

NOTTINGHAM CITY COUNCIL

Cumulative Impact Assessment

October 2021



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 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 22% 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 renewed in 2020 for a further 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.