

## Nottingham City Council

### Responses to consultation on Cumulative Impact Assessment (2019)

#### Chapter 1 – Introduction

<b>Ref No.</b>	<b>Policy or Paragraph Number</b>	<b>Summary of Respondents Comments</b>	<b>Authorities Appraisal of Comments</b>	<b>Authority's Response with regard to Statement of Policy</b>
3	1.2	Clarity required on whether or not variations will be included in the same process as new applications	There is inconsistency between the Act and the Statutory Guidance on this subject with the Act stating that it relates to the number of "Relevant Authorisations" defined as Premises Licences and Club Premises Certificates and the guidance inferring that CIAs may apply to variations	Reference to variations removed to be consistent with the Act
3	1.6	Preference for prior consultation with groups such as UK Hospitality and BII	Noted – representatives of licensees were included in the consultation process	No changes made
8	1.9	Question decision making process and whether applications are truly on their own merits or whether some premises just accept stringent conditions to get a licence	Noted - It is incumbent upon operators to consider the effect of any proposed condition before accepting it or to mediate where necessary with the relevant RA if they do not feel the condition is appropriate. The Licensing Authority's discretion is not engaged other than where there is disagreement between the parties which cannot be resolved.	Wording of 1.9 amended
9	1.7	Where is there any evidence relating to Club Premises Certificates	The Legislation and Guidance refer to both Premises Licences and Club Premises Certificates as being "Relevant Authorisations" therefore it is not intended that the Cumulative Impact Assessment	No changes made

			(CIA) distinguish between the two types	
9	1.8	Repeats statement of 1.8 of the CIA and queries the evidence in support	The CIA is not intended to stifle commercial operations but can be used as a tool to manage the Night Time Economy. References to restaurants etc are given as examples of premises which have a lesser impact, a point which seems to be agreed by the respondent. In relation to premises, there is a healthy turnover of existing licences which itself refreshes the style and choice of venue as existing operators change themes as customer trends are mirrored.	Wording of 1.8 amended
9	1.9	Question decision making process and whether applications are truly on their own merits or whether some premises just accept stringent conditions to get a licence	Noted - identical to respondent 8 comments. It is incumbent upon operators to consider the effect of any proposed condition before accepting it or to mediate where necessary with the relevant RA if they do not feel the condition is appropriate. The Licensing Authority's discretion is not engaged other than where there is disagreement between the parties which cannot be resolved.	Wording of 1.9 amended
9	1.10	1)What are the strategies and policies in relation to regeneration, how is a policy which effectively excludes any new drink led business consistent with regeneration 2)have licensees been consulted	The CIA is felt to be consistent with other Council Policies  A full consultation has been carried out in line with legislative requirements, including licence holders	No changes made  No changes made

## Chapter 2 – Statement of Evidence - General

Ref No.	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
7	2.8	Request inclusion of a paragraph setting out Public Health's view in support CIA	Noted	Added to CIA after 2.8 and subsequent paragraphs renumbered
8	2.3	Comment regarding refreshing of diversity in range of leisure venues	Noted	Amendments made to paragraph 1.2, 1.8 and 2.3 of the CIA
8	2.4	It is disingenuous to use the increase in student accommodation as a justification for the CIA	Noted – the reference in the CIA is not about planning policy and student accommodation but the impact that the influx of students travelling into the city has on the ability to manage the Night Time Economy (NTE) in general	No changes made
8	2.5	Action should be taken against off-licences (pre-loading)	Noted – The Berridge, Arboretum and Radford CIA is designed to deal specifically with managing the off licence trade in an area with a high density of students and a street drinking culture. The City Centre CIA deals with both on and off licences and therefore does address off licences within the City	No changes made
9	2.3	Comment regarding refreshing of diversity in range of leisure venues	Noted - identical to respondent 8 comments.	Amendments made to paragraph 1.2, 1.8 and 2.3 of the CIA
9	2.4	It is disingenuous to use the increase in student accommodation as a justification for the CIA	Noted - identical to respondent 8 comments. The reference is not about planning policy and student accommodation but the impact that the influx of	No changes made

			students travelling into the city has on the ability to manage the Night Time Economy (NTE) in general	
9	2.5	Action should be taken against off-licences (pre-loading)	Noted identical to respondent 8 comments. Noted – The Berridge, Arboretum and Radford CIA is designed to deal specifically with managing the off licence trade in an area with a high density of students and a street drinking culture. The City Centre CIA deals with both on and off licences and therefore does address off licences within the City	No changes made
9	2.7	Reference to terminology when referring to statistical data	Noted – Police reference particular impact to first year students, away from home, experiencing what the City has to offer	Amended wording of 2.7
9	2.12	Where is evidential basis for statement	Noted – Police references relate to pre-loading people who come out into the City Centre later already being intoxicated. Drinks purchased whilst out increase their level of intoxication making some people more prone to engage in violence.	No changes made

### Chapter 3 – Statement of Evidence – City Centre Saturation Zone

Ref No.	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
3	3.2	1) Query number of premises quoted and whether the figure relates to live permissions or trading premises?	1) The number of trading premises will fluctuate and is not something which is necessarily within the Licensing Authority's knowledge. The legislation on Cumulative	No changes made

		<p>2) and has the number of 398 increased from 2014</p> <p>3) also how many people have been put off from applying because of existing Zone</p>	<p>Impact relates to the number of Premises Licences and Club Premises Certificates in general</p> <p>2) the figure of 398 related to the Police City Centre beat – further evidence has been received from the Police showing that the figure as of April 2018 is 350 for the purposes of the CIA alone.</p> <p>3) Quantity unknown to the Licensing Authority</p>	<p>3.2 amended to reflect data from second statement of AA relative to proposed area rather than the City Beat area</p> <p>No changes made</p>
3	3.7	Query regarding police evidence of 'violent crime' recording figures, what offences are being categorised as violence and whether those crimes are alcohol related	Further evidence received from the Police shows two tables, one which shows violence figures (GBH to assault without injury and harassment) whilst a second table shows violence offences with alcohol markers which appear to have increased within the CIA	No changes made
3	3.10	Suggest use of BID revenue for low level ASB and cleaning	This is not within the remit of CIA but noted and referred to BID for consideration	No changes made
3	3.17	whether it is sensible to permit changes of use from commercial to residential and suggesting that they have caused the problem	This is a matter for the Planning Authority and not within the remit of this consultation	No changes made
8	3.6	Queries the comparison of crime levels with other cities	Benchmarking is a standard tool used in statistical data analysis and in this instance shows that Nottingham has a higher rate of	No changes made

			<p>violent crime, comparatively., Without a CIA there is a likelihood this would be higher.</p> <p>Nottingham is a core city and a comparison with other core cities that face similar issues allows a reality check and measure of our effectiveness in dealing with violent crime. The weight given to this is a matter for the decision makers</p>	
8	3.7	Method of collation of crime figures has recently changed with a result that all towns and cities have seen an increase in their crime figures	The figures demonstrated in the consultation document shows comparison between days of the week, demonstrating that there is a higher percentage of reported violence on Thurs, Fri, and Sat than there is the rest of the week.	No changes made
8	3.11	Interpretation of Respect for Nottingham Survey can reflect not supporting the CIA	This is an element of interpretation as with all data sets.	No changes made
8	3.16-3.19	No evidence to determine the geographical area where noise from licensed premises is creating a nuisance and Environmental Health have powers to address such issues	Consider amendment to paragraph	Amendments made to 3.19
9	3.6	Queries the comparison of crime levels with other cities	<p>Noted - identical to respondent 8 comments.</p> <p>Benchmarking is a standard tool used in statistical data analysis and in this instance shows that Nottingham has a higher rate of violent crime, comparatively., Without a CIA there is a likelihood</p>	No changes made

			<p>this would be higher.</p> <p>Nottingham is a core city and a comparison with other core cities that face similar issues allows a reality check and measure of our effectiveness in dealing with violent crime. The weight given to this is a matter for the decision makers.</p>	
9	3.14	Noise	Noted	Amendments to Paragraph 3.19
9	3.7	Method of collation of crime figures	<p>Noted - identical to respondent 8 comments.</p> <p>The figures demonstrated in the consultation document shows comparison between days of the week, demonstrating that there is a higher percentage of reported violence on Thurs, Fri, and Sat than there is the rest of the week.</p>	No changes made
9	3.11	Interpretation of Respect for Nottingham Survey can reflect not supporting the CIA	<p>Noted - identical to respondent 8 comments.</p> <p>This is an element of interpretation as with all data sets.</p>	No changes made
9	3.16-3.19	No evidence to determine the geographical area where noise from licensed premises is creating a nuisance and Environmental Health have powers to address such issues	Noted - identical to respondent 8 comments.	Amendments made to 3.19

**Chapter 4 – Statement of Evidence – Berridge, Arboretum & Radford Saturation Zone Services**

No comments made to this section

**Chapter 5 – Other Control Measures in Use**

Ref No.	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
8	5.5	City Centre Time & Place Plan (TPP) identifies Canalside as a late night leisure quarter but developments will be restricted	At the time of the Licensing Policy review in 2014 the TPP was itself being developed and the Local Planning Authority (LPA) made comments in response to that consultation requesting a redrawing of the boundary relating to the Canal Quarter. At that time evidence showed that crime and disorder levels remained high in that area and had in fact increased and the boundaries were not therefore amended. The TPP subsequently went through its own approval process although it does not have the status of a Development Plan Document. In addition the LPA has been developing its Part 2 Local Plan (Land And Planning Policy or LAPP) which formalises planning policy for the various Quarters albeit that the LAPP still has to undergo formal examination and adoption. The LPA as a RA has not made any	No changes made

			comments on the CIA and the CIA is felt to be consistent with both the existing Local Plan and LAPP.	
8	5.8	Feel that no evidence has been submitted by the LPA to justify the statement in the paragraph	<p>These comments are felt to be consistent with the LPA's general approach as set out for example in the commentary to policy SH6 of the examination submission version of the LAPP</p> <p>The TPP is not a Development Plan Document and the examination submission version of the LAPP indicates that whilst leisure food and drink and entertainment uses are important close to the canal, the main focus is on business and employment. The CIA is therefore clearly felt to be consistent with planning policy contained in public documents</p>	No changes made
8	5.15	Conditions act as a deterrent and are more than can be justified	Noted - it is incumbent upon operators to consider the effect of any proposed condition before accepting it or to mediate where necessary with the relevant RA if they do not feel the condition is appropriate. The Licensing Authority's discretion is not engaged other than where there is disagreement between the parties which cannot be resolved..	1.9 amended
8	5.24	Possible risk of losing Purple Flag if lack of a diverse night time economy	Noted – The City Council actively encourages diversity and as such supports a wide range of activities and provisions including themed	1.8 amended

			premises, all of which operate in one form or another throughout the trading period as defined by Purple Flag. Diversity is only one theme included in the Purple Flag Assessment process and is judged on the whole package the City has to offer. The Police fully support the Purple Flag Scheme and are of the opinion that there is a diverse night time economy in order for use to retain Purple Flag status.	
8	5.25	Terminology 'broad consensus'	Noted	Amended wording of 5.25
9	5.25	Terminology 'broad consensus'	Noted - identical to respondent 8 comments.	Amended wording of 5.25
9	5.5	City Centre Time & Place Plan (TPP) identifies Canalside as a late night leisure quarter but developments will be restricted	<p>Noted - identical to respondent 8 comments.</p> <p>At the time of the Licensing Policy review in 2014 the TPP was itself being developed and the Local Planning Authority (LPA) made comments in response to the 2014 consultation requesting a redrawing of the boundary relating to the Canal Quarter. At that time evidence showed that crime and disorder levels remained high in that area and had in fact increased and the boundaries were not therefore amended. The TPP subsequently went through its own approval process although it does not have the status of a Development Plan Document. In addition the LPA has</p>	No changes made

			<p>been developing its Part 2 Local Plan (Land And Planning Policy or LAPP) which formalises planning policy for the various Quarters albeit that the LAPP still has to undergo formal examination and adoption. The LPA as a RA has not made any comments on the CIA and the CIA is felt to be consistent with both the existing Local Plan and LAPP.</p>	
9	5.8	<p>Feel that no evidence has been submitted by the LPA to justify the statement in the paragraph</p>	<p>Noted - identical to respondent 8 comments.</p> <p>These comments are felt to be consistent with the LPA's general approach as set out for example in the commentary to policy SH6 of the examination submission version of the LAPP</p> <p>The TPP is not a Development Plan Document and the examination submission version of the LAPP indicates that whilst leisure food and drink and entertainment uses are important close to the canal, the main focus is on business and employment. The CIA is therefore clearly felt to be consistent with planning policy contained in public documents</p>	<p>No changes made</p>
9	5.15	<p>Conditions act as a deterrent and are more than can be justified</p>	<p>Noted - identical to respondent 8 comments.</p> <p>it is incumbent upon operators to consider the effect of any proposed condition before accepting it or to</p>	<p>1.9 amended</p>

			mediate where necessary with the relevant RA if they do not feel the condition is appropriate. The Licensing Authority's discretion is not engaged other than where there is disagreement between the parties which cannot be resolved..	
9	5.24	Possible risk of losing Purple Flag if lack of a diverse night time economy	<p>Noted - identical to respondent 8 comments.</p> <p>The City Council actively encourages diversity and as such supports a wide range of activities and provisions including themed premises, all of which operate in one form or another throughout the trading period as defined by Purple Flag. Diversity is only one theme included in the Purple Flag Assessment process and is judged on the whole package the City has to offer. The Police fully support the Purple Flag Scheme and are of the opinion that there is a diverse night time economy in order for use to retain Purple Flag status.</p>	1.8 amended

## Chapter 6 – Conclusion

Ref No.	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
8	6.2	Accept applications have been	Reference on page 20 refers to	No changes made

		<p>granted within the saturation zone but these have been food led and not sustainable</p> <p>Statistics do not identify crime has arisen because of licensed premises and include premises which are not licensed</p>	<p>research conducted on addresses as opposed to on street offences. Some premises are high capacity vertical drinking establishments and as such the proportion of violent offences is relatively low when considering footfall through the venues. It would be wrong to have a CIA just in these areas as this would not tackle the wider problem.</p>	
9	6.2	<p>Accept applications have been granted within the saturation zone but these have been food led and not sustainable</p>	<p>Noted. The Licensing Authority considered each application on its merit and is not responsible for the success or failure of a commercial enterprise</p>	No changes made

## Chapter 7 - Appendices

### Appendix 1 – Map of City Centre Saturation Zone

No comments made to this section

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

No comments made to this section

### Appendix 3 – Inspector Anwaar Ahmed, Nottinghamshire Police

Ref	Policy or	Summary of Respondents	Authorities Appraisal of	Authority's Response
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<b>No.</b>	<b>Paragraph Number</b>	<b>Comments</b>	<b>Comments</b>	<b>with regard to Statement of Policy</b>
4		This respondent has introduced various measure to reduce cumulative impact and should not be categorised with other types of premises which cause problems. CIA has not worked and should be targeted at specific types of premises (early doors trading which sell high quality high ABV) Others measures are available and the CIA stifles growth	CIA is relevant to the whole of the defined area, not just one premise or type of premise.  It is not the purpose of the CIA to stifle growth and applications have been granted within it  Other conditions/suggestions are noted but not all are practicable or compliant with the Act/Guidance	Amendments made to paragraphs 1.8 and 1.9 with regard to diversity and not stifling growth

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

**No comments made to this section**

**Appendix 5 – Evidence – Jenny Guiste, Principal Enforcement Officer, Community Protection**

<b>Ref No.</b>	<b>Policy or Paragraph Number</b>	<b>Summary of Respondents Comments</b>	<b>Authorities Appraisal of Comments</b>	<b>Authority's Response with regard to Statement of Policy</b>
4		1)Concern premises quoted in evidence sell high strength cocktails and the possible effect on premises later on the NTE after early doors trading 2) Perceives current CIP not to be working as such venues have increased	Noted - Each application dealt with on its merits.  Noted - Each application dealt with on its merits.	No changes made  No changes made

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

Ref No.	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
10	6.1	Paragraph indicates that despite previous Cumulative Impact Policy improvements have not occurred thereby undermining renewal	Noted – existing Cumulative Impact Policy has been beneficial in managing the Night Time Economy and any proposed CIA will continue to be used (if approved) as one method of managing the Night Time Economy.	No changes made

## Appendix 7 – Strategies, Policies & other published documents given regard

No comments made to this section

### General Comments

Ref No.	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
1	All	General comments about business charges and an option for banning people from the City Centre if they cause nuisance and/or damage.	Noted	No changes made
2	All	No comments. Request for notification of increase in numbers of premises	Noted	No changes made
3	All	Consider effect on restrictive policies to ensure diverse NTE	Noted	No changes made

4	All	<p>1) comments around positive moves taken by this respondent to support LGBT+ community in the NTE</p> <p>2) Question strength of CIA and its utilisation to limit premises</p> <p>3) perception of stifled economic growth and request that responsible operators with any CIA are allowed to make alterations to their hours and conditions if they have shown due diligence</p> <p>4) suggested alternatives to CIP</p>	<p>Noted – most comments in this submission is relevant to one premises whereas the CIA is by nature more general it its approach however RAs will consider each application on its individual merits as will the Authority when its discretion is engaged</p> <p>Noted – each application is considered on its merit</p> <p>Noted – each application is considered on its merit and Responsible Authorities would normally look at the history of a premises when considering an application</p> <p>Noted and considered</p>	<p>No changes made</p> <p>No changes made</p> <p>No changes made</p> <p>No changes made</p>
5	All	<p>1) General overview of company insight and responsibility including support for initiatives such as Drinkaware.</p> <p>2) Concerns regarding dissuasive effect of CIAs in general and promote stagnation in the NTE</p> <p>3) Concern regarding the amount of conditions being added to licences which can cause operators to fail</p>	<p>Noted</p> <p>Noted – however the alternative perspective is that the benefit of the CIA is to improve management of the NTE and safety within it.</p> <p>Noted – it is incumbent upon operators to consider the effect of any proposed condition before accepting it or to mediate where</p>	<p>No changes made</p> <p>No changes made</p> <p>1.9 amended</p>

			necessary with the relevant RA if they do not feel the condition is appropriate. The Licensing Authority's discretion is not engaged other than where there is disagreement between the parties which cannot be resolved.	
6	All	Asks for a report which was commissioned by the PCC, BID and Poppleston Allen to be considered as part of the CIA consultation	It is not known what action the PCC will take on this report and in any event the PCC is not the Responsible Authority. The CIA and any resultant policy has been requested by the Police (who are a Responsible Authority and the body which the Statutory Guidance indicates should be the main source of advice when considering matters of crime and disorder). The CIA is based on evidence supplied and supported by the police.	No changes made
8	All	1)General concerns whether the CIA fulfils the requirements of Home Office Guidance  2)creation of City Centre Forum	Noted – CIA and the evidence produced therein identifies and supports the proposals contained within the CIA  Noted and referenced for future option	No changes made
9	All	1)the CIA does not demonstrate clearly that there is any need for a cumulative impact policy nor do they show that the policy has had any success	Noted – Police evidence refers to changes in crime statistics and shows a particular increase in violence offences with an alcohol marker over the last two recording periods. Noted – Police evidence clearly	No changes made  1.8 and 1.9 amended

		<p>2)there is no imagination used in simply saying 'no' as most Licensing Committees do to new projects.</p> <p>3)consideration should be given to splitting the policy to reflect support for the on trade and less for the off trade.</p>	<p>shows that there is a high level of applications which are granted without the need for a hearing. When those matters are put before a Licensing Panel, applications are considered with reference to the effect on one or more of the 4 Licensing Objectives and some applications have been granted inside the existing saturation zone. The LPA does not "simply say no" The Licensing Authority and Responsible Authorities give consideration to all parts of the application and possible effects as part of the application process</p>	<p>No changes made</p>
10	All	<p>1)Proposed CIA does not support 'each application on its merits'</p>	<p>Noted – Proposed CIA actively supports consideration of a diversity of applications. It is incumbent upon operators to consider the effect of any proposed condition before accepting it or to mediate where necessary with the relevant RA if they do not feel the condition is appropriate. The Licensing Authority's discretion is not engaged other than where there is disagreement between the parties which cannot be resolved</p> <p>CIA is only one tool being used to manage the NTE</p>	<p>No changes made</p> <p>1.8 and 1.9 amended</p> <p>No changes made</p>

		2)CIA relied upon to solve all problems.		
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