

APPENDIX A



PROPOSAL FOR CUMULATIVE IMPACT SPECIAL POLICY



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1. Purpose of Report.

The purpose of this report is to request that a defined area of Norwich city centre is included within a new special cumulative impact policy in Norwich city council's statement of licensing policy. This report is intended to provide evidence and information to the Licensing committee and full council to support this request by providing relevant crime and disorder statistics.

2. Background.

When discharging its functions under the Licensing Act 2003 (The Act), a licensing authority is required by s 4(1) to do so with a view to promoting the licensing objectives which under s4 (2) are:

- (a) The prevention of crime and disorder;
- (b) Public safety;
- (c) The prevention of public nuisance; and
- (d) The protection of children from harm

Under The Act there is a presumption to grant all applications unless valid representations are made and only when premises are operational should any individual premises be identified as being poorly managed. Action to review that licence should then be taken based on evidence collated and presented to the licensing authority.

There is an expectation that the review of a licence should only take place once all other options had been explored. The Act does not in ordinary circumstances address crime and disorder issues which cannot be tied to any individual licensed premises.

However, under s 4(3) of the Act the licensing authority 'in carrying out its licensing functions.....must have regard to

- (a) its licensing statement published under s 5, and
- (b) any guidance issued by the Secretary of State under s182'.

In the guidance issued under section 182 of The Act by the Home Office (national guidance) at paragraphs 13.19 - 13.27 and in the Norwich city council's statement of licensing policy at section D there is special provision that in areas where there is a significant concentration of licensed premises that are having a negative impact on the licensing objectives and it becomes impossible to demonstrate incidents of crime and disorder are attributable to one particular premises, then the area may be defined as saturated and a cumulative impact special policy may be included in the Council's statement of licensing policy.

This report highlights the negative impact on the licensing objective of crime and disorder, evidencing issues and demands currently associated with the night time economy in Norwich city centre.

3. The Licensing Act 2003

3.1 Cumulative Impact Special Policy and Licensing Policy.

A cumulative impact special policy (CISP) is not absolute. Each application must still be considered on its own merits and will not impact on those applications where it is believed that there will not be an adverse impact on crime and disorder within the CISP area. Therefore any applications for licences and certificates that is unlikely to add to the cumulative impact on the licensing objectives could still be granted.

Norwich city council's statement of licensing policy states at 1.8 that: "The licensing function cannot be used for the general control of the antisocial behaviour of individuals once they are beyond the direct control of the licensee of any premises. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control".

Paragraph 13.13 of the national guidance states: "A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres".

3.2 Effect of a Cumulative Impact Special Policy.

The effect of adopting a CISP in Norwich will be to create a rebuttable presumption that an application for a new premises licence or club premises certificate, a variation application for an existing premises licence or club premises certificate, or a temporary event notice that falls within the area to which the CISP applies will normally be refused. However this special policy will only come into effect once a relevant representation has been submitted by a relevant authority or interested party. Whilst such a policy is in place any applicant would have to clearly demonstrate why the operation of those premises would not add to the cumulative impact already being experienced.

3.3 Home Office guidance (October 2014) issued under section 182 of The Act

Paragraph 13.28 of the national guidance states that the steps to be followed in considering whether to adopt a CISP can be summarised as follows:-

- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.

- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

The aim of the cumulative impact policy would be to reduce the risk of the potential increase in the number of violent alcohol related offences, it is understood that whilst the night time economy in those areas cannot forcibly be reduced, it can be more effectively contained and further growth more robustly scrutinised.

4. Identification of area of concern with regards to Crime and Disorder

4.1 Problem identification.

In considering whether a CISP is appropriate for Norwich city centre it needs to be shown that the crime and disorder problems are caused by the patrons of a number of premises rather than any one individual premises. It is not so much due to the concentration of licensed premises in the affected areas, but rather the total impact of those combined licensed premises on crime and disorder.

Within Norwich city centre the majority of the crime and disorder problems occur close to licensed premises, but because of their proximity it is not possible to attach those incidents to the customers from any particular premises. The closeness in proximity of the premises encourages and creates a culture of circuit drinking, patrons are constantly visiting and then leaving numerous premises at the same time making it almost impossible to identify those premises they may have visited during the course of the evening.

Although the current legislation allows the Police to deal with individual premises which might be poorly managed, it does not allow, other than by the introduction of a special policy, for the Police to deal with the larger problem of the total impact of having a high concentration of licensed premises in a small geographical area.

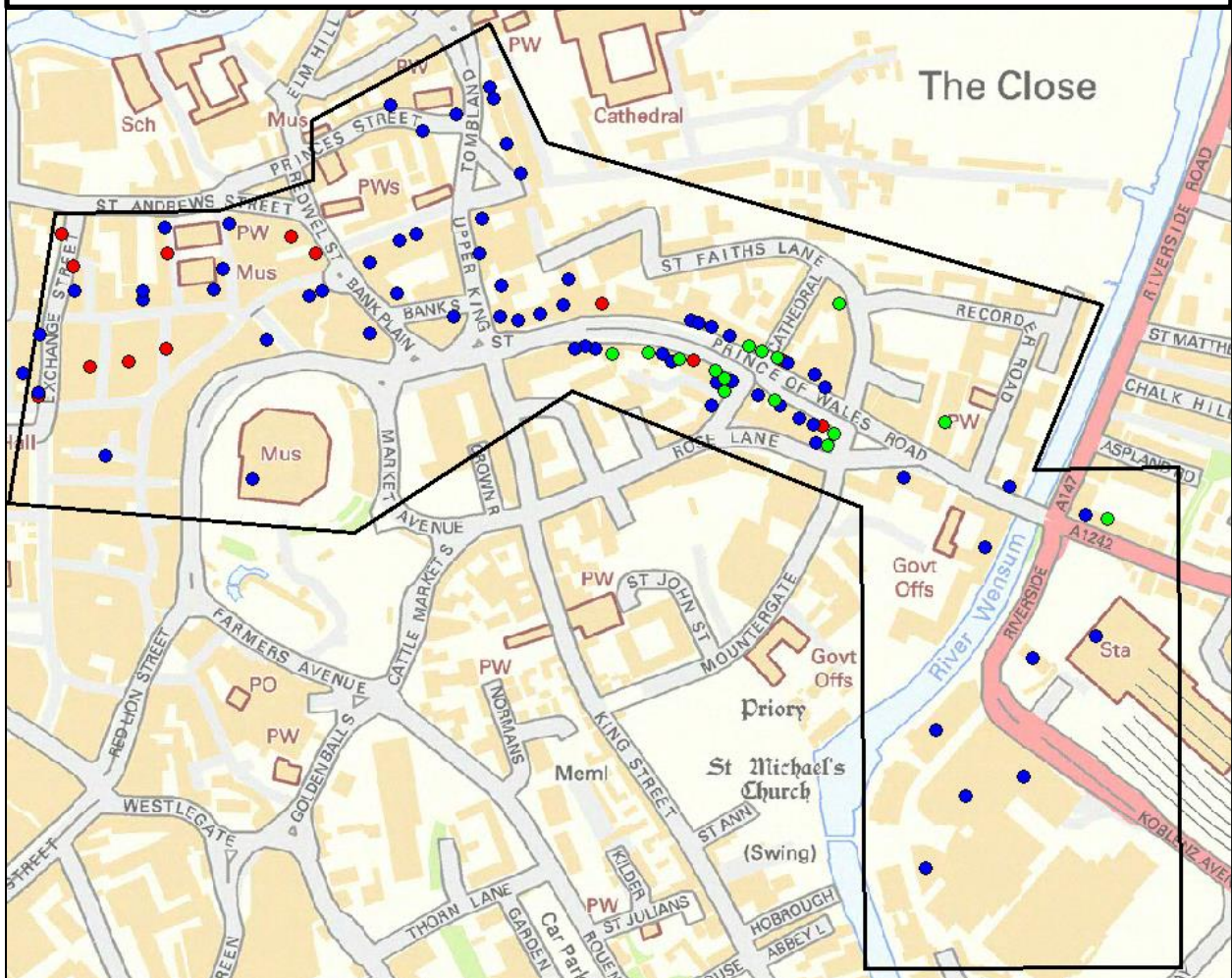
Crime data relevant to the night time economy (defined as the period between 2100 and 0600) is provided to illustrate the volume of incidents within a specific zone which is suggested to be the area to which the CISP should apply.

4.2 Area to be covered.

The night time economy area in Norwich for public order policing purposes is shown in the map below.

It is for the Licensing Authority to determine the extent and scope of any cumulative impact zone policy based on the information provided by the Constabulary and other responsible authorities.

Map showing an overlay of all licensed premises selling alcohol between 9am and 6am and all late night refreshment premises (takeaways)



The public order policing zone was developed in response to areas where there were both a concentration of late night licensed premises and the prevalence of anti-social behaviour, crime and disorder.

There are currently 87 premises that are authorised to sell alcohol within the above zone, with the latest terminal hour ranging from 0000 to 0600.

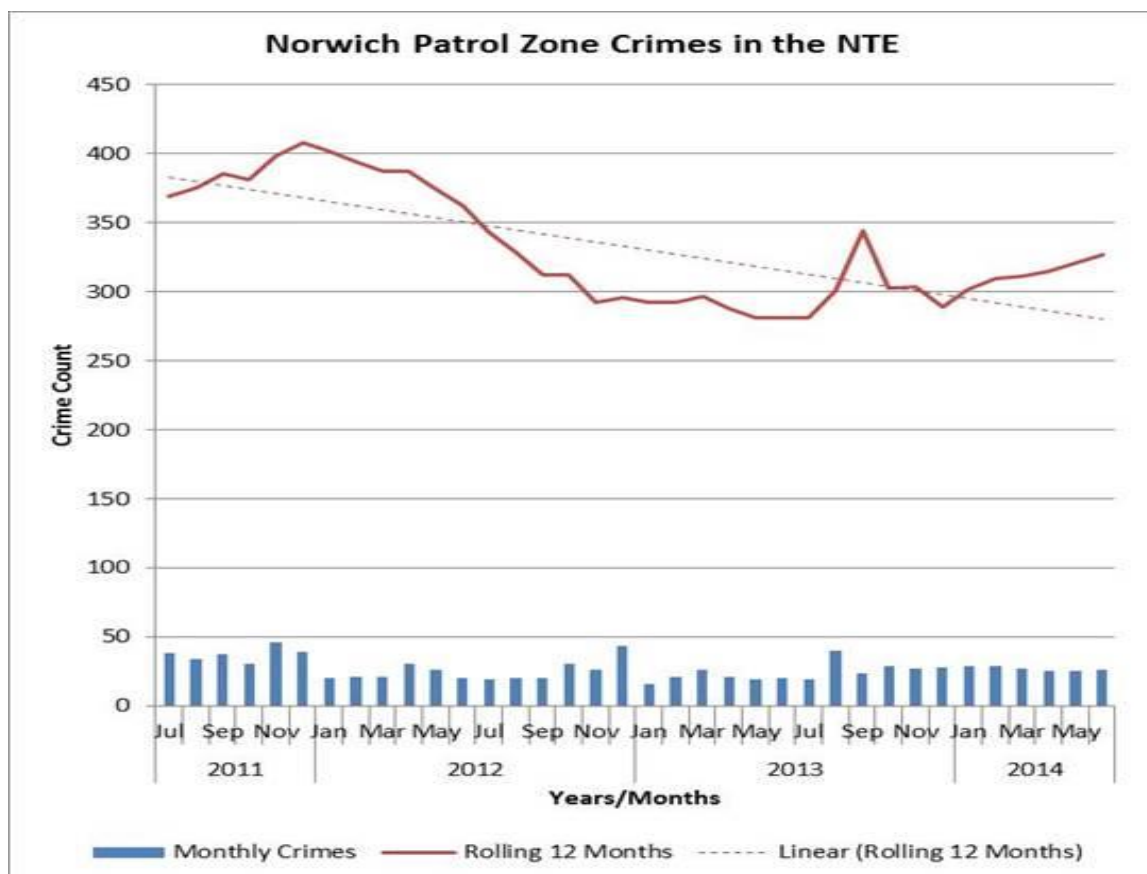
There is also an evidenced link between the number of premises licensed for late night refreshment (eg takeaways) and crime and disorder. There are 15 such premises within the zone the majority of which have terminal hours between 0300 and 0500. .

4.3 Current management and enforcement

Norfolk Police has instigated a number of initiatives to actively reduce the levels of crime and disorder. These include the creation of a licensing regulation team who proactively work with licensees across the County and within the Norwich city area. The licensing team undertake specific operations to address the serving of drunken or under-age customers; worked with bars to improve safety by use of plastic glasses and CCTV;

support the Norwich licensing forum; conduct multi agency visits and produce literature on a variety of topical issues as well as a whole host of other activities. The police have also held large scale operations called 'impact nights', banned troublesome individuals through Anti-Social Behaviour Order's (ASBOs) and use of bail conditions and made intelligence disclosures to the licensed trade about individuals likely to cause crime and disorder. Some success has been achieved in reducing crime particularly the negotiation of earlier closing of licensed premises in August 2012. However, the increase of more licensed premises within the public order policing zone has only served to create new problems and the police believe that there is a direct correlation between more premises opening and the risk of crime and disorder occurring.

The graph, below, shows that the rolling 12 month crime trend shows a concerning increase in offences committed within the night time economy over the last twelve months. This coincides with an increase in licensed premises operating late night in the City Centre.



Since August 2012 there have been 11 new premises licence granted and 8 existing licences have been varied to increase the hours of licensable activities.

The policing of the night time economy involves the use of all the tools available to it including Dispersal Powers under the Anti-Social Behaviour Crime and Policing Act 2014. Directions to leave a locality are given to individuals causing or likely to cause harassment, alarm or distress. This enables officers to intervene at an early stage and prevent a minor case of disorder becoming a more serious incident. Up until October 2014, these powers were conferred under Section 27 of Violent Crime Reduction Act 2006 but have now been

replaced by more wide ranging powers. On a typical Saturday night in the City Centre night time economy zone around 10 persons are directed to leave the area.

In 2013, the Constabulary provided information to Norwich city council requesting consideration to support the creation of early morning restriction orders (EMRO) in the city centre. An EMRO is used to impose a mandatory restriction on the sale of alcohol after a certain time. Effectively, this would have set a terminal hour for the whole of the EMRO zone rather than permitting some operators to trade later. Despite strong support from city council, other responsible authorities and members of the public following consultation, the EMRO process was withdrawn, in part, due to the licensed trade stating that other measures should be considered first to limit the harms caused by the night time economy. One suggestion was the adoption of a cumulative impact policy to prevent more premises of the same type saturating the market.

Anecdotally, some licensees have claimed that a saturated market has led to cost cutting, aggressive drinks pricing and a lowering of standards around admission policy. The capacity of the Norwich night time economy for venues trading after midnight (if all premises were full) would be well in excess of 20,000 people. Put simply, even on a peak trading night most venues would only be half full even if all customers were spread equally across all venues.

It would be beneficial for the police to see a cumulative impact policy in Norwich for a number of reasons apart from supporting the aim of reducing violent crime and disorder.

The creation of a cumulative impact policy would increase goodwill and foster improved relationships between the police and current traders within the night time economy; it would restrict the number of late night refreshment premises opening up that are not covered by other potential licensing controls such as the EMRO; it would demonstrate to residents living within the vicinity of the cumulative impact policy that the police are actively trying to reduce the impact of too many licensed premises; and it would be promoting a diversification within the night time economy that we currently do not have, by preventing more premises opening that are similar to what we have already and encouraging different types of premises and activities leading to a more balanced type of evening economy.

4.4 Crime and Disorder analysis for affected area.

As a licensing authority, the city council currently licences 666 premises under The Act. Out of this number 102 are within the night time economy area shown in the map at paragraph 4.2 above, with 39 of these situated on Prince of Wales Road.

The proposed CISP area relates to approximately 2% of the council's total licensing area. The number of licensed premises providing sale of alcohol and / or late night refreshment between 2100 and 0600 within the proposed CISP area equates to over 15% of the total number of licences issued by the council.

In context, the force has reduced anti-social behaviour across the county, including within the city centre. However, calls to the constabulary in respect of anti-social behaviour regarding alcohol in the night time economy zone has remained largely static. Alcohol

related anti-social behaviour in the night time economy zone now accounts for more than a fifth of all anti-social behaviour calls within Norwich east policing command area. The main times for anti-social behaviour incidents in the night time economy zone are between the hours of 0100 and 0500 hours on Friday and Sunday mornings (Thursday and Saturday night trading).

The table below contains three full calendar years of violent crime data in the current police public order zone. This accounts for between 35-38% of all violent crime offences in Norwich City Council's area.

All violent crime in Norwich city centre and the police public order zone (Including sexual offences and excluding domestic offences)

Year	Total in Norwich City Centre	Volume of Norwich East total in NTE zones (2% of footprint)	% of Norwich East total in NTE zones
2011	1504	568	37.8%
2012	1359	482	35.5%
2013	1339	480	35.8%

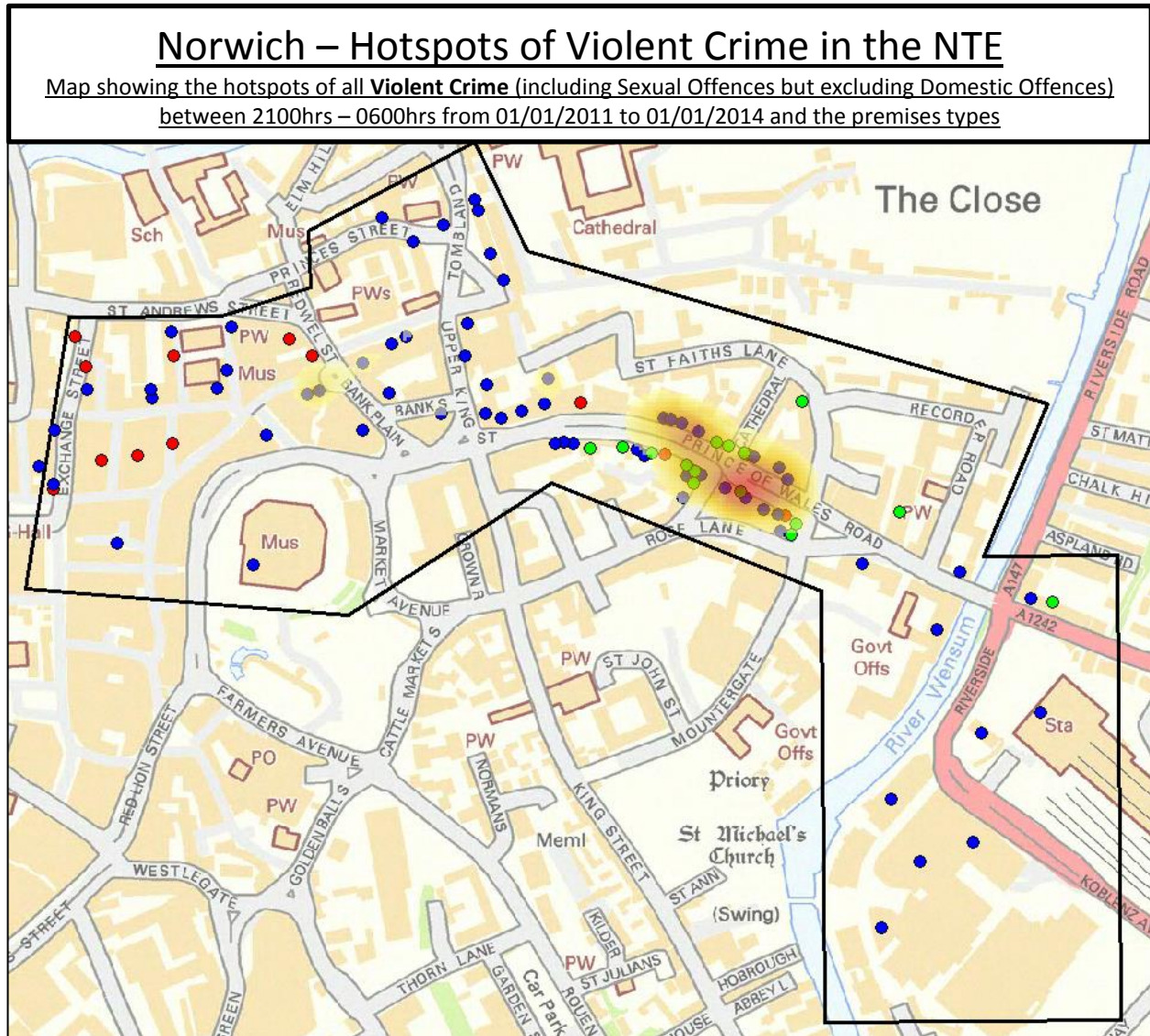
All violent crime occurring between 2100 and 0600 hours in Norwich City Centre and the police public order zones (including sexual offences and excluding domestic offences)

Year	Total in Norwich City Centre	Volume of Norwich total in NTE zones (2% of footprint)	% of Norwich total in NTE zones
2011	882	527	59.8%
2012	761	440	57.8%
2013	760	423	55.7%

The night time economy zone accounts for between 55% and 60% of all violent crime occurring between 2100 and 0600 hours. Levels of violence had remained fairly stable over the past years since a peak in 2011, but is considered that this has been as much about regulatory activity than it has been about a more steady environment. The demands on policing and other support services in relation the night time economy is as heightened as ever. The most recent statistics since the beginning of 2014 suggest a trend of increasing levels of violence. This has coincided with the opening of new licensed premises (such as Stadia, Bar 52, Vanity, Senses). It is not specifically the management of these premises which has led to increased crime levels but rather the cumulative impact of more and more premises operating between 1am and 4am. Indeed, for the past 12 months, Norfolk Constabulary has deployed an additional 6 officers to policing the night time economy every Saturday evening in response to increasing demands. The high visibility policing strategy seeks to deter and prevent offending. The hotspots (below) are based on those crimes which still occur despite the existing levels of police resourcing.

Violent crime between 2100-0600 in 2013

The grid analysis below indicates the main hotspots for violent crime. Prince of Wales Road is the main hotspot between 2100 and 0600 hours.



Norwich – Hotspots of Public Order Offences in the NTE

Map showing the hotspots of all **Public Order** offences between 2100hrs – 0600hrs from 01/01/2011 to 01/01/2014 and premises types

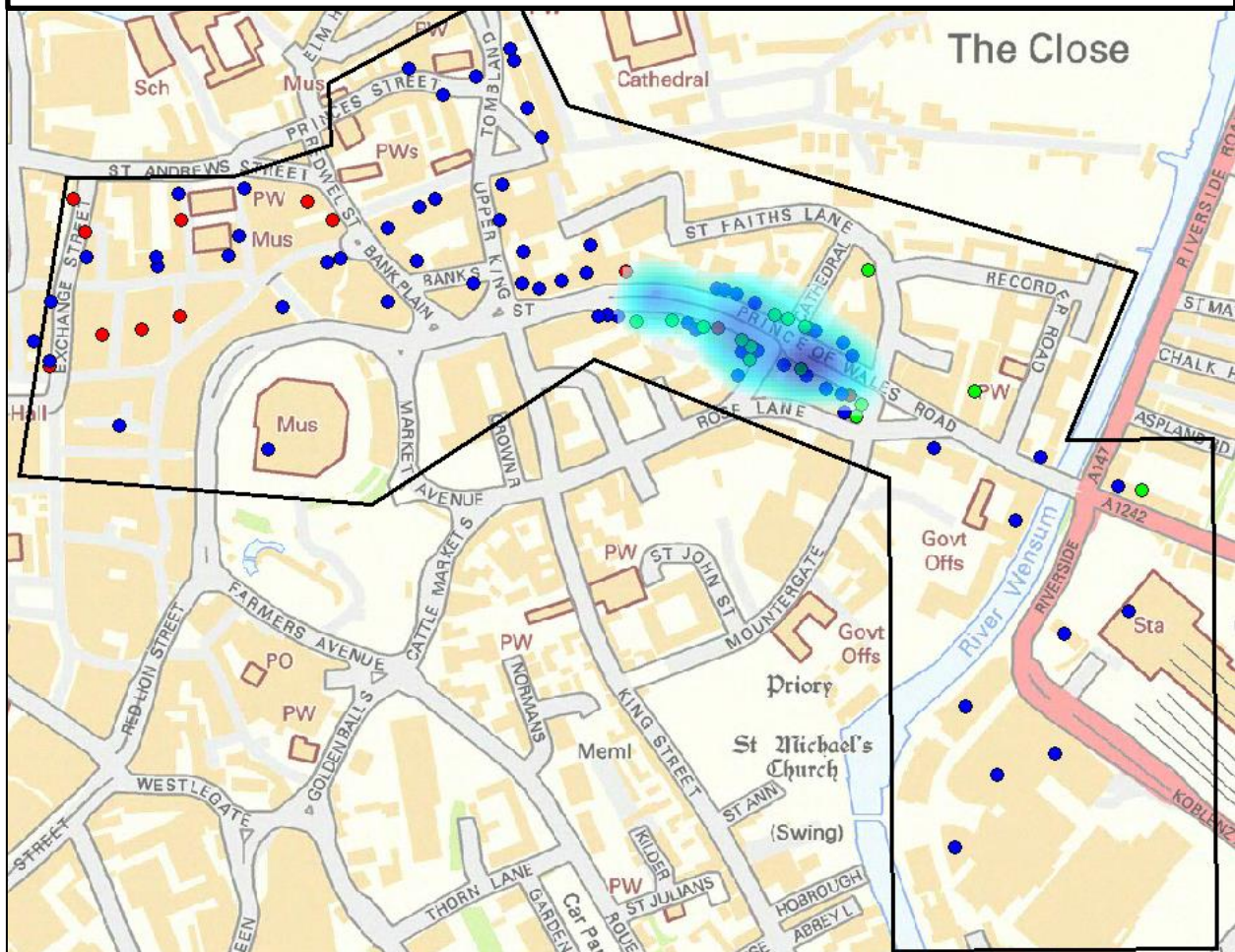


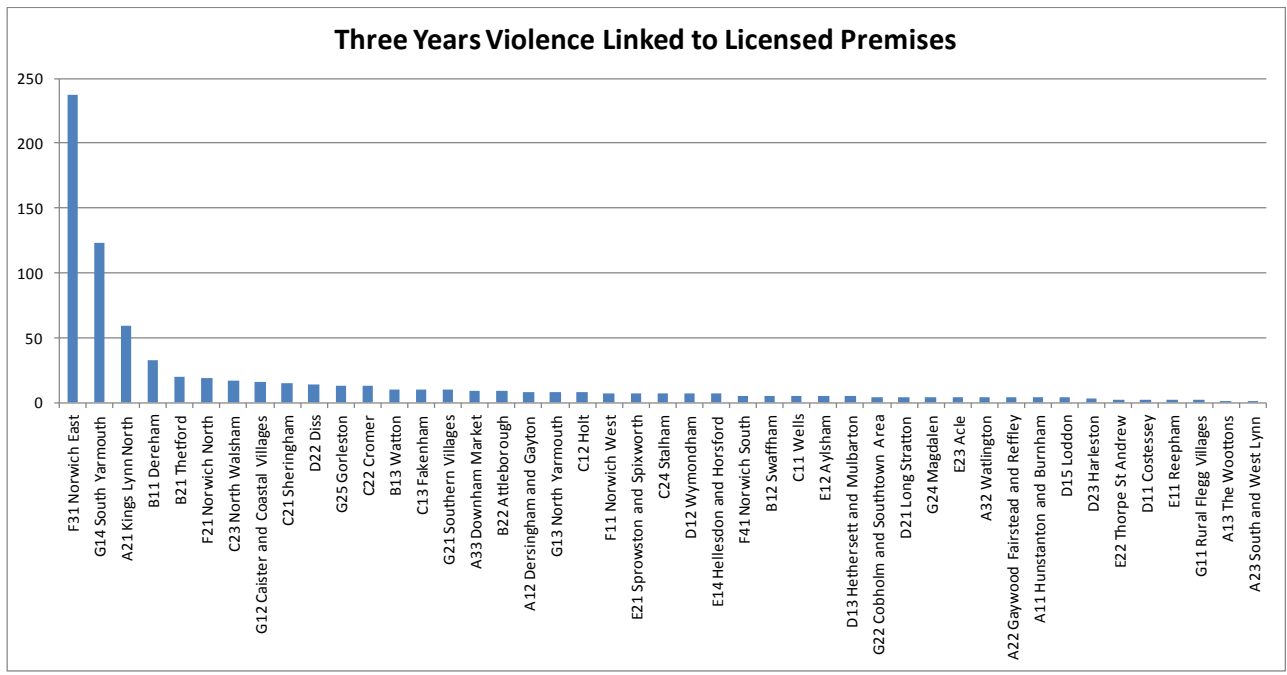
Table showing the total number of Public Order offences in the Norwich NTE in comparison to the whole of the city centre (F3)

Year	Total in Norwich City Centre (F3)	Volume of Norwich (F3) total in NTE zone	% of Norwich (F3) total in NTE zone
2011	99	71	72%
2012	106	86	81%
2013	96	70	73%
Total	301	227	75%

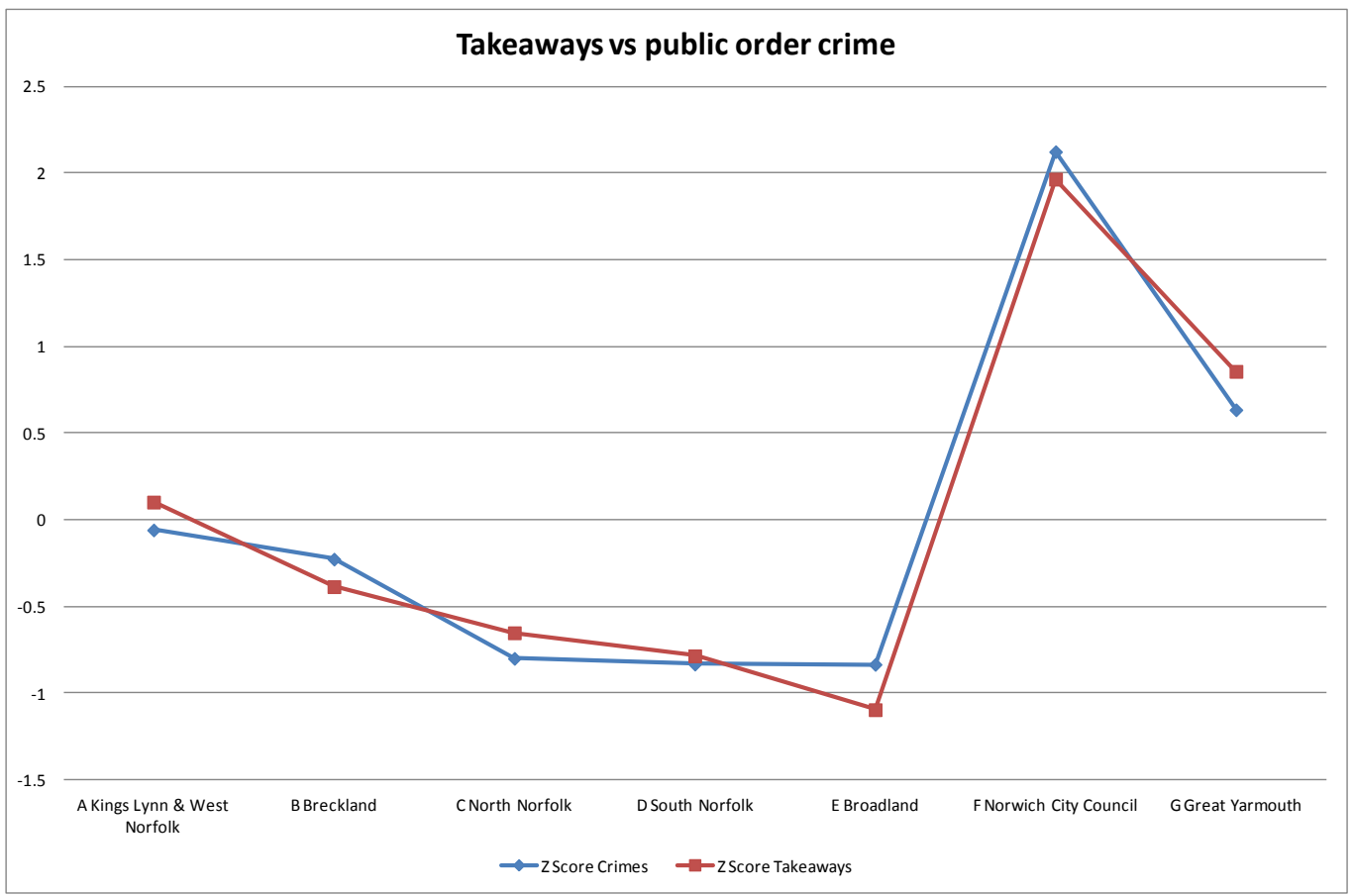
4.5 Link between number of licensed premises and crime and disorder

There is a significant link between the number of licensed premises and licensed premises linked violence. The graph above shows that violence linked to licensed premises in Norfolk is focused in the neighbourhoods with night time economies. F31 (Norwich East), G14 (Great Yarmouth) and A21 (King's Lynn) are the main NTE areas and have highest

amount of violence linked to licensed premises. F31 Norwich east would contain the cumulative impact area and has a significantly higher number of violence offences linked to licensed premises. The police public order zone represents 35-38% of violent crime in the Norwich city centre alone.



Similarly, there is a defined link between the number of takeaway premises in an area and crime and disorder. The table, below, shows the direct correlation between crime and the prevalence of takeaway premises on a district by district basis.



10% of crimes and 12% of incidents took place inside or adjacent to a takeaway premise on the Prince of Wales Road during a 3 year period.

There can be little doubt, therefore, that areas with a high saturation of such premises are more likely to suffer crime and disorder. Late night refreshment premises should, also, therefore be considered as part of a cumulative impact policy.

4.6 Calls for service

Demand in the police public order zones include all types of calls for service ranging from low level anti-social behaviour, thefts and serious assaults.

Monthly calls to service within the police public order zone

Year	Total calls to service in NTE zone
2011	2531
2012	2219
2013	2100

Over a three year period the area around which any proposed CISP would feature has been the subject of 6850 calls to service, with the demand on resources remains fairly static across the year with the expected increases during the summer periods.

5. Consultation with relevant other bodies

Section 5(3) of the Licensing Act 2003 states that before determining that a Cumulative Impact Special policy is appropriate and necessary the Local Authority must consult with specific persons, including the Chief Officer of Police for each area.

6. Conclusion

The geographical analysis clearly shows a pattern of reported crime and disorder in the defined area. Throughout this report the defined area is continually highlighted as being a peak area for violent crime, anti-social behaviour and calls to police service, which is primarily due to the large number of licensed premises within this area. Police resources are primarily directed to this area saturated with licensed premises to contain and control the levels of offences, leaving other areas potentially vulnerable.

If a cumulative impact policy for Norwich City centre is found to be appropriate in light of the evidence contained in this report, it will not change the robust, measured manner in which the Licensing regulation team at Norfolk police deal with the current licensed premises or the limitations currently placed on any applications. The cumulative impact policy's primary value will be to prevent any additional premises being licensed or applying for a change of use without first addressing the cumulative impact problems within those areas.

Without such a policy an applicant is only required to consider the four licensing objectives that relate to their individual premises or it's very near vicinity. They are not required to consider the negative impact their businesses may have on the city centre. No consideration or responsibility has to be given to customer dispersal or any of the extra demands that would be placed on the limited resources or amenities in the area. Any responsibility or contribution ends at their front door.

The proposed cumulative impact policy will remain flexible, thus allowing those applicants who address the policy or are not deemed to create an increase in crime and disorder, to obtain licences, but it will greatly assist in preventing premises from opening where there would be a high probability and likelihood of adding to Norwich City's late night crime and disorder problems.

7. Recommendation

To reduce the risk of a potential rise in the number of violent offences and disorder within the night time economy in Norwich it is strongly recommended that the Norwich city council determine appropriate boundaries for a cumulative impact special policy area to be created. This would prevent any further licensed premises of a similar nature from opening in an area already saturated with pubs, clubs and late night refreshment premises unless they can demonstrate they would not contribute to the issues and problems. It would also affect any variation applications and submission of Temporary Event Notices.

APPENDIX A

EXTRACT FROM AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003 October 2014

The cumulative impact of a concentration of licensed premises

What is cumulative impact?

13.19 “Cumulative impact” is not mentioned specifically in the 2003 Act. In this Guidance, it means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. Cumulative impact policies may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.

13.20 In some areas, where the number, type or density of premises selling alcohol or providing late night refreshment is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. Licensing authorities should consider whether the number of fast food outlets or off licences in an area contribute to these problems, and may choose to include them in their cumulative impact policy.

13.21 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

13.22 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

Evidence of cumulative impact

13.23 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform licensing authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local councillors; and
- evidence obtained through local consultation.

13.24 The licensing authority may consider this evidence, alongside its own evidence as to the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises;
- premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

13.25 Where existing information is insufficient or not readily available, but the licensing authority believes there are problems in its area resulting from the cumulative impact of

licensed premises, it can consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidences of criminal activity and anti-social behaviour, examples of public nuisance, specific issues such as underage drinking and the key times and locations at which these problems are occurring.

13.26 In order to identify the areas in which problems are occurring, information about specific incidents can be mapped and, where possible, a time analysis undertaken to identify the key areas and times at which there are specific issues.

13.27 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to include an approach to cumulative impact in its licensing policy statement. The special policy should also be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, as set out in paragraph 13.39. When the licensing authority decides to introduce an approach to cumulative impact, it may decide it is appropriate to indicate in its statement that it is adopting a special policy whereby, when it receives relevant representations, there is a rebuttable presumption that, for example, applications or variation applications which seek to extend the sale or apply of alcohol or provision of late night refreshment are refused or subject to certain limitations.

Steps to a special policy

13.28 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below.

- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

Effect of special policies

13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

13.30 However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the statement of licensing policy should be amended.

13.32 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

13.33 Special policies may apply to the impact of a concentration of any licensed premises, including those licensed for the sale of alcohol on or off the premises, and premises licensed to provide late night refreshment. When establishing its evidence base for introducing a special policy, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the special policy.

13.34 It is recommended that licensing authorities should publish contact points in their statements of licensing policy where members of public can obtain advice about whether or not activities should be licensed.

Limitations on special policies relating to cumulative impact

13.35 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

13.36 Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so (see chapter 16). The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A

review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.

13.37 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly appropriate for the promotion of the licensing objectives.

13.38 Every application should still be considered individually. Therefore, special policies must not restrict such consideration by imposing quotas – based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned.

Other mechanisms for controlling cumulative impact

13.39 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. To enable the general public to appreciate the breadth of the strategy for addressing these problems, statements of policy should also indicate the other

mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

- planning control;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate.
- Raising a contribution to policing the late night economy through the Late Night Levy.
- Early Morning Alcohol Restriction Orders (see Chapter 16).

13.40 As part of its licensing policy, the licensing authority may also wish to consider the use of alternative measures such as fixed closing times, staggered closing times and zoning within its area, providing such mechanisms are justified on the basis of the licensing objectives and are only presumptive, with final decisions continuing to be made in relation to individual premises on a case by case basis in accordance with what is appropriate to promote the licensing objectives. The licensing authority would be expected to include its intention to use such measures in its statement of licensing policy and justify doing so in order to orchestrate closing times so as to manage problems in the night-time economy based on the promotion of the licensing objectives. As with the creation of a CIP, the use of such mechanisms would create a rebuttable presumption and would apply in the event of representations being received.

APPENDIX B

EXTRACT FROM Licensing Act 2003 Part 2 — Licensing authorities

5 Statement of licensing policy

(1) Each licensing authority must in respect of each three year period—

- (a) determine its policy with respect to the exercise of its licensing functions, and
- (b) publish a statement of that policy (a “licensing statement”) before the beginning of the period.

(2) In this section “three year period” means—

- (a) the period of three years beginning with such day as the Secretary of State may by order appoint, and
- (b) each subsequent period of three years.

(3) Before determining its policy for a three year period, a licensing authority must consult—

- (a) the chief officer of police for the licensing authority’s area,
- (b) the fire authority for that area,
- (c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

(4) During each three year period, a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.

(5) Subsection (3) applies in relation to any revision of an authority’s policy as it applies in relation to the original determination of that policy