clearly a concern. From the experience I have in dealing with many incidents, I am able to state that alcohol is a contributory factor in a high proportion of these incidents.
10. The data shows that from 2018 violence against person offences have increased. In 2019 the offence rose by 3% and a further 2% increase in 2020 despite the pandemic period.
11. The data shows that from 2018 public order offences increased in 2019 by 13%. There was a slight reduction of 2% during the pandemic period but still an increase in offences from 2018.
12. The wards have some of the highest ASB reports across the force with street drinking featuring within Hyson Green as the number one ASB hot spot in the City for several years. This is linked to alcohol and substance misuse that then leads to ASB and aggressive begging. Through experience, I am aware that the shops in the locality supply alcohol to street drinkers and any additional licences would make an already difficult long standing problem unmanageable.
13. Multi-Agency problem solving meetings continue to take place in relation to the ASB and street drinking in the area. Most recently, a partnership approach with statutory agencies and a private supermarket was set up in order to tackle street drinking and ASB in Hyson Green resulting in significant funding and resourcing from all partners.
14. There is clearly a continued need to carefully consider applications for new off- licence premises and variations to existing off-licences, ensuring that the applicant can clearly demonstrate that the operation of the premises will not add to the cumulative impact that already exists and undermine the licensing objectives.

15. It is vital that licences are only granted in exceptional circumstances to ensure there is no further negative impact on the community. Alcohol and disorder come hand in hand and it is imperative that any licences are heavily scrutinised to ensure there is no additional adverse effect.

16. I fully support the Cumulative Impact Assessment (CIA) to which the Licensing Authority will have regard when considering applications, covering the same area as the zone previously instated and which has been of great benefit and effect since it was implemented. The issues the CIA will continue to address are current and serious and it is vital that the opportunity to closely scrutinise and object to applications made in this area of concern remains.

Dated the 19th July 2021

Signed: Inspector Amy English

Cumulative Impact Assessment – Nottingham City Area

APPLICATION FOR THE IMPOSITION OF A CUMULATIVE IMPACT
ASSESSMENT COVERING THE NOTTINGHAM CITY CENTRE, BERRIDGE,
HYSON GREEN, ARBORETUM and RADFORD AREAS.

WITNESS STATEMENT OF Insp Luke Todd

Background

1. I am a Police Inspector, serving with Nottinghamshire Police, currently stationed at Radford Road. I am the supervising officer responsible for the City Police Licencing team who are currently based at Byron House.
2. As of July 2021, there were 432 premises of all types licensed for the sale of alcohol within the city centre, this has increased from 397 in April 2018 when the CIA was last reviewed.
 - 432 Licenced premises (April 2018 there were 397)
 - 189 Public houses and clubs
 - 147 Restaurants
 - 42 Off licences
 - 11 Hotels
 - 5 Open/Outdoor Space
 - 3 takeaways
 - 2 Cinemas
 - 2 Theatres
 - The rest are classified as other as they don't firmly fit into any of the above categories
3. As of July 2021, there were 47 off licences in the Radford, Hyson Green and Lenton areas. This is down from 55 in April 2018.
4. The saturation zone has allowed Nottinghamshire Police to prevent higher risk venues, such as vertical drinking establishments, from obtaining a licence. In the period from the previous review in March 2018 to March 2021 in the saturation zones there have been 84 Premises licence applications. All were granted with the exception of three which went to a panel hearing, one being granted and two refused. There have been 117 variations to the Premises Licences with 1 going to a panel hearing and then being granted.
5. The saturation Zone by no means stops any new application or the regeneration of the City centre as can be seen from the above figures. Each application is considered on its own merit, given the nature, style and location of the premises. The Police Licencing team are there to ensure the area can remain safe for the public to live, work and visit. By keeping the venue types

and numbers appropriate and monitoring the compliance of conditions they can maintain safety with the resource available.

6. Whilst much of the above statement refers to the City Centre area alcohol issues, the impact of alcohol saturation on Radford, Lenton and the Hyson Green area cannot be overlooked. The previous CIA restricted the expansion of further off licences. In addition to the greater availability of alcohol, the competition factor can have an effect on prices leading to cheaper, more widely available product. This has an effect on both vulnerable substance users and students. There are a number of Framework properties for vulnerable persons around the Radford area, those residents having easy access to alcohol and the consumption of it around the Forest Recreation Ground and general area leads to an increase in ASB, for the area to become a magnet for street drinkers.
7. The proliferation of cheap alcohol also has an effect on the Radford and Lenton areas, the student drinking culture is to pre-load with drinks in their accommodation prior to going out into the City. This results in both noisy nighttime ASB and parties, plus is an easy source for aforementioned pre-loading for those visiting the City.
8. Despite much work by statutory authorities, partner agencies, communities and individuals, there is still a significant volume of alcohol related disorder, violence and other crimes across the Arboretum Ward & Radford & Park Ward. The limiting of both extensions to licensing hours and new licences prevents deterioration in existing issues which Police and others are working to tackle. This is shown in Appendix 2 where due to the Covid restriction most types of crime have reduced, however we have seen an increase in violent crime in the same period in this area.
9. The high concentration of persons with complex needs who misuse alcohol results in criminal and antisocial behaviour. It is essential therefore to control the widespread availability of alcohol and work closely with existing licensed premises to ensure adherence to licence conditions and legislation. In addition, when new licenses are applied for, to give detailed scrutiny and in doing so ensure that often already difficult local environments are not made worse by further alcohol sales.
10. Alcohol dependent street drinkers congregate at locations in Arboretum Ward and Radford area. Calls for service to the police and council evidence the increase in anti-social behaviour, noise, litter and criminal offences from this group. Combatting the problem of street drinking is a priority for the Arboretum Ward.
11. The previous Cumulative Impact Policy has been vital in recent years. It has been helpful to potential applicants who have been able to consider whether they wished to proceed with an application, strong guidance for local authorities in considering applications and most importantly to local people as it has helped produce a baseline from which authorities and communities have been able to build work to address the array of alcohol related and other social issues affecting these areas.

Observations from the Analysis

12. When we consider the analysis of the current statistics, we cannot ignore the fact that the Covid situation has made comparing the figures an unproductive tool for this assessment. The 2018/19 stats cannot then be compared to the 2019/20 and 2020/21 due to the City centre effectively being closed for 18 months during this period. Therefore, we will need to wait for two years of statistics post easing of lockdown restrictions before we can fully understand the impact on the night-time economy. We must also consider that we do not yet know how many of the licenced premises will remain open due to the economic impact of the restriction, this may cause an influx of new applications to take the place of closed premises. The licencing teams are aware of this issue and will take a pragmatic and sympathetic approach to the regeneration of the night-time economy.
13. Previously the review has deemed it necessary and proportionate to have a Cumulative Impact Policy in place and we have seen the benefits of that decision. In addition, police and partners have been proactively policing the NTE and the street drinking and ASB issues in Radford, Lenton and Hyson Green areas. If the Cumulative Impact Assessment is not implemented the proactive measures available will be reduced, therefore limiting the control within the City Centre and wider City area. This could result in an unmanageable increase of licensed premises and, as a consequence, an increase in alcohol related crime and ASB. This would negatively impact crime data, the policing of the Night Time Economy, the perception of safety and the reputation of Nottingham City. Premises licences are still in existence on a number of vacant premises within the City which allows natural but controlled growth to agreed capacity. The Cumulative Impact Assessment would give us the partnership approach and the control to contain this expansion and demand as well as being consistent with the duty to promote the licensing objectives, ensuring a safer Nottingham for all.
14. I have considered all the analysis before me and through past experience and knowledge, I fully support the implementation of a Cumulative Impact Policy (CIP) to which the Licensing Authority will have regard when considering applications, covering the same area as the zone previously established for the Citye and which has been of immense benefit in recent years. The issues the CIA will seek to address are current, serious and relevant and it is vital that the opportunity to object to applications based on this area of focus remain.

Dated the 22nd July 2021

Signed: Insp Luke Todd

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NOTTINGHAM CITY COUNCIL

Cumulative Impact Assessment

June 2021

DRAFT



Nottingham
City Council

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1) Introduction

- 1.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 1.2 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 further premises licences and Club Premises Certificates. .
- 1.3 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.
- 1.4 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.
- 1.5 Nottingham City Council received evidence from the following which has led to the preparation of this Cumulative Impact Assessment:-
- Inspector Anwaar Ahmed, Nottinghamshire Police, dated 16 May 2018 and 26 July 2018 – Appendix 3
 - Evidence of Inspector Robert Wilson, Nottinghamshire Police – Appendix 4
 - David Scothern, Principal Enforcement Officer, Community Protection – Appendix 5
 - Jennifer Guiste, Principal Enforcement Officer, Community Protection – Appendix 6

- Richard Taylor, Environmental Health & Safer Places Team Manager, Community Protection, Appendix 7
- It has also had regard to the Strategies, Policies and other published documents listed in Appendix 8

1.6 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.

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

1.8 The creation of this CIA does not prevent any person from making an application for a Relevant Authorisation and each application will continue to be dealt with on its own merits, having regard to the contents of this document. The Authority wishes to ensure and maintain a diverse range of leisure and entertainment opportunities within the City but needs to balance that around the impact arising from having a large number of licensed premises concentrated in an area. It is not the purpose of CIAs 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 premise affects the impact it may have. Restaurants, cafes and predominantly seated premises can often have a lesser impact than pubs, nightclubs and high capacity vertical drinking establishments.

1.9 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. Generally, where the Licensing Authority's discretion is engaged, applications for Relevant Authorisations will be refused unless it is satisfied that the promotion of the licensing objectives

will not be undermined. However, no restrictive controls will be introduced or imposed in respect of an application unless they are felt to be appropriate and it is incumbent on both Responsible Authorities and applicants to assess any risks posed by the application bearing in mind the contents of this CIA to ensure that any representations that are made and/or conditions that are requested or negotiated are appropriate.

1.10 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.

1.11 Consultation on this Assessment took place between 16 July 2018 and 9 September 2018. July 2021

2) SUMMARY OF EVIDENCE

2.1 GENERAL

2.2 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.

2.3 It is important to take into account the impact of COVID-19 mitigations from March 2020 onwards upon crime, anti-social behaviour, Night Time Economy (NTE), and City Centre footfall, such that direct comparisons of data between 2019/20 and 2020/21 must be cautious, and heavily caveated. For this reason, data from 2018/19 has also been included as a comparator.

2.4 The Respect for Nottingham Survey 2019 shows 'alcohol related violence and disorder' within the top three crime and ASB concerns reported by residents citywide.

2.5 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. The Council is keen to encourage a diverse range of premises catering for a wide range of age

groups and uses. 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.

2.6 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.

2.7 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 PSPO (AA2 appendix 2)

2.8 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.

2.9 Students impact on crime in a number of ways;

- they are often a target for crime
- Statistically, 18-30 year olds account for the majority of offenders (54%) and a high proportion of 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 high proportion of alcohol seizures, many of these taking place within the Lenton area of Nottingham which falls within the Berridge, Arboretum & Radford Saturation Zone.

2.10 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.

2.11 Alcohol harm represents a significant burden to Nottingham City, not merely in relation to the health of its residents, but also in much wider terms. As part of the consultation on this CIA Public Health advised that :-

- alcohol misuse is the single biggest risk factor for early death and illness in people aged 15-49 years.
- Approximately 70% of violent crime occurring at the weekend or in the evening is alcohol related, as are 70% of attendances at ED over the weekend period.
- There is also a known relationship between alcohol and mental health, including risk of depression, bipolar disorder and personality disorder. Just under half of users of community mental health services report problematic drug and/or alcohol use in the previous year.
- The economic burden of alcohol-related harm is substantial: at a national level, alcohol is estimated to generate costs of £21bn a year, of which £11bn are costs associated with alcohol related crime, and £3.5bn with costs to the NHS. Rates of alcohol admissions in Nottingham City are higher than the national or regional average.
- There is evidence to support the value of using licensing powers to help tackle alcohol harms, with greater use of such powers being linked to reductions in alcohol-related hospital admissions. This is reflected in national-level guidance from Public Health England. Cumulative Impact Zones can contribute directly to such an effect. They can also contribute indirectly, as their mere presence provides a prompt for people to consider the harms of alcohol. Conversely, their absence would help to normalise thinking around high alcohol outlet density and consumption.

2.12 Whilst Public Health is not a licensing objective or a reason in itself to support the declaration of Cumulative Impact Zones it is clearly affected by alcohol consumption in general and by alcohol related violence which can form the basis for the declaration of Cumulative Impact Zones.

2.13 Night Time Culture

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

2.15 Early Evening – 1900hrs to 2159hrs

2.16 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.

2.17 Night Time (NTE) – 2200hrs -0359hrs

2.18 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.

2.19 Early Morning period – 0400hrs – 0600hrs

2.20 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

2.21 Public Transport

2.22 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 .

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3) SUMMARY OF EVIDENCE

3.1 CITY CENTRE SATURATION ZONE

3.2 The City Centre Saturation Zone is shown on the map at Appendix One and relates to all premises selling or supplying alcohol for consumption either on or off the premises (or both). Whilst this figure will naturally fluctuate, at the time of publication this consists of approximately 429 premises.

3.3 Crime & Disorder

3.4 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.

3.5 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.

3.6 Recorded offences across all crime types have reduced sharply during 2020/21, attributable in most part to restrictions on movement and patronage of licensed premises, per COVID-19 mitigations. (Charts/ tables are shown at Appendix One)

3.7 In general, a downward trend in volume of recorded offences is observed between 2018/19 and 2019/20; violence against the person offences reduced by 10%, and public order offences by 3%.

3.8 Drug offences are a notable exception to this trend, with a 40% increase in offending recorded between 2018/19 and 2019/20. Increases across this period are also observed in respect of vehicle offences (19%), personal robbery (2%), and miscellaneous crimes against society (5%).

3.9 During 2020/21, violence against the person offences typically spike on Friday night/Saturday morning, and on Saturday night/Sunday morning, between the hours of 2200 and 0100 (i.e. Night Time period as per 2.16). At mid-week, violent offences tended to peak during early to mid-afternoon.

3.10 Anti-social behaviour

3.11 Recorded ASB incidents have increased in volume markedly during 2020/21. Again, direct comparisons between this period and previous years must be caveated, as this spike appears broadly attributable to mitigations around COVID-19 (i.e. lockdown restrictions).

- 3.12 ASB 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.
- 3.13 Prior to this, from 2015/15 to 2019/20, total ASB citywide had reduced in volume by 15%. A small increase (of 338 incidents) was noted between 2018/19 and 2019/20.
- 3.14 Over a five-year period (2015/16 to 2019/20), the City Centre shows as a consistent ASB hotspot, accounting for over 21% of all recorded ASB incidents.
- 3.15 There is a considerable density of purpose-built student residences in this area, which may have implications around ASB – as noted at 2.9, students account for a significant proportion of both victims and perpetrators of crime and ASB.
- 3.16 The Respect for Nottingham Survey 2019 (produced by the Crime & Drugs Partnership) reinforces concerns around ASB in Nottingham as a whole, with 21% of respondents offering comments related to ‘noise/ loud music/ shouting etc’.
- 3.17 Only 12% of respondents citywide identified ‘people being drunk or rowdy in public spaces’ as a very or fairly big problem, and just 11% specified ‘street drinking/ drinking alcohol in the streets’. This compares favourably with the 2017 survey, which noted that 35% of respondents felt drunk/ rowdy public behaviour was a very or fairly big problem.
- 3.18 However, the same survey showed a reduction in the number of respondents (46%) who felt ‘very safe’ or ‘fairly safe’ in the City Centre when it is dark (as compared to 2013 to 2017). 67% of respondents highlighted their main reason for feeling unsafe as ‘people being drunk and/ or rowdy’.
- 3.19 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 matters dealt with by the service include glass waste, litter from food vendors, advertisements for licensed premises, and bodily fluids in the street and alleyways. Staff attempting to deal with these problems frequently suffer abuse and risk to their health and safety arising from behaviour of perpetrators – typically patrons of licensed premises.

3.20 Noise and public nuisance

- 3.21 Public nuisance can encompass a range of behaviours and activities. Including light, odour, music/noise breakout from the premises and noise from patrons queuing, leaving or smoking outside a premises. **Some aspects of ASB complaints are principally around excessive noise and alcohol-related disorder.** In comparison to other offence types, ASB appears to occur disproportionately around late night refreshment premises.
- 3.22 **The sustainable development of Nottingham is a key priority for the Council and the Council has to balance the various, often conflicting, requirements of commercial and residential uses, particularly in the City Centre and other areas of high residential density. When possible, Environmental Health uses the planning regime to ensure the future residents of new build and converted buildings are appropriately protected from environmental and neighbourhood noise, including noise from existing premises and activity associated with them that may cause public nuisance. However this process cannot mitigate for potential future disturbance and nuisance caused by increased intensity of activity from nearby premises or noise from patrons of more distant premises who might use a route overlooked by residential properties as a preferred route to return home or to access public transport systems.**
- 3.23 **The planning principal of 'agent of change' is not applicable when a premises' contribution to environmental/neighbourhood noise manifests itself some distance away, such as on a preferred pedestrian route through a mixed use area with residential accommodation. Furthermore changes to planning legislation in 2020 now means that a premises use can change from a use that is unlikely to cause a public nuisance to one that can, without requiring planning permission.**
- 3.24 **As a 'Responsible Authority' under the Licensing Act 2003 the Council's Environmental Health function reviews all applications and variations under the Act for their potential to cause public nuisance and the measures proposed by the operator to prevent it/promote the licensing objectives. However, without evidence of public nuisance, which is clearly unavailable in the case of new premises/operator/operating model (however likely or foreseeable to a responsible authority), the operator is likely to be issued a licence.**
- 3.25 **In addition to being a responsible authority the Council's Environmental Health and Safer places team also discharges the Council's statutory duty to investigate a range of statutory nuisances, including noise, odour and light nuisance. As such, and despite the requirement for operators with licensable activities to promote the licensing objectives, the team continues to receive and investigate complaints from residents and businesses about noise from**

premises and customers in the immediate vicinity of premises with licensable activities, and 'revellers' who are moving between venues or making their way home. However, except where it is possible to identify public nuisance arising from a specific premises, it is not possible using the standard license review process or nuisance legislation to resolve the problem, resulting in repeated complaints from residents of noise and other disturbance, reduction in the amenity of an area and the increased likelihood of changes in residential tenure in an area that negatively impact on its sustainability.

- 3.27 Therefore the ability to identify and designate Saturation Zones together with a supporting Cumulative Impact policy is necessary in order to address the limitations of the licensing, planning and statutory nuisance regimes and prevent the foreseeable adverse impacts of increasing licensable activity in a given geographic area.

4) SUMMARY OF EVIDENCE

4.1 BERRIDGE, ARBORETUM, AND RADFORD SATURATION ZONE

- 4.2 The Berridge, Arboretum & Radford Saturation Zone is shown on the map at Appendix Two and relates only to those premises selling or supplying alcohol for consumption off the premises. At the time of publication of this Assessment there are 49 premises identified as off-licence only.

4.3 Crime & Disorder

- 4.4 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 work around homelessness, 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 therefore accommodates a high concentration of persons with complex needs who can lapse into criminal and antisocial behaviour often linked to alcohol.

- 4.5 Consumption of alcohol in and around the Forest Recreation Ground leads to an increase in ASB as the area has become a magnet for street drinkers, with parents of local school children reporting incidents and concerns over street drinking.

- 4.6 Evidence also suggests that street drinkers will sometimes travel to parts of this Saturation Zone as they see it as an easy place to purchase and drink 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.
- 4.7 As discussed at 2.9 and 3.15, there are also considerable concentrations of students resident within this Saturation Zone, creating similar implications.
- 4.8 A notable increase of 2% in violence against the person offences during 2020/21 is observed, on top of a 3% increase from 2018/19 to 2019/20 (and contrary to broader crime patterns within COVID-19 restrictions, as stated above – charts/ tables are shown at Appendix Two)
- 4.9 Criminal damage/ arson offences during 2020/21 have also increased by 10% over 2019/20, returning to the same levels observed in 2018/19, following an interim reduction. Meanwhile, miscellaneous crimes against society have increased markedly across the period (by 5% from 2018/19 to 2019/20, and by 10% from 2019/20 to date.)
- 4.10 Similarly to the City Centre, this zone also shows an increase in violence against the person offences on Saturday night/Sunday morning (from around 2000 to 2100 and 0000 to 0100.) However, by contrast, these occurrences peak during mid-week, with 0000 to 0100 on Wednesday and Thursday nights showing a dramatic spike in incidents. There are also notable increases in recorded offences around 1600 to 1800 throughout the week.
- 4.11 Anti-Social Behaviour**
- 4.12 Alcohol related ASB 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 patronise those premises. ASB incidences within Radford have increased by over 100% during 2020/21 – coinciding with the introduction of COVID-19 mitigations.
- 4.13 The area is a clear ASB hotspot, and it is of particular note that the ‘Community Trigger’ power introduced by the ASB, Crime & Policing Act 2014 has been utilised to tackle ASB within this Saturation Zone.
- 4.14 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 throughout the zone.

- 4.15 Whilst only a small proportion of incidents took place at off-licences, the alcohol sold from them is known to be a very large contributor to many of the other calls received by the Police relating to this Zone.
- 4.16 The 2019 Respect for Nottingham Survey ranks Radford as the lowest ward in the City (56%) in terms of feeling very or fairly safe when walking alone after dark, and Hyson Green & Arboretum as the fourth lowest (64%).

5) OTHER CONTROL MEASURES IN USE

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

5.2 Planning Services

- 5.3 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.
- 5.4 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.
- 5.5 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.

- 5.6 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.
- 5.7 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.
- 5.8 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.

5.9 Public Spaces Protection Order (PSPO)

- 5.10 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.

The PSPOs will be reviewed as they approach the end of their lifespan and can be extended if appropriate.

5.11 Dispersal Powers

5.12 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).

5.13 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

5.14 Licensing Act 2003

5.15 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.

5.16 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.

5.17 Problem Licensed Premises Approach by Police

5.18 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 premise.

5.19 Police Street Drinking Initiative

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

5.21 Environmental Protection

5.22 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 (see earlier section on Noise and Public Nuisance).

5.23 City Centre Management

5.24 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 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.

5.25 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

6.1 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..

6.2 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 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.

6.3 It is clear from the tables provided in Police evidence that the Authority's previous Cumulative Impact Policies have not been used inflexibly and that new applications are granted on a regular basis where appropriate. It can also be seen that the Licensing authority does not necessarily always agree with Responsible Authority objections and considers each application on its merits.

6.4 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.

Appendix 7.

Community Protection's Regulation function and its constituent teams comprising: the Environmental Health and Safer Places team and the Safer Business (Food Safety, Health and Safety) team fulfil Nottingham City Council's Responsible Authority role described in the Section 182 guidance Para 8.7 as 'the local authority with responsibility for environmental health'.

The Environmental Health and Safer Places team is responsible for dealing with a range of statutory nuisances (including those specifically mentioned in S182: noise/vibration, odour, litter and light) that can unreasonably impact on other land uses in the vicinity of a licensable activity and therefore constitute public nuisances.

These are thus subject to a key licensing objective: the prevention of public nuisance.

The Environmental Health and Safer Places team (formerly called the Pollution Control Team) commented on the 2014/15 Statement of Licensing Policy and Saturation Policy 2014 and 2018 with respect to noise and considers the compilation and publication of a separate Cumulative Impact Assessment essential in order to ensure those wishing to provide licensable activities and regulated entertainment are aware of the reasoning and principles of cumulative impact and can apply greater control/mitigation where data (service requests/complaints) shows a higher level or frequency of justified complaints.

Noise

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 must 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 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.

Conditions are recommended during the planning process (and imposed at the planning permission stage) to control noise breakout from premises. However the de-regulation of the planning system means that conversion of, for example, offices into residential apartments, can take place without an assessment of environmental noise from people on the street, taxis and minicabs or other noise associated with the night-time economy. Furthermore, if premises modify their mode of operation (e.g. by extending their hours), remove sound insulation, and/or increase music noise levels, or play music with a significant bass content the sound insulation of the premises may be insufficient to prevent noticeable and significant noise breakout. Furthermore, in most of the City Centre residential property is often so close to licensed premises that, when noise breakout occurs, or there is an outdoor smoking space associated with the premises, distance attenuation does not significantly reduce noise levels from music or people's voices.

There are some areas of Nottingham, particularly the City Centre, where noise in the street from the large number of people who move between premises, queue to gain entry, or congregate outside whilst smoking, also give rise to noise disturbance to local residents, often late at night through to the early hours of the morning, causing loss of sleep and distress. Noise caused by the early morning emptying of skips of rubbish and empty bottles, and noise from street cleansing activities, has also led to complaints of noise nuisance and sleep disturbance, heightening the concern of the Environmental Health and Safer Places team about the close proximity of licensed premises and residential accommodation in this area.

Noise complaints received by the team are recorded in an application called 'Flare'. Table 1 below shows that the team continues to receive and investigate complaints from residents and businesses about noise from premises and their customers and therefore the need for a standalone CIA to complement the revised Licensing Policy.

Table 1: FLARE service requests concerning noise from licensed premises and persons in the street.

Licensed Premises	2015-16	2016-17	2017-18	2018-19	2019-20
Total	148	131	138	218	202
Music	113	108	113	165	165

People	22	10	9	31	15
Other Noise	13	18	16	22	22

Development Planning Conditions	2015-16	2016-17	2017-18	2018-19	2019-20
Residential Noise	102	81	87	71	73
Plant & Equipment Noise	50	54	41	60	35
Odour	44	33	25	41	35

It is our experience, and FLARE complaints confirm, that when there is a concentrated number of licensed premises in an area then the likelihood and frequency of serious public nuisance to residents (and noise sensitive businesses) is increased.

It is also our experience that public nuisance arising from cumulative impact is time consuming to investigate and often unresolvable because the nuisance (usually noise) cannot be attributed to just one premises or its customers alone.

The designation of saturation zones, where there is a presumption against the need for additional premises with licensable activities and regulated entertainment, are therefore an essential tool in preventing widespread public nuisance and protecting amenity and the sustainability of a neighbourhood.

Statement in support of the Council's Cumulative Impact Assessment

Melanie Fretwell

July 2021

This statement is in reference to Berridge, Arboretum and Radford Saturation Zone brought into force in January 2014 and the current renewal of Nottingham City Council's Licensing Policy.

My name is Melanie Fretwell and I am the Principal Enforcement Officer for Nottingham City Council's ASB Service. My role involves managing a team of Enforcement Officers dealing with anti-social behaviour and environmental crime across the north of Nottingham City Council's administrative area. The Berridge, Arboretum and Radford Wards are located within my management area.

Hyson Green is the second most popular shopping area after the city centre and is home to a variety of cultures with a thriving local economy. Hyson Green has the largest ethnic minority population in the city with many multicultural shops and supermarkets offering products from West Africa, South Africa, Arabia, Eastern Europe, Iran, India, Pakistan and Russia.

In 2013, it came to my attention from Insp Kaur who was the Neighbourhood Policing Inspector at the time that there were significant issues with alcohol related anti-social behaviour and environmental crime within the Berridge, Arboretum and Radford wards. In order to combat these issues, we met to discuss a variety of methods including introducing a Saturation Zone within the area and also introducing a Designated Public Place Order (DPPO) to extend the DPPO which covered the City Centre to meet with a DPPO which covered the Hyson Green area. This had been introduced in 2005 in accordance with Section 13 of the Criminal Justice and Police Act 2001 following the Council being satisfied that nuisance and annoyance to members of the public and disorder had been caused by alcohol consumption within that area.

Evidence gathered at that time in support of introducing a change to the Council's Licensing Policy included carrying out a survey of the area in question to see how many shops and businesses already sold alcohol and how these sales were advertised. I obtained numerous photographs at the time of shops across the whole area portraying alcohol. On carrying out a visit in July 2021 to the same location, I have witnessed a similar number of shops continuing to sell alcohol in the same manner by inviting sales through advertising alcohol prominently in their shop windows, on boards and showing a variety of different alcohol types available to purchase, some at discounted or reduced pricing to attract and increase the sales.

In order to combat the issues in 2012, Nottinghamshire Police commissioned a Crime Pattern Analysis to understand the areas of crime and the volume of the anti-social behaviour being caused in relation to alcohol consumption. I reviewed all the Health Statistics including the number of alcohol admissions to hospital, statistics on alcohol related deaths and diseases and compared these to other wards within the Nottingham City Council's administrative area. It was clear that alcohol was a prevalent factor in all crime, anti-social behaviour, environmental issues and in particular, the health and wellbeing of those residents within the Berridge, Arboretum and Radford wards.

Nottinghamshire Police introduced Operation Downstroke in order to combat an increase in the number of street drinkers and resultant anti-social behaviour and environmental crime. This Operation aimed to:-

- reduce the number of street drinking incidents,
- reduce the associated fear of anti-social behaviour and crime
- Provide high profile vehicle, foot and static patrols in the area to reassure the community and deter the occurrences of street drinking activity, anti-social behaviour and criminal activity
- Identify the perpetrators of street drinking and anti-social behaviour to take the appropriate enforcement and interventions against them
- Prosecute perpetrators of criminal offences and also take the appropriate civil enforcement and interventions against them
- Offer support to victims and witnesses of anti-social behaviour
- Offer appropriate welfare support to persistent street drinking perpetrators

I attended a number of Alcohol Harm Reduction Conferences to look at what other Cities across England were doing and as a result of all the evidence gathered, I consulted on and introduced the change to the Council's Licensing Policy by introducing a Saturation Zone within the Berridge, Arboretum and Radford wards.

Alongside this change to the Alcohol Licencing Policy, I also introduced the extension to the DPPO to provide authorised Officers with greater powers to tackle alcohol related anti-social behaviour and environmental crime. Under Section 13(2) of the Criminal Justice and Police Act 2001, local authorities can, by order, designate areas that they are satisfied have experienced alcohol-related disorder or nuisance caused to members of the public or a section of the public, so that there can be restrictions on public drinking. There are a number of exclusions to the Order, particularly where regulations apply under other legislation for example the Licensing Act 2003. The powers conferred

under the DPPOs provides the Police and accredited officers (Nottingham City Council's Community Protection Officers

CPOs) with the power to deal with alcohol related anti-social behaviour, nuisance and disorder in areas that have been designated by the local authority as a DPPO. Section 12 of the Criminal Justice and Police Act 2001 provides that an Officer who has reasonable belief a person is or has been consuming, or intends to consume alcohol in a designated public place, can request that they refrain from doing so and may ask the person(s) to surrender any alcohol or alcohol containers (including sealed containers) in their possession. In order to ensure a proportionate use of the powers, individuals who an Officer reasonably believes has been consuming, or intends to consume alcohol within a DPPO are not approached and asked to refrain from drinking unless:-

- a) They are engaged in anti-social behaviour or disorder
- b) The Officer is of a view that there is likely to be anti-social behaviour or disorder, or,
- c) Complaints have been received from members of the public businesses and/or Council staff working in the area that they have been engaged in such behaviour

In 2013, it became apparent that the DPPOs that had been introduced across Nottingham in a piecemeal fashion had displaced the anti-social behaviour and presented some difficulties with dealing with alcohol related anti-social behaviour on the borders of those DPPOs. As a result, I undertook a consultation process across the whole of Nottingham and the results of that consultation concluded that it was proportionate and necessary to introduce a DPPO across the whole of the Council's administrative area. This extension was introduced in 2014.

Also in 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 introduced the Public Spaces Protection Orders (PSPO) to replace the Designated Public Place Orders. All DPPOs were automatically transferred over to PSPOs under this legislation three years from when the legislation was introduced, being 20 October 2014. As a result of this new legislation, the DPPOs extended in 2014 were automatically changed over to PSPOs meaning that in 2017, all the DPPOs in Nottingham automatically became PSPOs which were in force for 3 years from that date, being 19 October 2017.

In 2020, following another period of consultation across Nottingham City Council's administrative area, I extended the city wide PSPOs for a further three years (the maximum allowed under the AntiSocial Behaviour, Crime and Policing Act 2014).

As a result of all the work I have completed around alcohol across the whole of Nottingham over the past 10 years it has become clear to me that it is necessary and proportionate for the public health

STATEMENT

and wellbeing to ensure that there are control measures in place to support communities and deal with alcohol related anti-social behaviour.

In order to assess the effectiveness of the current Licensing Policy and the need to continue to have a saturation zone within the Berridge, Arboretum and Radford areas, I have obtained statistical data from the Council's Uniformed services (Community Protection Officers) who deal with alcohol related anti-social behaviour and environmental crime on the ground. I can confirm that the Radford Road Uniformed Officers who deal with alcohol confiscations within the Berridge, Arboretum and Radford areas have carried out the following confiscations over the past five years

Year	Radford, Lenton and Wollaton East	Berridge & Arboretum
2016 – 2017	257	643
2017 – 2108	662	633
2018 – 2019	1090	432
2019 – 2020	818	556
2020 – 2021	35	1440
Total	2,862	3704

It is important to note that these figures cover the Lenton and Wollaton East wards too as the Council is unable to separate the figures per ward. It is highly likely however that the most significant number of alcohol confiscations are within the saturation zone described. As can be seen by the figures, rather than there being a decline in alcohol related anti-social behaviour, there has been a steady increase which appeared to peak in 2018 to 2019. The dramatic reduction in 2020 to 2021 for the Radford ward is clearly a result of the on-going pandemic with citizens and in particular being under strict lockdown measures. The Arboretum and Berridge in contrast showed a significant increase evidencing the increased need for strategic measures to be implemented around alcohol related anti-social behaviour.

To correspond with the number of alcohol confiscations made by the Uniformed Officers, I have also checked with the officers who deal with recording the fixed penalty notices issued. Fixed Penalty Notices (FPNs) can be issued to individuals where they have breached a Public Spaces Protection Order and the FPN can be a way of dealing with the liability on a local level rather than seeking a prosecution. Across the city, 431 FPNs have been issued in the last five years for breaches of a Public Spaces Protection Order which has been implemented to address alcohol issues.

STATEMENT

In addition to the alcohol confiscations and PSPO FPNs issued, the Berridge and Arboretum team have produced figures for warnings issued to citizens in breach of a PSPO but where an alcohol confiscation may not necessarily be appropriate. These figures are:-

2019/20 – 335

2020/21 – 2324

2021/22 – 688 so far

Where Uniformed Council Officers have dealt with alcohol related anti-social behaviour in all cases above, these have come about where an individual has visited (usually a local) shop in the area, purchased alcohol and then gone on to drink it locally and subsequently cause anti-social behaviour or environmental littering by throwing the cans or bottles away in the streets, parks and public areas. The statistics therefore evidence a continuing need to control the number of alcohol licences being issued within these areas in order to control the resultant anti-social behaviour, environmental crime and most importantly, the health and wellbeing of citizens attracted to purchasing increasingly more and more alcohol to consume in the locality.

Having recently visited the Berridge, Arboretum, and Radford areas I have witnessed alcohol as being the predominant sales tactic continuing to be used by shops and businesses to attract custom. As a manager of a team of Enforcement Officers carrying out enforcement activities within this locality, I continue to see alcohol as a prevailing factor for causing anti-social behaviour. The health and wellbeing of citizens must continue to be the Council's highest priority and it is for this reason that I support a continuation of the restrictions in issuing alcohol licences to new premises within the Berridge, Arboretum and Radford localities.

Signed



Melanie Fretwell

Date:

12 July 2021

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STRATEGIES, POLICIES AND OTHER PUBLISHED DOCUMENTS GIVEN REGARD

- Nottingham Local Plan (November 2005)
- The City Centre Time & Place Plan
- Nottingham City Land and Planning Policies Part 2 Local Plan (LAPP), adopted in January 2020
- RESPECT FOR NOTTINGHAM SURVEY 2019 - Nottingham Crime & Drugs Partnership
- Guidance to Licensing Authorities issued by the Secretary of State under Section 182 of the Licensing Act 2003

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Nottingham City Council

Responses to consultation on Cumulative Impact Assessment (2021)

Chapter 1 – Introduction

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
				N/A	N/A

Chapter 2 – Statement of Evidence - General

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
Page 91	Zoe Mallett - NTU	2.9	It is inferred that NCC believes that students account for a significant proportion of offenders and majority of victims and perpetrators of alcohol related crime and disorder in the NTE. The section is contradicted by police statistics and feels that section 2.9 is unhelpful and misleading.	Your note is acknowledged and the authority appreciates your interpretations of these statistics. The authority has sought further clarification from Nottinghamshire Police on the analysis of these statistics for future consideration of the Cumulative Impact Assessment.	<p>It has transpired that the plans attached at appendix 1 and 2 of the draft CIA and the statistical information, in particular at Sections 3 and 4 is incorrectly based on a wider areas than was intended</p> <p>It will be recommended that the Committee determine not to publish the CIA at this time as the authority acknowledges before consideration can be given to the adoption of the CIA that there is a need for further analysis be carried out.</p>

					No changes to be made at present but shall be a consideration upon submitted evidence on the future considerations of the CIA following the determination of the Policy's status at the committee meeting.
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Chapter 3 – Statement of Evidence – City Centre Saturation Zone (Crime & Disorder, Anti-Social Behaviour, Noise & Nuisance)

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
					N/A

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Chapter 4 – Statement of Evidence – Berridge, Arboretum & Radford Saturation Zone (Crime & Disorder, Anti-Social Behaviour)

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
1	Zoe Mallett – NTU	4.4, 4.5, 4.6 & 4.7	This section of the report suggests that the impact of students' behaviour in this area is similar to that of offenders, homeless people, and 'people with complex needs who can lapse into criminal and anti-social behaviour'. No evidence supports the 'extraordinary assertion' Believe section 4.7 should be removed or amended and reflected	Your points have been acknowledged and although it is not the authority's intention to portray students, homeless persons and street drinkers into a category of stereotypical behaviour the description is intended to reflect that the high concentration of students is evidenced to have an impact on the area. However the authority notes that the language and descriptions	It has transpired that the plans attached at appendix 1 and 2 of the draft CIA and the statistical information, in particular at Sections 3 and 4 is incorrectly based on a wider areas than was intended It will be recommended that the Committee determine

Page 9			by evidenced accounts.	could be perceived otherwise and therefore shall consider your note and any submitted evidence on future considerations of the Cumulative Impact Assessment.	<p>not to publish the CIA at this time as the authority acknowledges before consideration can be given to the adoption of the CIA that there is a need for further analysis be carried out.</p> <p>No changes to be made at present but shall be a consideration upon submitted evidence on the future considerations of the CIA following the determination of the Policy's status at the committee meeting.</p>
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Chapter 5 – Other Control Measures in Use

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
					N/A

Chapter 6 – Conclusion

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
1	Zoe Mallett	None provided conclusion over all	NTSU is broadly supportive of the conclusions of the document and agrees that the Alcohol Saturation Zones should remain in place in both the areas outlined in the	Noted support of CIA remaining in place.	It has transpired that the plans attached at appendix 1 and 2 of the draft CIA and the statistical information, in particular at Sections 3 and

			document.		<p>4 is incorrectly based on a wider areas than was intended</p> <p>It will be recommended that the Committee determine not to publish the CIA at this time as the authority acknowledges before consideration can be given to the adoption of the CIA that there is a need for further analysis be carried out.</p> <p>No changes made.</p>
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Chapter 7 - Appendices

Appendix 1 – Map of City Centre Saturation Zone

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
					N/A

Appendix 2 – Map of Berridge, Arboretum & Radford Saturation Zone

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
					N/A

Appendix 3 – Evidence - Statement of Inspector Paul Gummer dated 17 July 2021

Ref	Name of	Policy or	Summary of Respondents	Authorities Appraisal of	Authority's Response
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No.	Respondent	Paragraph Number	Comments	Comments	with regard to Statement of Policy
2	James Anderson	Paragraph 2	<p>Refers to numbers of licensed premises in the city directly affects the levels of violence. – Questions whether is correct – premises have increased but levels of crime are down.</p> <p>Questions whether a comprehensive study has taken place to premises which have closed or changed style.</p> <p>Makes reference that the increase of premises licences must relate to restaurants or none drink-led use premises due to rigorous enforcing of the policy.</p>	<p>The authority has acknowledges your point on the validity of the statistics provided.</p> <p>No comprehensive study required as S182 Guidance refers to types of premises within chapter 14 of the guidance. Refers that it is to be expected that the impact shall be different for premises with different styles.</p> <p>The CIA policy also shows that the Authority recognises that the operating style of a premises affects the impact that they may have.</p> <p>The authority must still account for licenses that remain on registers whether they are in use or not as the licence remains indefinite until such time it lapses in accordance with regulations. Therefore the number of premises licences in place may not reflect that of the current economy especially in response to the pandemic with units perceived to be shut down and empty. The potential for a licence to be transferred and a premises to have use of licensable activities remains.</p>	<p>It has transpired that the plans attached at appendix 1 and 2 of the draft CIA and the statistical information, in particular at Sections 3 and 4 is incorrectly based on a wider areas than was intended</p> <p>It will be recommended that the Committee determine not to publish the CIA at this time as the authority acknowledges before consideration can be given to the adoption of the CIA that there is a need for further analysis be carried out.</p> <p>No changes to be made at present but shall be a consideration upon submitted evidence on the future considerations of the CIA following the determination of the Policy's status at the committee meeting. The authority gives further considerations to the type of premises it would like to encourage to be part of Nottingham City's economy</p>

					to promote the licensing objectives.
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Appendix 4 – Night Time Economy Statistics Charts dated July 2021

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
1	Zoe Mallett - NTUS	None provided general statement	Provided analysis of statistics relating to student percentages in relation to Police stats and insinuates a contradiction – “The police’s own data therefore apparently tells a very different story to the consultation document.”	The authority notes potential inconsistencies with the evidence provided and shall look into this in further detail upon consideration of the CIA in future	<p>It has transpired that the plans attached at appendix 1 and 2 of the draft CIA and the statistical information, in particular at Sections 3 and 4 is incorrectly based on a wider areas than was intended</p> <p>It will be recommended that the Committee determine not to publish the CIA at this time as the authority acknowledges before consideration can be given to the adoption of the CIA that there is a need for further analysis be carried out.</p> <p>No changes to be made at present but shall be a consideration upon submitted evidence on the future considerations of the CIA following the determination of the Policy’s status at the committee</p>

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					meeting.
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Appendix 5 – Evidence – Statement of Inspector Amy English dated 19 July 2021

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
					N/A

Appendix 6 – Evidence – Statement of Inspector Luke Todd dated 22 July 2021

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
					N/A

Appendix 7 – Evidence – Richard Taylor, Environmental Health & Safer Places Team Manager, Community Protection

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
					N/A

Appendix 8 – Evidence – Statement of Melanie Fretwell, Principal Enforcement Officer, ASB Service

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
					N/A

Appendix 9 – Strategies, Policies & other published documents given regard

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
					N/A

General Comments

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
Page 99	James Anderson – Poppleston Allen	None quoted – general comments	<p>General points on the policy – both saturation zones seems to be larger and no reference made in the document of this matter. South of the train station and two areas in the north east. The RBA zone is significantly larger. If an increase then the following is expected</p> <ul style="list-style-type: none"> - the increase highlighted in the policy - how they are consistent with the authorities duty under section 4(1) of the act with no evidence. The zones have no correlation to council wards. - The increase indicates that new licenses are less likely to be granted in parts where there is no evidence of existing problems - The authority is at risk for legal challenge by failing to provide evidence under section 5 of the Act. 	<p>The Authority recognises the differences between the previously published maps and the maps published within the draft. An administrative error has been identified and it is acknowledged that the error has caused a perception that the saturation zones have altered. This is not the case and the saturation zones remain the same.</p> <p>The authority agrees that the saturation zones do not correlate to the council wards and this was incorrectly communicated.</p>	<p>It has transpired that the plans attached at appendix 1 and 2 of the draft CIA and the statistical information, in particular at Sections 3 and 4 is incorrectly based on a wider area than was intended.</p> <p>It will be recommended that the Committee determine not to publish the CIA at this time as the authority acknowledges before consideration can be given to the adoption of the CIA that there is a need for further analysis be carried out.</p> <p>The maps and the data referred within any future draft CIA, shall be scrutinised to ensure the data reflects a true account.</p>
2	James Anderson – Poppleston Allen	None quoted – general	Future success as a city – similar arguments are in the assessment	The Authority recognised the value that external initiatives have in	

		comments	<p>as previous ones. There is no coherent message relating to Nottingham and does not recognise the importance of the hospitality industry and LNE. The city must be applauded on a number of initiatives such as purple flag and Best Bar None. The draft policy on page 8 refers to an economic burden of alcohol related harm and the current policy paragraph 1.2 refers to recognition of the entertainment and leisure industry.</p> <p>Reality is that even well run establishments are likely to lead to an increase of crime due to the increase of people in the city.</p> <p>Reference that Liverpool's authority has removed their CIA.</p>	<p>relation to the hospitality business sector within Nottingham however the policy should remain to describe the relevance of the evidence provided. The consultation for this Policy seeks the comments from interested parties in order for them to have a say and unfortunately no comments or evidence was provided by these parties to enable consideration to be made in regards to them. The Authority encompasses partnership working with internal and external parties outside of the policy where relevant.</p> <p>This comment is noted.</p> <p>Nottingham's Authority can only account for the issues present within Nottingham and should not refer to reasons why other authorities may have removed their Policies as their consultations will reflect the evidence to support their reasons to do so. However the authority does communicate where relevant with other authorities.</p>	
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			<p>Nottingham could be more imaginative in trying to change the demographic to provide craft ale traditional venues or modern bars to drive up standards and attract the 30 and 35+ into the city and mix younger crowds with maturing groups.</p> <p>Needs to be a more constructive approach if Nottingham is not prepare to remove the policy.</p>	<p>This is not a responsibility of the authority in exercising its functions see paragraph 14.9 of the S182 guidance.</p> <p>Each application is taken on its own merit and where relevant the CIA is considered.</p> <p>The operation of a licensed premises is dependent on the operator's response to the economy and relevant trends such as café culture etc.</p> <p>What is proposed within a premises licence application is on the onus of the operator and whether their type of operation/premises would attract a certain clientele</p> <p>Additionally the authorities such as Nottinghamshire Police have 'pre-consultations' with applicants to indicate whether they would or would not be in support of the type of operations due to its potential impact on the licensing objectives.</p> <p>However the authority does acknowledge the feedback and that there are alternative approaches to consider in order to attract operators even if there are tighter restrictions such as a CIA.</p>	<p>No changes at present. The comments have been noted and has highlighted to the authority of looking into alternative approaches to the CIA policy.</p> <p>It will be recommended that the Committee determine not to publish the CIA at this time as the authority acknowledges before consideration can be given to the adoption of the CIA that there is a need for further analysis be carried out. Insufficient weight had been placed on the effects of the pandemic on businesses and that more general consideration ought to be given to the benefits and effects that the hospitality industry has on the wider economy and vitality of the city centre in particular</p>
2	James Anderson – Poppleston Allen	Non quoted – general	Impact of Pandemic - Many licensed premises have closed,	The Authority has not had a decrease in the amount of	It will be recommended that the Committee

		comments	<p>will close or have changed style and operation significantly to survive.</p> <p>There is no evidence to conclude that once the pandemic is over that there is a cumulative impact as a result of the hospitality industry. Believes it is unjustifiable that without sufficient or updated evidence that reflects the current state of the licence sector.</p> <p>The current policy is outdated and inflexible particularly with the city centre given the unprecedented challenges the industry has faced and at present continues to face.</p> <p>Sever and adverse repercussions for the industry, economy and employment should the proposals be pursued.</p>	<p>applications received relating to new premises licences or variations. Neither the amount granted. The numbers have remained steady throughout the pandemic and therefore the impact of the pandemic is not indicated with these numbers.</p> <p>Rather the amount of Vary DPS/Transfer applications decreased due the premises being closed.</p> <p>The authority acknowledges that the statistics provided by interested parties may not provide a true indication of the impact the pandemic has had in relation to licensed premises whether their impact on the Saturation Zones has altered due to this.</p>	<p>determine not to publish the CIA at this time as the authority acknowledges before consideration can be given to the adoption of the CIA that there is a need for further analysis be carried out. Insufficient weight had been placed on the effects of the pandemic on businesses and that more general consideration ought to be given to the benefits and effects that the hospitality industry has on the wider economy and vitality of the city centre in particular</p>
3	Lucy Stanford – Nottingham BID	None quoted – general comments	<p>The NTE has a positive impact on Nottingham with local employment and industry growth.</p> <p>No recognition that the NTE behaviour has drastically changed with less vertical drinking establishments and high-end operators.</p>	<p>Comment noted.</p> <p>Similar comment to above – the S182 guidance and the CIA policy makes reference that the types of premises can have different impacts. This also reflects the purpose or intended impact of the CIA as it is expected that there will be a decrease in the number if</p>	

			<p>The opportunity cost must be considered – with a number of operators who have avoided investment into Nottingham because of the policy.</p> <p>Limited contributors to the report. Industry evidence and opinion should be considered from industry experts and professionals.</p> <p>The paper implies crime figures have decreased as a result of the policy but there is little evidence to support this. The reduction may be due to other factors and initiatives such as Best Bar None. Benefits need to be weighed against the economic growth constrained by the policy.</p> <p>Other local authorities have dropped their CIA policies to simulate investment in their areas.</p>	<p>vertical drinking establishments.</p> <p>The authority would not have the figures to indicate operators avoiding Nottingham and their reasons for doing so. Statistics indicate a steady amount of applications received and an increase from previous years on the number of licences granted.</p> <p>The authority has consulted all relevant parties as described within the regulations and the consultations welcomes relevant comments from those parties. The experts and professionals should take the consultation as an opportunity to provide such data and opinion to support their comments.</p> <p>See responses above which refer to police statistics.</p> <p>As per the response above in relation to Liverpool’s actions on their CIA.</p>	
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4	Richard Johal – Nottingham Hospitality Association	General points	<p>No recognition that the NTE behaviour has drastically changed with less vertical drinking establishments and high-end operators.</p> <p>No research on the opportunity cost with a number of operators who have avoided investment into Nottingham because of the policy.</p> <p>The pandemic has made operators scrutinise their business models, to ensure that they operate safely both for their customers and staff</p> <p>Hospitality are taking over premises without licensing opportunities.</p> <p>Crime stats within the report are not time relative and could be incidents during the day time and covid ASB relate.</p> <p>The paper implies crime figures have decreased as a result of the</p>	<p>Same response as above – comments supports the purpose/intended impact of the policy.</p> <p>Same comment as above – this is data that the authority would not record or be aware of.</p> <p>Same as above – Operators should scrutinise their operation in order to make relevant proposals to promote the licensing objectives rather than have an affect against.</p> <p>This is dependent on the reaction to the economy and not a function of the Authority it is dependant as to whether a licence is already in place at the establishment and whether that operator has the relevant proposals to make an application that would be successful against the scrutiny of the policy (if referred to in any relevant representations)</p> <p>See responses above referring to Police statistics.</p> <p>See responses above referring to Police statistics</p>	<p>It has transpired that the plans attached at appendix 1 and 2 of the draft CIA and the statistical information, in particular at Sections 3 and 4 is incorrectly based on a wider areas than was intended</p> <p>It will be recommended that the Committee determine not to publish the CIA at this time as the authority acknowledges before consideration can be given to the adoption of the CIA that there is a need for further analysis be carried out.</p> <p>It will be recommended that the Committee determine not to publish the CIA at this time as the authority acknowledges before consideration can be given to the adoption of the CIA that there is a need for further analysis be carried out. Insufficient weight had been placed on the effects of the pandemic on businesses and that more general consideration ought to be</p>
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			<p>policy but there is little evidence to support this. The reduction may be due to other factors and initiatives such as Best Bar None. Benefits need to be weighed against the economic growth constrained by the policy.</p> <p>No input from other professional and interested parties has been sought prior to the draft of the policy. Shows a narrow focus of the consultation and does not recognise the conflict with government initiatives to encourage re-opening of the high street.</p> <p>Believe there should not be an antiquated one size fits all policy and that it is no longer fit for purpose of the current city centre landscape. Propose there should be an impact assessment every 2 years to assess the impact that removing the policy has on crime and violence for future years.</p>	<p>Same comments as above – the Authority has sought consultation from relevant parties in accordance with the regulations and the consultation welcomes the input from all other parties and this is where the opportunity can be taken by professional and interested parties to make comment.</p> <p>The CIA can be reviewed anytime during 3 years should it be relevant and evidence indicates so. The authority recognises that there could be alternative approaches to any CIA policy it may seek to publish.</p>	<p>given to the benefits and effects that the hospitality industry has on the wider economy and vitality of the city centre in particular</p>
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**CUMULATIVE IMPACT ASSESSMENT 2021
QUICK REFERENCE LIST OF RESPONDENTS**

Ref No	Date Rec'd	Name of Organisation
1	25.8.21	Nottingham Trent University Student Union – Zoe Mallett
2	8.9.21	James Anderson – Poppleston Allen Solicitors
3	8.9.21	Lucy Stanford – Nottingham BID
4	8.9.21	Richard Johal – Chair of Nottingham Hospitality Association
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Appendix 4

Licensing Committee

Terms of Reference

Description

The Licensing Committee (the Committee) is a Non-Executive Committee of Council, and is not required to be politically balanced. The Committee is established to carry out the Licensing Authority functions of the Council. The Committee is accountable to Council.

Purpose

The purpose of the Committee is to undertake those functions of the Licensing Authority allocated to it by legislation including the Licensing Act 2003, the Gambling Act 2005 (including the power to prescribe fees under section 212), late night levy requirements under Chapter 2 Part 2 of the Police Reform and Social Responsibility Act 2011 and any Regulations or Orders made under those Acts

Objectives

The Committee will be responsible for the Councils Licensing Authority Functions as required by law and will have a consultative role in the formulation of Policy where functions are reserved to Council. In relation to the Licensing Act 2003, the Committee will determine film classifications when required:

(a)

Sub-Committees

The Licensing Committee establishes Licensing Panels, including a Special Licensing Panel, to discharge some of its functions.

Membership and Chairing

The Licensing Committee has between 10 and 15 members.

The Chair of the Committee will be appointed by Full Council at its Annual General Meeting. If the Chair changes in year, the Committee will appoint a Chair for the remainder of the Municipal Year at its next available meeting.

Substitutes

Substitute members are permitted for this committee.

Quorum

The standard quorum for Council committees applies to this committee.

Frequency of Meetings

The Licensing Committee will meet as and when required.

Duration

There is no limit on the lifespan of the Licensing Committee.

