



### SCRUTINY COMMITTEE

**16:30 to 18:55**

**11 October 2012**

Present: Cllrs Stephenson (Chair), Bradford, Brimblecombe, Button, Galvin, Gee, Grenville, Lubbock, Manning, Sands (M), Stonard, Storie

Apologies: Cllr Rogers

#### **1. MINUTES**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 6 September 2012.

#### **2. WORK PROGRAMME**

Members considered and noted the committee's work programme and the forward agenda.

#### **3. ASSETS OF COMMUNITY VALUE**

This scrutiny topic was an opportunity for the committee to comment on the decision making and governance proposals prior to final recommendations being taken to the cabinet for approval.

Members were informed that the new legislation for assets of community value was best defined as a 'community right to bid'. This right to bid required the council to maintain a list of assets in Norwich. For an asset to be placed on the list, it had to be nominated, assessed against criteria and if successful, be placed onto a list of 'community assets'. This could only occur if an eligible body applied for an asset to be placed on the community asset list. Using the new community rights enabled under the localism act 2011, local community, voluntary bodies (and parish councils) were able to identify land and buildings such as a local shop, pub, community centre, library, swimming pool or recreation ground.

The committee was keen that the council when publicising the new scheme for assets of community value, as part of the council's planned work in explaining the localism act and how it may effect the residents of Norwich, that careful consideration be given to explaining the scheme so as not to raise unrealistic expectations for relevant community bodies. This was due to the council having to adhere to the very tight guidelines as set out in the guidance for how the scheme could be administered. In response to questions, the committee learned that if the council did not stick to the guidance, it was more likely to be subjected to appeals and compensation claims.

In response to member questions, the Strategic property asset manager outlined some of the potential implications for the council and stated that there was no way of being able to ascertain the likely number and nature of nominations until the proposed scheme was in operation. Also that it was considered that any additional administration costs would be in the region of £6,000 p.a. but that this would be variable year upon year. Coupled to this was the estimated costs (£40,000 p.a.) attached to any compensation claims that may occur. Arrangements for the adjudication and payment of any compensation that was as a result of a claim being received from owners, for loss or expense incurred as a result of having to comply with any of the procedures of the scheme were laid out in the report.

Members went on to consider the proposed process. This included an initial decision making process and an internal review process. The committee's consideration of the proposed process took account of elements such as; member input, the determination of nominations, appeals and review, the review and approval of relevant compensation payments, external review of appeal decisions and how decisions were reported.

It was felt by the committee that 'material comments' of ward councillors should be considered when nominations were being determined. However, it was acknowledged that any influence from a ward member comment could only be used in connection to the strict criteria set out by the guidance laid down by central government. Members also wished that the cabinet be requested to consider that where the amount for the review and approval of relevant compensation payments exceeded £20,000, that the cabinet be consulted. They agreed that for any sum under this, that the head of law and governance in consultation with the chief finance officer undertake this using existing delegated authority.

It was then

**RESOLVED** that the cabinet be requested to consider the following amendments to the proposed scheme

- a) all members of the council be notified of all nominations and appeals against decisions.
- b) when, for the review and approval of compensation payments the sum exceeds £20,000, that the cabinet be consulted.

Also that;

- c) the scrutiny committee's view that this legislation was poorly conceived and drafted be acknowledged, and
- d) as part of the council's planned work in explaining the localism act and how it may effect the residents of Norwich that careful consideration be given to

explaining the scheme so as not to raise unrealistic expectations for relevant community bodies.

- e) assets of community value decisions form standing items on scrutiny committee and cabinet forward agendas.

#### **4. NIGHT TIME ECONOMY**

The chair reminded the committee that this item was placed on the scrutiny committee work programme because members wished to gain an understanding of the economic benefits, the cultural and entertainment offer and the environmental and anti-social behaviour impacts the night time economy had for Norwich. In doing so, the committee may identify areas of future scrutiny work.

In preparation for this meeting, members had submitted questions in writing to officers. Those questions are attached to this set of minutes with the officer responses.

A presentation (The presentation can be found on e-councillor) was given and members asked questions around employment, policing, C.C.T.V coverage, best practice in bar staff protocol in dealing with people who were too drunk, street cleaning, pre loading and the unit pricing of alcohol.

Members welcomed the positive impact that the night time economy had on employment, economic impact and the vibrancy of the city. However, concerns were raised over the safety of residents, employees and the public but the committee was subsequently encouraged by the explanation given of the measures in place with the council and its partners, as well as the businesses involved in making improvements. Therefore, it was felt that the measures in place were adequately addressing the issues. The committee welcomed the work being undertaken regarding DDI compliancy and also, the best bar none scheme. Members put forward the idea of the production of a map that highlighted the establishments that had accreditation for 'best bar none' (part of which was for best practice in bar staff protocol) and had easy access for all.

There was discussion around the issue of pre loading and the possible links with low unit pricing of alcohol. Members indicated that they would welcome further focus on this issue by the council and relevant partners in the night time economy.

#### **RESOLVED** that

- a) members be kept informed of the progress made with addressing the responsibilities of bar staff and off licences with regard to drunkenness and cheap unit pricing of alcohol.

CHAIR

## **Councillor questions for night time economy briefing**

### **CCTV**

**Which days of the week are the most problematic and is this changing/forecast to change?**

There is a much higher demand for CCTV monitoring from Thursday to Saturday, primarily to take account of the night time economy activities, principally in the Prince of Wales Road area. It also plays an important part in reassurance of the public during the weekends, when we see an increase in people visiting the city, especially if Norwich City Football Club is playing at home.

The CCTV service works well in conjunction with the business and retail communities within the city, as well as supporting Norfolk Police with the prevention and detection of crime.

It is not envisaged that this will change in the foreseeable future.

**CCTV - what proportion of cameras are currently operational in this area?**

Overall there are 109 CCTV cameras within the city and of these 5 are located in the Prince of Wales area.

Included in the 109, there are 8 at Waterloo Park and 20 at Eaton Park.

### **Property services**

**How does the council plan to address the lack of toilet facilities and the consequent use of residents' gardens at night?**

There are presently two toilets on Prince of Wales Road; a butterfly urinal half way along and a pay toilet on the large island towards Foundry Bridge. Toilets in Tombland were recently closed as part of the council's savings plans although they had been closed for some while during the evening and at night due to problems of anti-social behaviour prior to this.

All licensed premises have toilets including pubs, clubs, restaurants, etc. It is not necessarily the case therefore that there is a lack of toilet facilities. It is also uncertain that members of the public who choose to use residents' gardens would use additional publically provided toilets. Such provision would necessarily be located at one or a limited number of locations and it is doubtful that those in an inebriated state would necessarily walk to them.

Additional toilets would be costly to provide and unless staffed (adding further to costs) likely to attract anti-social behaviour: the pay toilet on Prince of Wales Road is frequently vandalised.

### **Planning services**

**How much has the night time economy grown in the last ten years? Is it still growing?**

There has clearly been significant growth, but it is difficult to quantify since it has not been monitored systematically nor is it possible to derive meaningful data without some further analysis. There are a number of potential indicators of NTE growth – number of new late night entertainment/alcohol licences granted, number of jobs in

NTE sectors (Economic Development have provided figures on this), number of planning permissions granted for different types of use, customer spend, pedestrian footfall, etc.

Retail planning techniques for assessing demand and forecasting growth in the retail sector are long established, related to easily monitored indicators like shop vacancy rates, floorspace growth and floorspace efficiency (turnover per sq.ft) in different retail sectors. However, there is no comparable model to assess the state of the NTE in the round and research in this area is in its comparative infancy.

Night clubs and pubs have only existed as distinct uses in planning law since 2005, so changes of use involving the introduction or intensification of NTE uses could potentially have occurred without planning permission before that date (e.g. ABC Cinema conversion to Mercy nightclub).

Also longer established pubs and bars pre-date the planning system altogether - opening hours cannot be controlled by planning conditions if there was no planning permission in the first place.

For this reason, any assessment of growth using planning permission as an indicator can only give a partial picture. The NTE will inevitably continue to grow in line with the expected levels of population and employment growth in the Greater Norwich area and the Joint core strategy's priority to expand the evening economy in the city centre. Indicators of likely future demand for NTE uses are scant, the 2007 Norwich Area Retail and Town Centres Study suggesting only that around 3,000 sq.m of floorspace in restaurants, cafes and bars might be required by 2021 (albeit that the level of shopping floorspace growth on which this figure is based is becoming out of date). It is likely that any more systematic analysis of trends or growth potential in the NTE would require the council to commission specific research.

### **What is the purpose of the late night activity zone?**

The Late night activity zone is an area of the city centre defined in the adopted local plan and emerging DM Policies Plan. It supports existing and emerging new planning policies for the assessment of planning applications for new and expanded late night uses – that is, clubs, bars and restaurants routinely operating beyond midnight. Proposals for such uses can generally be accepted in the Late night activity zone, subject to an assessment of their likely impact on neighbour amenity and nearby residential occupiers. In general, proposals for housing within the zone will not be accepted and proposals for housing immediately adjacent to it will need to show conclusively that the impact of late night noise and disturbance on future residents can be adequately mitigated by planning conditions. It is not possible for planning policy to exercise control over NTE uses already established outside the Late night activity zone particularly if there was no planning permission for the use originally – i.e. the policy could not confine late night uses solely to the zone or “force” such uses outside it to be discontinued. It should be noted that the government's proposals to relax planning controls to facilitate the conversion of commercial premises to housing could substantially undermine this policy if the change of use of office and retail premises to housing could happen without planning permission, as appears to be the intention.

### **Prince of Wales Rd is not included in city's 'night time economy zone'. Why not?**

It is called the Late night activity zone (“night time economy” zone is referred to in the Norwich Society policy but this is incorrect). In fact the majority of Prince of Wales Road *is* in the zone – see above – with the exception of that section between St Faiths Lane and Foundry Bridge, excluded because of its proximity to a concentration of housing in St. Faiths Lane and Recorder Road.

The Late night activity zone boundary has changed in comparison with the definition in the existing Local Plan: See map [\\Sfil2\\Shared\\_Folders\\Spatial\\_Planning\\Planning\\_Policy\\LDF\\DPDs\\DM\\_policies\\Policies\\_map\\Late\\_Night\\_Activity\\_Area\\Late\\_Night\\_Activity\\_before&after.pdf](\\Sfil2\\Shared_Folders\\Spatial_Planning\\Planning_Policy\\LDF\\DPDs\\DM_policies\\Policies_map\\Late_Night_Activity_Area\\Late_Night_Activity_before&after.pdf).

Tombland will no longer be included as (with the departure of Ritzy's nightclub) it is now evolving more toward serving the evening economy. The zone has been extended further east along Prince of Wales Road to take in Mercy nightclub and adjoining premises which have been established since the current local plan was drafted. The Open venue was excluded from the zone because it is not a late night use (licensed only to midnight), as is the Travelodge hotel in St Vedast Street .

**Focusing on 'economy': has analysis been carried out locally to determine the true costs and benefits of the night time economy? Who really stands to benefit and in what terms? For example - types of jobs created, how much of the money stays in the community, what types of local businesses does it tend to support, and what types does it tend to discourage etc (put another way, the opportunity costs of the NTE).**

A limited amount of research was undertaken in 2008 for the Civic Trust, specifically in relation to the evening economy and the city's bid for Purple Flag accreditation, comprising a literature review, a night time economy audit and a set of policy recommendations ([\\Sfil2\\Shared\\_Folders\\Management\\Partnership\\_and\\_agency\\_working\\CCMP\\Projects\\Completed\\_Projects\\EEE\\Outputs\\_Phase1](\\Sfil2\\Shared_Folders\\Management\\Partnership_and_agency_working\\CCMP\\Projects\\Completed_Projects\\EEE\\Outputs_Phase1)) . The contribution of small businesses to the sector as highlighted by Economic development suggests that the performance of the NTE is certainly not predicated on national chain operators, albeit that the benefits of co-location will result in many of these congregating in the same area. The status of Norwich as a major regional retail and leisure visitor destination will inevitably attract the larger operators although one of the challenges of planning policy is to ensure that there is a balance between small businesses, local independents and national chains, so that areas of the city can offer a diverse range of facilities throughout the day.

### **How is the council encouraging daytime business activity in Prince of Wales Road?**

Prince of Wales Road is a mixed use area with a broad range of uses including shops, offices and cafes and hospitality uses as well as those uses geared mostly to the night time economy. Budgens and Tesco have recently established local food stores in the street and extensive streetscape improvements were carried out as part of the implementation of the "green transport spine" between the rail station and the city centre.

There are no particular planning controls over what specific mix of uses there should be in Prince of Wales Road as there are in some retail areas of the centre, the priority being to encourage uses which contribute to town centre vitality, viability and diversity throughout the day (albeit that the area is recognised as a focus for late night uses and there are clear benefits in a policy of containing the majority of these in one area rather than dispersal). The area to the south – Rose Lane and Mountergate – is identified as part of a priority area for office development in the emerging DM Policies Plan and is expected to be a focus for longer term regeneration which will bring more office based employment and housing into the area benefiting business during the day.

**What image does the council want to present to people arriving in Norwich by train and walking/cycling to the city centre?**

As noted by Economic Development, an attractive, vibrant and safe City.

**Night time economy - to what extent do certain types of NTE business such as nightclubs discourage other current or potential night time economic activity?**

As noted above the city centre offers a very diverse range of uses and activities geared to the evening and night time economy: some, like pubs and restaurants, spread throughout the centre, others deliberately contained within the Late night activity zone. The preponderance of clubs and bars in this area and the moratorium on new residential development there reflects a deliberate policy approach. Because of the particular issues of crime, disorder and antisocial behaviour associated with late night uses it is considered that containing them within a specified area makes for more effective management and policing: To disperse these uses throughout the centre would result in significantly more problems and impacts on neighbours as patrons move between one part of the centre and another.

**Are there additional powers or mechanisms the council could use to address problems resulting from the NTE?**

See comments of citywide services re the late night levy and EMROs. The emerging DM Policies Plan suggests that further planning guidance may be considered on the management of NTE uses and activities to support emerging planning policies: Sunderland, for example, has an adopted supplementary planning document on the evening economy (<http://www.sunderland.gov.uk/CHttpHandler.ashx?id=2169&p=0> ) which is recognised as best practice. However there are no plans to include an evening economy SPD within the current work programme and no resources are available to progress it without diverting staff away from core planning functions.

In the event of a change in the national planning regulations to allow unrestricted changes of use of commercial premises to housing (see above), the council may need to consider introducing Article 4 directions to take away these rights in the Late night activity zone and potentially elsewhere. However these directions are legally complex and costly to implement and there will be a financial risk, since the council are liable to compensate any property owners or operators adversely affected by the direction.

**Economic development**

**How do we monitor where people are coming from to take part in the night time economy? If we know, where are they coming from, and how many of them are there?**

- Research has not been conducted but anecdotally we know that Norwich NTE attracts people of all ages from Norfolk, Suffolk, Cambridgeshire and beyond.
- Norwich NTE not only attracts people from outside the local area, it also retains leisure users (and their spending) in the city and helps to keep money in the local economy.

**How much has the night time economy grown in the last ten years? Is it still growing?**

- NTE (in Mancroft ward and throughout Norwich) claims a larger percentage of employment now than it did 10 years ago – in 2000 there were 2800 people

employed in NTE and this has increased in 2010 to 4200 employed in the sector (in Norwich Local Authority area).

- Numbers of businesses; in Mancroft ward alone there are 160 businesses in the NTE, two thirds of which are small local businesses employing less than 10 people.
- In employment terms, the sector has remained quite stable since the economic downturn, unlike many other key employment sectors in the city.

**Focusing on 'economy': has analysis been carried out locally to determine the true costs and benefits of the night time economy? Who really stands to benefit and in what terms? For example - types of jobs created, how much of the money stays in the community, what types of local businesses does it tend to support, and what types does it tend to discourage etc (put another way, the opportunity costs of the NTE).**

- NTE has a wide spectrum of jobs associated with it from entry level to senior management both skilled and unskilled.
- Businesses tend to be smaller – 0-10 employees, 11-49 employees
- Unable to accurately measure how much money stays in the local area but those who participate in NTE use transportation, parking, and a wide range of leisure activities from cinema/theatre to restaurants, bars and clubs. Those employed tend to be from the local area so in theory their earnings are retained locally.
- HE institutions benefit indirectly – vibrant and varied nightlife in a culture-rich City environment forms part of their offer to attract students.
- Retailers also benefit and align late-night shopping offers with local restaurants etc. The Norwich BID Company runs the ALERT radio scheme.
- Hotels also benefit – particularly at weekends.
- Taxi companies benefit – all are locally owned.

**How is the council encouraging daytime business activity in Prince of Wales Road?**

- There are a large number of office-based businesses based on and around Prince of Wales Road, particularly in the professional services sector.
- Businesses in the Prince of Wales Road area are engaged through a number of local partnerships and networks and there is a positive working relationship between office-based businesses and those in the leisure sector.

**What image does the council want to present to people arriving in Norwich by train and walking/cycling to the city centre?**

- An attractive, vibrant and safe City.

**Night time economy - to what extent do certain types of NTE business such as nightclubs discourage other current or potential night time economic activity?**

- Norwich is fortunate in that its night-time offer appeals to a very wide range of different people and a variety of different NTE business is spread



throughout the City – theatres, restaurants, pubs, bars, cinemas, live music, nightclubs, take-aways etc are located throughout the city centre and are well served by public transport and ample parking.

**What is the rate of trade union membership among people working in the late night economy?**

- The council does not hold this information

### **Citywide services – licensing, public protection, street cleaning**

**Sexual entertainment venues - what action is taken to check these are not involved in human trafficking? How is the welfare of the people who work in them monitored?**

Our role is to licence the activity and to promote the licensing objectives. Any issues to do with human trafficking are a matter for the police. We do carry out joint enforcement activities with the police and the issue of welfare and trafficking has not arisen.

Staff have a code of conduct they adhere to which sets the boundaries about what is allowed, getting home, friends and relatives visiting venues etc

**What effects are we seeing from 'pre loading' (drinking before going out) and what can be done to alleviate this?**

Pre-loading is an issue which we work with bars and clubs and advise that people are refused entry where they appear to be intoxicated. The SOS bus is available if needed to give advice and help and support to those in need.

**How much does it cost the city council to clean up every morning? What is done to involve the perpetrators/businesses that generate the litter?**

It is difficult to assess the extra costs since much of the area is covered by our normal city centre cleansing regime. We ask for the Prince of Wales Road area and city centre to be clean by 8:00 a.m every morning every day. Please note it is not just litter that is cleared away but the human effects of people partying the night before (vomit, urine and the like). It is estimated that this costs in the region of £50,000 per annum. At present we do not have the resource to involve others in the prevention of litter and other mess.

**Late night levy - what is the status of this at present? Is it to be applied for/thought to be worthwhile?**

The enabling regulations will not be available until 31<sup>st</sup> October. There are costs to administering the proposed system which need to be balanced against the issues experienced in the proposed areas. Until the regulations are available the full effect is not known and investigation into the issues will take place then. We need to balance how many premises will be affected with the costs and the charges that can be made and the split with the police.

**How does the cost of policing, cleaning and dealing with residents' dissatisfactions compare with the economic benefits?**

We have very little information on resident dissatisfaction & policing costs – cleaning costs see above

**ASB reporting and mitigation procedures: are there plans to adapt these for reporting of the type of ASB that arises from late night activity (i.e. what could be termed 'non-point source' ASB).**

There is already a legal procedure in place whereby local residents can ask for a licence review where there are issues caused by a licensed premise. This would then be presented to licensing committee for review along with any ASB reporting evidence.

As a licensing authority we can call in a license for review if there is supporting evidence and one of the other responsible authorities has not already applied for a review.

**What image does the council want to present to people arriving in Norwich by train and walking/cycling to the city centre?**

We aim to have all streets clean by 8:00 am to present the city as a clean place for people to visit.

As part of the new regulations we are investigating Early Morning Restriction Orders (EMRO's) to allow a break between people going home from drinking and people coming into start work

**Are there additional powers or mechanisms the council could use to address problems resulting from the NTE?**

Late night levy, EMRO's and in April next year powers to set own licensing fees subject to govt cap . However please remember resource issues and costs. There are many powers already available but this does depend on priorities and the resource to use them.

**Further questions and answers not available at the meeting, These were circulated separately**

**Budget hotels are a focus for several types of crime associated with the night time economy (sex, drug, violent). What are the statistics on this and how can the city council monitor and work with police and owners to alleviate the problem?**

This is largely a policing matter and that level of data and information is not shared with the council unless there is specific operational reasons.

It is know that the increase of lower cost hotels in the city centre has increased of levels of crime and ASB in and around these premises. The Police have been aware of this for some time and have been working with and supporting the hotels to reduce these levels, which is having success.

**How precisely are the police and city council monitoring and planning to monitor the effect of the recent street light switch off and if it is related to an increase in crime and (as importantly) the fear of crime? What has been done to inform young people of safety measures in the light of the changes?**

The criteria for county council's part lighting scheme includes not switching lighting off in town (city) centres or areas where there is CCTV. This means that the city centre /

late night activity zone is not affected.

Overall it is anticipated that levels of crime will be monitored in areas where lighting has been switched off. It is not known what Norfolk County Council has undertaken to specifically inform young people but there has been considerable publicity and media coverage on the scheme.

**What proportions of serious violence, sex crime, robbery take place in evening/night time and where (as related to crime in Norwich as a whole)?**

This was covered in the presentation

**Compared to other cities of a similar size, how do Norwich's crime figures and cost of policing the night time economy look?**

Crime rates compare favourably, though direct comparisons are not always that easy to make. As a regional capital in a largely rural region, Norwich city centre has a strong influence on crime levels when compared to cities of a similar size which Norwich is often compared against e.g. Derby, York, Exeter

Below are some useful websites where some of the information can be found. The last weblink is a site comparator website and appears to use police data but the accuracy cannot be guaranteed.

<http://www.police.uk/data>

<http://www.ukcrimestats.com/Subdivisions/>

<http://www.crimerrates.co.uk/>

Further information is available from the National Statistics website