

Review of the impact of the Cumulative Impact Zone

What is the 'cumulative impact zone'?

'Cumulative impact' refers to the detrimental effect on the promotion of the licensing objectives caused when a significant number of licensed premises, particularly "vertical drinking" establishments are concentrated in one area or 'zone' in a locality. This can impact on crime and disorder or public nuisance and as a result have an adverse effect on people's ability to live and work in that locality.

In October 2011 a Cumulative Impact Policy was included as part of Derby City Council's second statement of Licensing Policy (Appendix 3, DCC Licensing Policy). This applied to an area known as a cumulative impact zone (CIZ) within the city centre – an area defined by the Inner Ring Road (see Chart 1). This area was identified following a review of alcohol fueled crime and antisocial behavior related to the night time economy and unsurprisingly the city centre which has the highest proliferation of bars, restaurants and licensed premises was the key area of concern for emergency services.

What does this mean for the licensed premises in this area?

Having a Cumulative Impact Policy creates "*a rebuttable presumption that any new application for a premises licence or major variation of one within a specific area, likely to add to the existing cumulative impact, will be refused*" (Licensing Act 2003). This does not prevent any new license applications but applicants need to state how the granting of the license would not add to the crime and disorder in the city centre and what measures they will put in place to ensure that this does not occur.

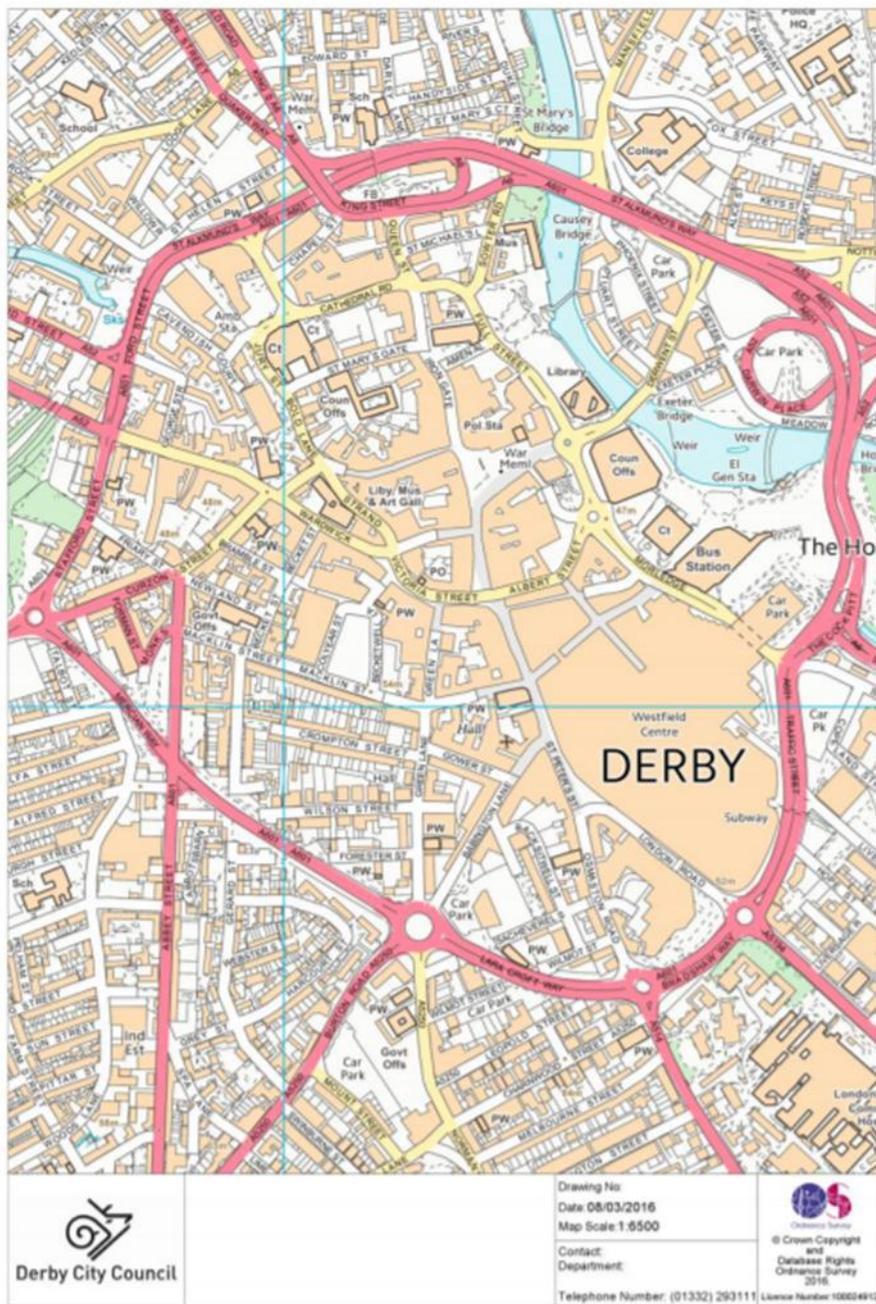


Chart 1. Map of existing Cumulative Impact Zone

How has the Cumulative Impact Policy affected the granting of licenses in the defined area?

During this 3 year time period (1/4/16 and 31/3/19) 44 new premises licence applications were received that were located within the Council's Cumulative Impact Area. Of these 40 licences were granted and 4 were refused. During the same time period 16 full variations of existing licences were applied for and were granted. **See Table 1.**

Table 2 outlines how the applications were granted. Of the 40 premises licences granted, 8

licences were granted as per their application taking conditions from the operating scheduled submitted as part of the application form. Of the remainder, 31 licences were granted with modified conditions that were agreed with the applicant and the relevant responsible authority. 1 application was presented to the Council Licensing Committee and it too was granted, but with modified conditions imposed by the elected members. See Table 2.

10 of the full variation applications were granted as per the application, and 6 were granted with modified conditions, by agreement with the applicant and the relevant responsible authority.

Table 3 outlines the main licensable activity for the premises that applications were submitted. The majority of the main activities of the granted new premise licences covered the sale of alcohol, with only 4 being for late night refreshment only. For variation applications 1 premises had the main activity of late night refreshment only, with the remaining 15 involving the sale of alcohol.

Finally **Table 4** indicates the main activity of those premises whose applications were refused.

Submission by Ann Walker (acting on behalf of the Licensing Authority, as a Responsible Authority under the Licensing Act 2003)

Licence Applications between 01/04/2016 and 31/03/2019 located within the existing Cumulative Impact Area

Table 1.Type of Application (Processed)	Granted	Refused
New Premises Licence	40	4
Full Variation of Premises Licence	16	0

Table 2. Type of Application (Processed)	Granted as per Application	Grant with Modified Conditions	Grant with Modified Conditions (via Committee)
New Premises Licence	8	31	1
Full Variation of Premises Licence	10	6	0

Table 3. Main Activity (No.s of Application)	On & Off Licence	On Licence	Off Licence	Late Night Refreshment only
Granted New Premises Licence	13	16	7	4
Full Variation of Premises Licence	13	2	0	1

Table 4. Main Activity of Applications Refused	On & Off Licence	On Licence	Off Licence	Late Night Refreshment only
New Premises Licence	1	0	3	0

What difference has it made to the night time economy?

Historically, in Derby the early evening and night time economy was dominated by venues which to become profitable were required to sell copious amounts of alcohol. This led to high levels of alcohol related crime and disorder and little diversity.

The introduction of the CIZ was a significant factor in turning around the fortunes of the city in both its perception and reality with respect to safety and a place to visit.

The effect of the Policy has been to improve the quality of the night time economy provision in the city centre, by encouraging a more diverse range of licensed premises to open in the city. This demonstrates that rather than being prohibitive – the CIZ has enabled Derby to develop a night time economy offer beyond that of ‘vertical drinking establishments’ or bars. This diversification has assisted Derby City Council and its partners to secure the prestigious “Purple Flag” status for the last 7 years by showcasing the vibrant and thriving night time economy offer and making Derby a great place to live and work.

In addition to the Purple Flag Award renewal in June 2019 Derby was previously winner of the National Purple Flag Night Time Management Award and this year was credited with the National Purple Flag Destination Award as THE place to visit for a weekend break.

The Purple Flag renewal for Derby is subject to a KPI of complaints of anti-social behaviour. Safety is a key theme with recorded crime a key measure. Crime in Derby's night time economy has risen in the last 12 months. However, it has risen at a much lower rate than the rest of the county or other cities around the country.

Derby with out a CIZ would put its Purple Flag Status at risk.

Having the CIZ is a critical policy which is making a significant impact in keeping alcohol related crime down. It is an immensely valuable lever available to responsible authorities helping to promote competently well manged premises offering something different to operate across the city.

Every city across the country has to deal with the affects of large scale alcohol consumption

in the night time economy. This is a resource intensive and costly exercise on our already stretched emergency services. Police, EMAS, street pastors and taxi marshals all work together to support vulnerable people who have drunk to excess or have become a victim of alcohol related violent crime. The CIZ helps keep this to manageable levels but without the CIZ there would undoubtedly be increases in both reported and unreported crime.

A typical weekend night out in Derby may have anywhere between 10,000 and 20,000 people visiting to enjoy the city centre offer. Only a very small of these people will come in contact with the police or be involved in any type of alcohol fuelled crime or disorder. The CIZ is required to keep these events to a minimum.

Over a period between April 2019 to September 2019 the public area cctv system has been compiling a catalogue of video evidence which demonstrates what can happen when things go wrong. The removal of the CIZ would only increase such incidents putting Derby's reputation at risk.

A sample of 4 such alcohol fuelled public order events have been downloaded for your viewing. Please see exhibit CNK 1.

As the Community Safety and Public Protection Manager for Derby City Council it is my unequivocal, unreserved professional opinion of 25 years experience the CIZ must remain in place for the benefit of Derby City.

Craig Keen

Derbyshire Constabulary's response to the review of the Cumulative Impact Policy

- 1. Derbyshire Police acting as a "responsible authority" deem it necessary to request that the Licensing Authority retain a Cumulative Impact Policy within its statement of Licensing Policy.**

At this time there are 902 licensed premises within the CIZ area with 609 premises in the city suburbs. The city centre has 1,677 residents (0.39% of Derby's population) (Mosaic 2019), with a significant amount of licenced premises, in what is a relatively small geographical area of 78 sq km. Whilst a number are clustered in a few streets around the Wardwick,

Saddlergate, Irongate and the Market Place, the geography and size of the area as a whole makes this difficult to control and manage from a Policing perspective.

Since the introduction of the CIZ within the Derby City Council Licensing Policy there is evidence to show that the policy has been utilised when necessary with good intent and as intended. The CIZ has not prevented Premises Licence applications and indeed applicants have been actively supported when they have been submitted, ensuring suitable evidence has been provided on the type and times of licensable activities within the operating schedule.

Embers, Sadler Bridge Studios, The Forge, Byron Hamburgers, Turtle Bay, Marlyz, Stien Strauss, House of Holes, Bear, Roots, Bunk, The Post House and most recently Isabelle's are all testaments to the policy and have all successfully opened new businesses within the restricted zone. The applications were made in a way that satisfied the responsible authorities that there would be little or no chance of cumulative impact being caused by the licenses being issued.

The CIZ has proved to be a practical tool which has assisted the Police Licensing Team and the other responsible authorities to object to less favourable applications - those when submitted have shown little or no desire to meet with the criteria of the policy and give no good reason why the application should be approved. The reason in the majority of instances is that the applicant has failed to discharge their burden – the “rebuttable presumption” – that their proposal will not increase the negative impact within the area covered by the policy.

The current CIZ policy was extended to include “Off Licenses”. Off Licenses can have a severe negative impact on the community at large, with cheap high strength alcohol being made available for pre and post drinks on a night out; as well as increasing the availability and accessibility for the alcohol dependent rough sleeper population. Numerous applications have been received by the responsible authorities for new (off) premises licenses within this area due to the high margins available in retail alcohol sales. If all of the applications that the police received were approved, without the safeguard of the CIZ, the City Centre would be flooded with alcohol ‘off’ sales. The likely outcome of this would be increased antisocial behaviour and crime and disorder - including increased incidents of serious violence from individuals being drawn in to the city, due to the availability of alcohol off sales during night time hours.

The police have successfully rebuffed new applications or enquiries for take-aways as well as new premises in this area wanting to undertake such off license activity. At the same time the team has been able to review certain premises where there have been causes for public

and partner agency concern. Without the policy currently in place, these premises and others would have Premises Licenses issued without any form of control. They would further saturate the city centre and add to the existing issues being experienced through alcohol off sales including street drinking - which it could be said would have a direct impact of the feelings of safety within a community and attract negative media interest, reducing inward financial investment.

2. Following a review of the alcohol related crime and antisocial behaviour within the CIZ - Derbyshire Police request an amendment to the boundaries of this area to which this Policy would apply.

A review has taken place to establish the frequency of Police incidents, reported crimes, ambulance call outs and hospital admissions that could be attributed to alcohol and the night time economy over the last 18 months in the CIZ area.

The 'night time economy' (NTE) was determined as being between the hours of 10pm through to 6am each day. All EMAS call outs to the CIZ area between these hours, hospital admissions flagged as alcohol related injury or assault by Royal Derby Hospital and Police incidents between these times. Crimes were restricted to those with a clear causal link to alcohol and or the night time economy. Only the following crime categories were included in the review:

Crime Categories Included:

- ALL OTHER THEFT OFFENCES
- CRIMINAL DAMAGE
- DRUG POSSESSION
- OTHER SEXUAL OFFENCES
- POSS. OF WEAPON OFFENCES
- PUBLIC DISORDER
- RAPE
- ROBBERY OF BUSINESS PROPERTY
- ROBBERY OF PERSONAL PROPERTY
- THEFT FROM THE PERSON
- VIOLENCE WITH INJURY
- VIOLENCE WITHOUT INJURY

Crime Categories Excluded:

- ARSON
- BICYCLE THEFT
- BURGLARY
- DRUG TRAFFICKING
- MISC. CRIMES AGAINST SOCIETY
- SHOPLIFTING
- VEHICLE CRIME

The review demonstrated that there has been an increase in the number of crimes recorded from 821 crimes (1/6/15 – 1/12/16) to 1031 (12/11/17 – 12/5/19) between the 2 comparable 18 month periods. Some of this increase is likely to be the result of a change in the way

crime is recorded on Police systems - rather than an increase in actual crime in practical terms (as victimless crimes for example – now have to be recorded whereas they wouldn't have been previously).

From a Policing perspective the CIZ is having a positive effect in helping to effectively manage and control (as far as is possible), the level of crime and disorder within the City Centre. It has been effective in helping to prevent an escalation in incidents that would more than likely lead to more serious violent crime, assault and injury - to people frequenting the night time economy in Derby. By ensuring that applicants for licenses in this area consider and demonstrate how they will mitigate against the likely impact on crime and disorder, we have been able to maximise the night time offer in Derby and keep communities safe.

The Police Licensing Team has worked in partnership with the Council and the other designated 'responsible authorities' to ensure there is a culture of robust and effective management of the licensed premises in Derby. We are keen to continue to ensure licensed premises in the CIZ area are upholding the licensing objectives in order to ensure that there continues to be a safe environment for people to enjoy without fear of crime. We would be very concerned that without the Cumulative Impact Policy being in place that the level of scrutiny would reduce; and crime and disorder would increase.

Having viewed the current data, the statistics show that the area within the inner ring road is still very much the point of most impact. However the outer edge from Derwent Street Bridge does not appear to be problematic from a crime, Police incident or ambulance call out perspective and would not be affected by any changes to the CIZ. We would be happy for the CIZ area to be amended to reflect this in accordance with the proposed map (Chart 2).

As the City has developed over the past few years the CIZ has helped to increase Derby's diversity in its offer of entertainment and leisure in the night time economy. This has attracted a mix and variety of people wanting to visit the night time economy. Some for the variety of eateries and restaurants, as well as the diversification of the alcohol market to provide a mixed night time economy offer - that is attractive to a range of residents and visitors to Derby.

The police strongly endorse the Council's stance on incorporating the CIZ within the Licensing policy.

Mark Dunn
PC 2013
Licensing Enforcement Officer

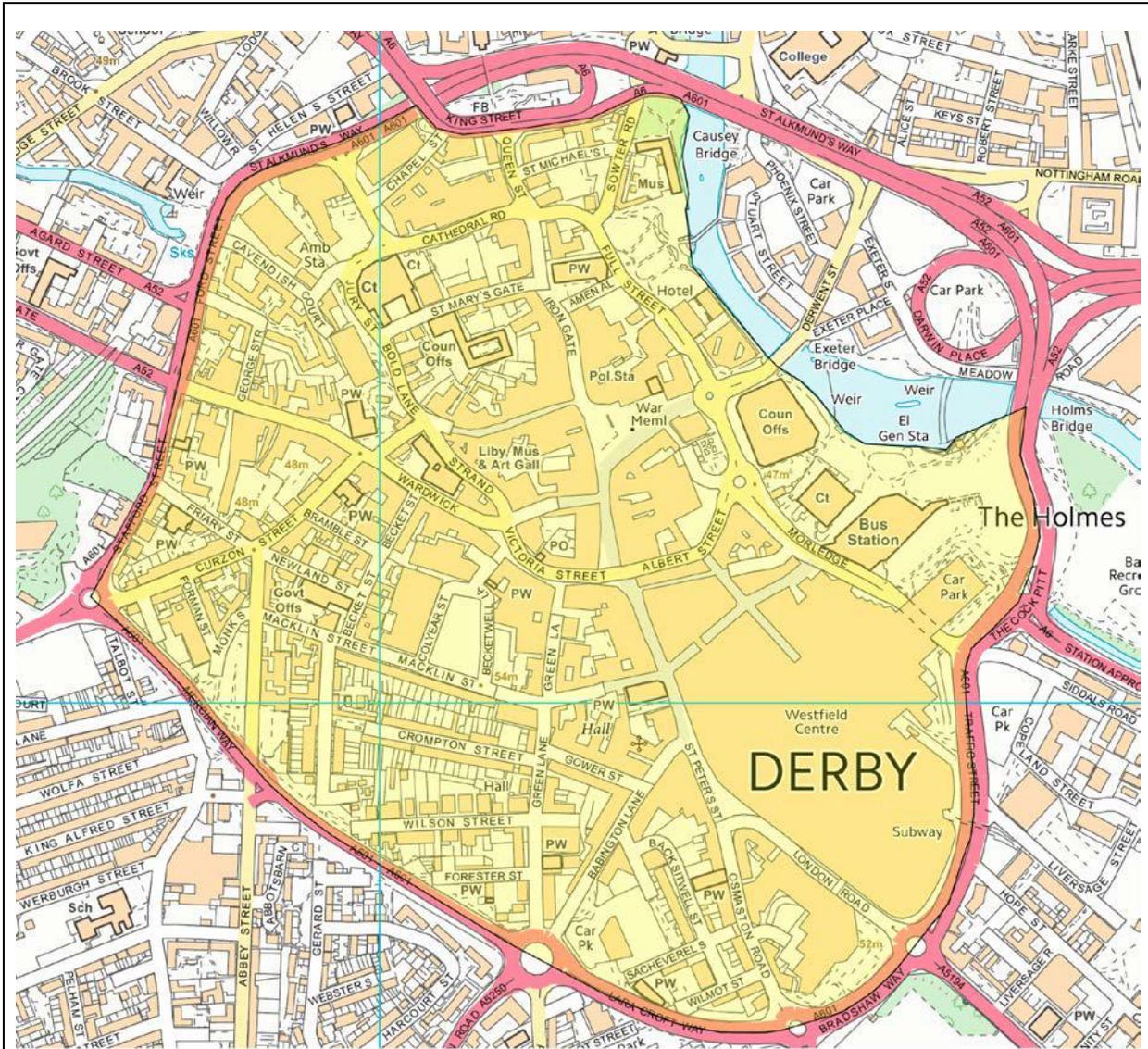


Chart 2. Police proposed CIZ area following review of evidence