

LICENSING COMMITTEE	AGENDA ITEM No. 4
14 MARCH 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Peter Hiller – Cabinet Member Neighbourhoods, Housing and Planning	
Contact Officer(s):	Peter Gell, Strategic Regulatory Services Manager Adrian Day, Licensing Manager Kerry Leishman, Licensing Development Officer	Tel. 01733 453419 Tel. 01733 454437 Tel. 01733 453502

CUMULATIVE IMPACT POLICY

RECOMMENDATIONS	
FROM : Strategic Regulatory Services Manager	Deadline date : April 2013
That the Committee:	
<ol style="list-style-type: none"> 1. Determine, having reviewed the evidence provided, if they wish to recommend to Council that a Cumulative Impact Policy (“special policy”) in the Op Can Do area be adopted under the guidance issued under the Licensing Act 2003; and 2. Approve the content of the special policy in respect to the type of licensed premises to be included within the policy (options listed in section 6.13). 	

1. ORIGIN OF REPORT

- 1.1 This report is as a result of the consultation carried out on the proposed amendment to the Council’s Statement of Licensing Policy to include a special policy in respect to the area known as Op Can Do, map attached as **Appendix A**.

2. PURPOSE AND REASON FOR REPORT

- 2.1 To consider and note the contents of the report including the representations and evidence received following the public consultation of the review of the Council’s Licensing Policy Statement to include a Cumulative Impact Policy in respect to the Op Can Do area.
- 2.2 To provide a recommendation in respect to the extent of the special policy to include, all licensed premises, off sales only, on sales only or on and off sales and also whether to include Late Night Refreshment.
- 2.3 This is for the Committee to consider under its terms of reference No. 2.4.1.7 “to monitor and review policy relating to licensing matter and make recommendations to Cabinet or Council as appropriate in relation to any proposed changes.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES (if approved, will form part of the Statement of Licensing Policy)
Date for Relevant Council Meeting	April 2013

4. BACKGROUND OF CUMULATIVE IMPACT POLICY

- 4.1 The current Statement of Licensing Policy was approved by the committee at the licensing committee on 16 November 2010 (and subsequently adopted at Council) and took effect in January 2011.
- 4.2 In December 2012 concern was expressed by council officers as to the perceived saturation of licensed premises in the Op Can Do area and to the negative effect on the licensing objectives.
- 4.3 Cumulative impact is covered in the Guidance issued under section 182 to Licensing Authorities. This recognises that the saturation of licensed premises in a particular area can impact on public nuisance and disorder and allows authorities to state within its Statement of Licensing Policy whether it considers that a concentration of licensed premises in a particular area was considered to be already causing a cumulative impact on one or more of the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- 4.4 Members should note that the special policy, if adopted, would mean there would be a policy presumption to refuse applications where relevant representations about the cumulative impact on the licensing objectives are received. However, the authority must grant the application where representations are not received and it may not attach conditions to a licence unless representations are received. In addition, this policy does not affect premises currently licensed, unless there is a material change of use to the premises which would require a variation application in any case.
- 4.5 The Licensing Committee met on 21 January 2013 and approved the consultation of the review of the Statement of Licensing Policy to include a special policy in the Op Can Do area.
- 4.6 A consultation was carried out with Cambridgeshire Constabulary, Cambridgeshire Fire & Rescue Authority and those persons/bodies representing the trade and businesses as well as local residents both by way of direct communication and by publicity on the council's website and local press. The consultation commenced on 22 January and ended on 04 March 2013.

5. Responses to Consultation

5.1 Residents

A total of 22 residents and representatives of residents responded to the consultation as well as submitting a petition all in full support of the inclusion of a special policy. The more detailed responses contained personal experience of the effects of licensed premises in the area, largely referring to anti social behaviour by patrons of the licensed premises. The responses in full can be made available to Committee Members should these wish to view them.

5.2 Operation CAN-do Neighbourhood Delivery Team (NDT)

Operation CAN-do or Op Can Do is a 10+ year programme which aims to develop, enable, implement, evidence and measure a transformational, whole-systems approach to improve the quality of life, outcomes and outlook of people living and working in the Gladstone, Millfield and New England community of Peterborough.

- 5.3 A detailed representation, attached as **Appendix B** was received from NDT that recognised that it is to the credit of the targeted Op Can Do programme that there is an evidenced reduction in the levels of reported crime and anti social behaviour in the area since its inception. It must be noted however that a reduction in reported crime and improvements

to the quality of life for local people has come about as a direct result of targeted resources in the area that provide a highly visual presence and vital community reassurance. A reduction of this targeted resource before sustainable solutions have been embedded could have a detrimental impact on all that has been achieved to date. The NDT support the implementation of this policy in relation to on and off sales and any late night refreshments as all contribute to the misuse of alcohol and have a negative impact on the preventative objectives namely, The prevention of crime and disorder and The prevention of public nuisance.

5.4 Public Health

The Director of Public Health Dr Andy Liggins expressed support for the proposed Special Policy in the Op Can do area. The representation, attached as **Appendix C**, gave rise to the concern of alcohol misuse in the Peterborough area estimatedⁱ that 12% of the Peterborough population (13,650 people) drink above the recommended levels, increasing the risk of damaging their health, with a further 2% (2,768 people) who drink at very heavy levels which significantly increase the risk of damaging their health and may have already caused some harm to their health.

The representation details that Peterborough also suffers a higher than average rate of alcohol-related hospital admissionsⁱⁱ and it is an objective to reduce these and the associated health burden upon individuals, families and the community. Alcohol-related hospital admissions from Central and North wards in the Op Can Do area are among the highest for any neighbourhood in Peterborough. The Millfield area enjoys a particularly diverse population, including many from other European Union states and World Health Organisation dataⁱⁱⁱ shows considerably higher rates of liver cirrhosis among people from Lithuania, Latvia, Poland and Portugal than the UK average.

Notwithstanding the human costs borne by victims of crime and individuals affected by their own drinking or that of someone close to them, the financial cost of alcohol misuse to Peterborough, based upon national data on health, crime and absenteeism, is estimated at £22m annually^{iv}.

The National Alcohol Strategy published in March 2012 indicated Government's intention to introduce a "health" ground for objection to granting licences, particularly in areas where a CIP is in place. Alongside the Safer Peterborough Partnership, Public Health has registered its support for this measure as it is our view that concerns for health should have formal weight in the licensing process.

Dr Liggins went on to say that Alcohol is a dangerous drug and we (Public Health) consider licensing to be an important contributor to reducing harm by restricting availability and safeguarding the public, including the young and vulnerable.

5.5 Cambridgeshire Constabulary

Inspector Dominic Glazebrook provides in his representation:

The Op Can Do area is an area with multiple indices of deprivation. Life expectancy, income, educational qualifications are all lower than other areas. The area possesses less green space than other areas. Housing is poor and few people own their own home.

The Police have provided a team of nine officers and PCSO's to police the area. Young peoples' services have provided a dedicated youth worker for the area and the neighbourhood management team have also dedicated resources. In times of financial austerity, this means that the Op Can Do area has used up a significant amount of

ⁱ Alcohol Concern Mapping Project, 2012

ⁱⁱ Local Alcohol Profile England (LAPE) NW Region Public Health Observatory, 2012

ⁱⁱⁱ WHO, 2005

^{iv} NICE, Local Government Public Health Briefing, 12 October 2012

resources. These resources could have been put to use in other areas if the need in the Op Can Do area had not been so great.

It is well documented that the number of outlets licensed to sell alcohol in the Op Can Do area have increased in the last 10 years.

Whereas crime and anti social behaviour has fallen over Peterborough as a whole, the large number of outlets for alcohol has created a number of effects. Some of these effects have been not immediately obvious. However the Op Can Do area has experienced professionals who work there from Police, neighbourhood management, young peoples' services and health who are prepared to say that it is time to call a halt to the increase in the number of places licensed to sell alcohol in the Op Can Do area.

Residents' associations, councillors and community associations are in agreement with this. MANERP, the VPRA, the All Saints' residents association, the Russell Street residents' association and the Op Can Do community board all support a cumulative impact policy. Many attendees at neighbourhood committee meetings and neighbourhood panel meetings also support it.

The selling of alcohol can be directly or indirectly associated with the following

- Street drinking at all hours of the day and night
- Litter (beer cans being left in the street)
- Urinating in the street
- Many licensed premises have crowds of people congregating outside them which causes a disturbance to residents and those working in the neighbourhood
- The consumption of and dealing in drugs in public. One licensed premises in the Op Can Do area was recently made subject of a 'crack house closure' order
- Some of the licensed premises in the Op Can Do area have been caught selling drink to persons under 18; some have also been caught in possession contraband alcohol and tobacco
- Health is poorer in the Op Can Do area which in part is due to excessive drinking
- Street robberies and pickpocketing are prevalent in the Op Can Do area, as is alcohol related violent crime including domestic violence.

Street prostitution is a problem in the Op Can Do area and many of the 'punters' are drunk. Lastly the large number of licensed premises gives a negative perception to the Op Can Do area and attracts persons from outside the area who come to the area to consume alcohol, thus having a negative effect on residents.

In the last three years, Peterborough Unitary authority have approved a large increase in the number and size of the DPPO areas in force. Because of this, nearly all of the Op Can Do area is now a DPPO area. Street drinkers are able to 'get around' the DPPO restriction by drinking in private gardens or car parks just off the street.

It is my considered view that a cumulative impact policy is required, as well as the current DPPO, to help prevent the problems listed below.

Data collected from the Constabulary's data warehouse i2 workstation, attached as **Appendix D** along with the full representation from Inspector Glazebrook, produced the following key findings in relation to violent crime and anti-social behaviour in the Op Can Do area and associated wards:

Violent Crime

- Between 2010 and 2013 alcohol-related violent crime represented a substantial proportion of all violent crime in the Op Can Do area. Between 44 per cent and 48 per cent of all violent crime was alcohol related both in the wards associated with the Can Do area and when considering the Op Can Do area alone.

- Alcohol-related violent offences appear in general to be concentrated in the vicinity of clusters of licensed premises, for example, along parts of Lincoln Road and the streets radiating away from it (Map 6 within the document attached as Appendix D).
- Overall, the distribution of alcohol-related violent crime follows the distribution of all violent crime in the area under consideration, although there is perhaps a greater concentration of all violent crime in the southern tip of the zone than seen with alcohol-related violent crime (Maps 5 and 6 within the document attached as Appendix D).

Anti-Social Behaviour

- Between 2010 and 2013 alcohol-related anti-social behaviour incidents represented between 29 per cent and 33 per cent of all anti-social behaviour incidents in the wards that cover the Op Can Do area and between 20 per cent and 33 per cent of all anti-social behaviour incidents in the Op Can Do area itself. As anti-social behaviour is a very broad category, these figures show the substantial role alcohol plays in anti-social behaviour overall.
- The distribution of anti-social incidents and alcohol-related anti-social incidents, as with violent crime, is most concentrated in areas where there are greater numbers of licensed premises (Maps 7 and 8 within the document attached as Appendix D).
- Again, the distribution of alcohol-related anti-social behaviour seems in general to follow the distribution of all anti-social behaviour (Maps 7 and 8 within the document attached as Appendix D).

6. CONCLUSION

- 6.1 Under the Guidance issued to Licensing Authorities under Section 182 of the Licensing Act 2003 there should be evidential basis for the decision to include a special policy within the Statement of Licensing Policy.
- 6.2 Members must decide whether sufficient evidence has been presented in order to make a recommendation to Full Council to include a special policy for the Op Can Do area within its Statement of Licensing Policy. A draft of the Statement of Licensing Policy is attached as **Appendix E** and will be amended as necessary following the committee's decision.
- 6.3 Also when reviewing the evidence members must decide to what extent, if any, the special policy is to have with the options being:
- 1) To apply to all licensed premises
 - 2) To apply to the sale of alcohol on-sales only
 - 3) To apply to the sale of alcohol off-sales only
 - 4) To apply to the sale of alcohol for both on and off sales
 - 5) To include Late Night refreshment as a combination of the above

7. ANTICIPATED OUTCOMES

- Proposals on licensing policy changes in respect of the inclusion of a special policy for the Op Can Do area.
- Proposals on the make up of a special policy as per the options given should one be recommended for approval by council.

8. REASONS FOR RECOMMENDATIONS

To comply with the statutory requirements regarding amendments to the statement of licensing policy in order to include a cumulative impact policy with a view to making sustainable improvements in the Op Can Do area.

9. ALTERNATIVE OPTIONS CONSIDERED

Retain the status quo

10. IMPLICATIONS

10.1 Financial

There are none arising from this report.

10.2 Legal

Legal Services will be required to ensure that the decision making process is implemented in a accordance with the Licensing Act 2003.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

11.1 The Licensing Act 2003

Amended guidance issued under section 182 of the Licensing Act 2003