

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING COMMITTEE**

**LICENSING ACT 2003  
CUMULATIVE IMPACT POLICY**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To approve an amendment to the Cumulative Impact Policy.
- 1.2 If the amendment is agreed, to refer the policy to a meeting of the Council for approval.

**2. BACKGROUND INFORMATION**

- 2.1 The Cumulative Impact Policy was introduced in 2008 and then reviewed in 2012.
- 2.2 The aim of the policy is to not to reject all applications for a licence within the boundary of the Cumulative Impact Zone as all applications need to be determined on their own merits. The effect this policy is to create a presumption that where representations are received from a responsible authority, then the application should be refused, unless the applicant can show that the proposed application would not add to the cumulative impact being experienced.
- 2.3 At a recent hearing it was noted that there was typographical error on the policy. The error can be found on page 3 at paragraph 5(5) of the policy, where the missing word "resisting" has been highlighted in red. This error needs to be rectified.

**3. OPTIONS FOR CONSIDERATION**

- 3.1 Option 1 – To amend the policy.
- 3.2 Option 2 – To reject the amendment.

#### **4. ANALYSIS OF OPTIONS**

4.1 Option 1 – Amending the policy will ensure that the correct wording is included and make sure the policy is clear.

4.2 Option 2 – Would mean that the policy is confusing and applicants may not understand the meaning of the policy.

#### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 There are no resource implications from this report.

#### **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

6.1 There are no other implications from this report.

#### **7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT**

7.1 An Integrated Impact Assessment has not been carried out.

#### **8. OUTCOMES OF CONSULTATION**

8.1 No consultation has been carried out as this is a minor change to the policy.

#### **9. RECOMMENDATIONS**

9.1 That the change to the policy be approved and referred to Council for approval.

DIRECTOR OF PLACES

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**Background Papers used in the preparation of this report**



## **Cumulative Impact Policy Licensing Act 2003**

### **Scunthorpe Town Centre**

Revised May 2012

## **1. Introduction**

- (1) North Lincolnshire Council, acting as the Licensing Authority has a duty to comply with its obligations under Section 17 of the Crime and Disorder Act 1998 and the Licensing Act 2003, in respect of Crime and Disorder and to promote the four Licensing Objectives, which are:
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm
- (2) This policy is written with regard to the Guidance issued under Section 182 of the Licensing Act 2003.
- (3) In adopting this policy, we are mindful of the issues that can be created when a large number of premises are providing licensable activities in close proximity to one another, or where the premises are out of character with the social infrastructure of the locality.

## **2. Background to the Policy**

- (1) In our Statement of Licensing Policy, we stated that we did not consider that a special policy was necessary, although we would keep the requirements under review. Humberside Police have presented evidence to the Licensing Authority in support of adopting a policy for Scunthorpe Town Centre.
- (2) The major concern in relation to Scunthorpe Town Centre is the “binge drinking” and “alcohol fuelled crime and disorder” and the impact on policing the night time economy and the town centre streets. Binge drinking and alcohol fuelled crime and disorder have seen an increase over recent years, with the advent of the following:
  - Alco-pops
  - Marketing campaigns focusing on young people
  - Cut price alcohol promotions
  - Increase in vertical drinking establishments
  - Licensed premises operating for longer hours
- (3) The area designated as the Cumulative Impact Zone in this policy is already of concern to the Licensing Authority and the statutory authorities, as there are high levels of alcohol fuelled crime and disorder. As a result, we have been working in

partnership with the statutory authorities to address the said concerns.

- (4) It is believed that the adoption of this policy will aid with the promotion of the four licensing objective as stated in paragraph 1(1).

### **3. The Effect of this Policy**

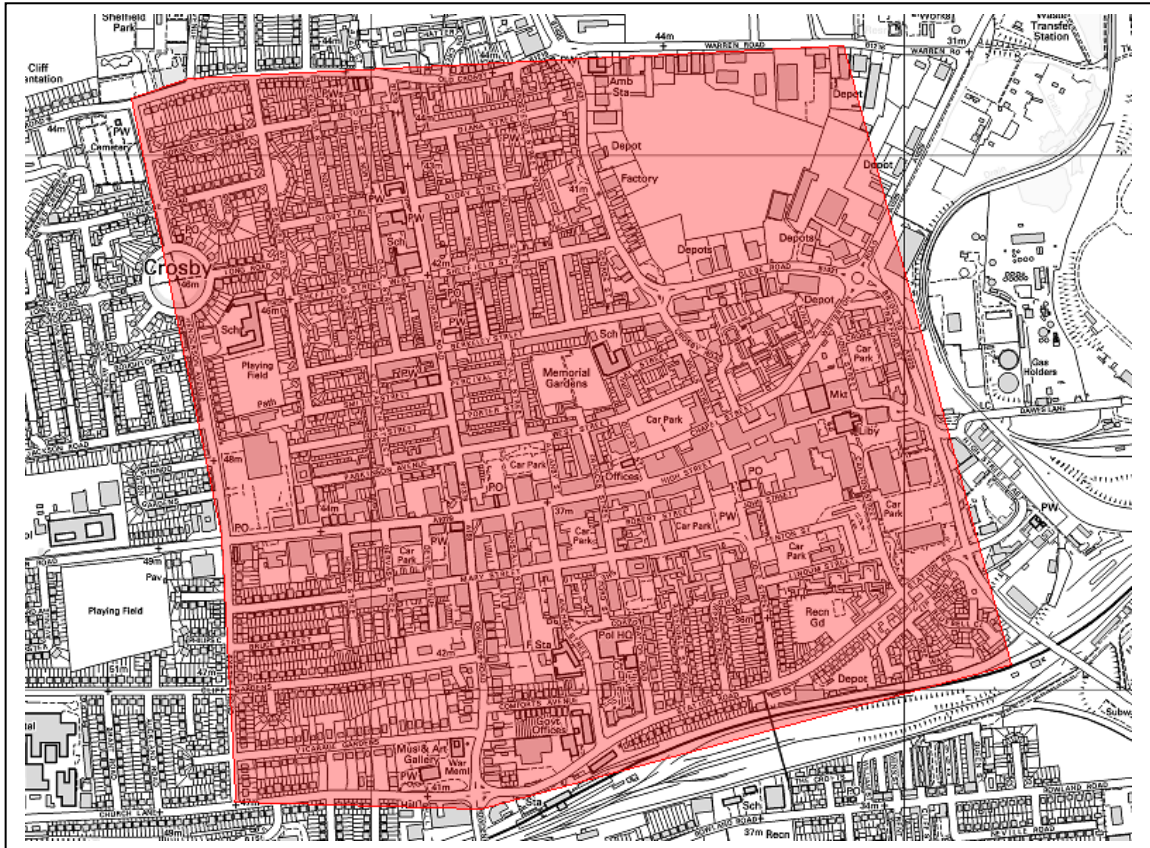
- (1) The effect of this policy is not to reject all applications for a licence within the boundary of the Cumulative Impact Zone. All applications need to be determined on their own merits and the effect this policy will have is to create a presumption that where representations are received from a responsible authority, then the application should be refused, unless the applicant can show that that the proposed application would not add to the cumulative impact being experienced. The types of application covered by this policy are at paragraph 5(5).
- (2) If there are no Representations to an application, then the said application will be determined in accordance with the scheme of delegation at paragraph 15(1) of our revised Statement of Licensing Policy.

### **4. Consultation**

- (1) Consultation has been carried out on this policy. The parties consulted are in accordance with section 5(3) of the Licensing Act 2003 and paragraph 4 of our Licensing Policy.

### **5. Cumulative Impact Area**

- (1) The area of the Cumulative Impact Zone takes in Scunthorpe Town Centre. The area is within Ferry Road to the North, Normanby Road/Glebe Road/Brigg Road to the East, Station Road/Church Lane to the South and Exeter Road/Henderson Avenue to the West, covering all streets within.
- (2) The table at Appendix A provides a list of the principal streets, or part thereof within Scunthorpe Town Centre, that that fall within the Cumulative Impact Zone.
- (3) The following map shows the area covered by the Cumulative Impact Policy.



- (3) This area includes within it, the areas covered by the Nite Safe Partnership and the Alcohol Restriction Zone.
- (4) The area has been identified because the Licensing Authority believes that the cumulative impact of the number and concentration of licensed premises in this area is adversely affecting the promotion of the following Licensing Objectives:
  - The prevention of crime and disorder
  - The prevention of a public nuisance
- (5) The object of this policy is therefore to reduce the impact of licensed premises on both crime and disorder and public nuisance. The policy aims to achieve these objectives by:
  - i) resisting an increase in capacity at licensed premises;
  - ii) resisting a change in the nature of operation of licensed premises, where the change includes, a change of layout, inclusion and/or extension of vertical drinking, where one of the primary activities is the consumption of alcohol and /or regulated entertainment;
  - iii) **resisting** the extension of licensed hours between 12:00 (midnight) and 06:00 hours; and/or

- iv) resisting an increase in the number and/or hours of operation of premises licensed to sell hot food or drink (late night refreshment establishments) between the hours of 12:00 midnight and 05:00 hours; and
  - v) promoting licensable activities in the early evening.
- (6) For the avoidance of doubt, a “vertical drinking establishment” is a premises selling alcohol, where there is limited seating and the prime objective is the sale and consumption of alcohol. Typically in such premises, the number of tables and seats provided represents a small fraction of the occupancy of the premises.

## 6. Evidence

- (1) In our revised statement of licensing policy, we stated that the need for a special cumulative impact policy would be reviewed should evidence be produced which indicated that an area was suffering crime and disorder and/or public nuisance as a result of a “saturation of licensed premises”. It may be seen that to grant further licences would contribute to the cumulative effect to undermine the Licensing Objectives.
- (2) Humberside Police have presented evidence to the Licensing Authority, which is the basis for adopting this special cumulative impact policy.
- (3) The evidence provided by Humberside Police focuses on the period between 24 November 2006 and 23 November 2007. In addition, there is a reference to compare the same period in previous years.
- (4) The area of North Lincolnshire is approximately 850 km<sup>2</sup>. The area covered by the cumulative impact policy is 1.83 km<sup>2</sup>. The following table indicates the levels of violence associated with the Cumulative Impact Zone (CIZ).

Period	Offence within whole of North Lincolnshire	Offences within CIZ area	% of Offence
24 November 2004 to 23 November 2005	3524	1001	28.4
24 November 2005 to 23 November 2006	3800	1103	29.0
24 November 2006 to 23 November 2007	3260	1081	33.2

- (5) The figures show that in the year 24 November 2006 to 23 November 2007, 33.2% of the violent crime in North Lincolnshire was committed in 0.2% of the whole area.
- (6) Of the offences committed, the evidence shows that there are peaks, where most offences of public order and violence are committed on Friday Night/Saturday Morning and Saturday Night/Sunday Morning. The peak period for offending are from midnight till 03.00 hours over both periods. This has increased since the introduction of the Licensing Act 2003.
- (7) This evidence strongly suggests a direct link between crime and disorder and alcohol consumption during the night time economy.
- (8) Of the 1081 offences committed in the period 24 November 2006 to 23 November 2007, 52.6% of offences were assaults (569). Of these 569 assaults, 380 were for Assault Occasioning Actual Bodily Harm, 117 for Common Assault and 30 for an Assault on a Constable.

## **7. Conclusion**

- (1) The conclusion drawn from the evidence is that the Cumulative Impact Policy should aim to limit the number of new pubs, clubs and bars that focus on the sale of alcohol unless they can prove that they will not have a negative impact on the Licensing Objectives.
- (2) Further, this policy should encourage more diversity in the early evening economy and night time economy and should not be used to deter applications for regulated activities where alcohol is not the primary focus. Again, applicants must ensure that their application does not have a negative impact on the Licensing Objectives.

## **8. Review**

- (1) The Licensing Authority intends to review the operation of this Special Cumulative Impact Policy on a regular basis, thus allowing sufficient time for meaningful information to be gathered on the impact of the new arrangements and the policy.
- (2) It is important to note, that this policy does not seek to prohibit all licensed premises in the designated area, rather to consider each application on its own merits and decide whether the circumstances of an application justify an exception from this policy.
- (3) Even where a cumulative impact policy exists, the Licensing Authority cannot impose conditions or refuse to grant, or vary a



premises licence or club premises certificate unless it has received a representation from a responsible authority or interested party.

- (4) Where an application is made for a premises within the Cumulative Impact Zone, then the applicant will need to provide evidence that the new premises or variation will not add to the existing problems, which have been identified in accordance with the Licensing Objectives.

## Appendix A

<b>Street Name</b>	<b>Comment</b>
Allanby Street	Entire Length
Berkeley Street	Entire Length
Bruce Street	Entire Length
Buckingham Street (North)	Entire Length
Buckingham Street (South)	Entire Length
Burke Street	Entire Length
Carlton Street	Entire Length
Chapel Street	Entire Length
Church Lane	From Oswald Road to the junction with Exeter Road
Church Square	Entire Area
Clarke Street	Entire Length
Cliff Gardens	From Oswald Road to the junction with Exeter Road
Cole Street	Entire Length
Comforts Avenue	Entire Length
Corporation Road	Entire Length
Crosby Road	Entire Length
Cross Street	Entire Length
Dale Street (North)	Entire Length
Dale Street (South)	Entire Length
Detuyll Street	Entire Length
Deyne Avenue	Entire Length
Diana Street	Entire Length
Digby Street	Entire Length
Doncaster Road	From Oswald Road to the junction of Exeter Road/Henderson Avenue
Dunstall Street	Entire Length
Elizabeth Street	Entire Length
Ethel Court	Entire Length
Exeter Road	Entire Length
Fenton Street	Entire Length
Ferry Road	From the junction with Henderson Avenue to Old Crosby
Fox Street	Entire Length
Frances Street	Entire Length
Frodingham Road	Entire Length
George Street	Entire Length
Gilliat Street	Entire Length
Glebe Road	Entire Length
Grosvenor Street	Entire Length
Gurnell Street	Entire Length
Henderson Avenue	Entire Length
Henry Street	Entire Length
High Street	Entire Length
Home Street	Entire Length
Hornsby Crescent	Entire Length
John Street	Entire Length
King Street	Entire Length
Laneham Street	Entire Length
Lindum Street	Entire Length
Long Road	Entire Length
Manley Street	Entire Length
Mary Street	Entire Length
Mulgrave Street	Entire Length
Normanby Road	From junction with Glebe Road to the junction with Warren

	Road/Old Crosby
North Street	Entire Length
Old Crosby	Entire Length
Oswald Road	Entire Length
Park Court	Entire Length
Parkinson Avenue	Entire Length
Percival Street	Entire Length
Porter Street	Entire Length
Ravendale Street (South)	Entire Length
Robert Street	Entire Length
Sheffield Street	Entire Length
Sheffield Street (East)	Entire Length
Sheffield Street (West)	Entire Length
Shelford Street	Entire Length
Smith Street	Entire Length
Spencer Avenue	Entire Length
Station Road	Entire Length
Teale Street	Entire Length
Theodore Gardens	Entire Length
Theodore Road	From Spencer Avenue to the junction with Henderson Avenue
Thompson Street	Entire Length
Trafford Street	Entire Length
Vicarage Gardens	From Oswald Road to the junction with Exeter Road
Wells Street	Entire Length
West Street	Entire Length
Winterton Road	From Wells Street to the Junction with Brigg Road/Glebe Road