

CUMULATIVE IMPACT & SPECIAL POLICY FOR PUBLIC HOUSES AND BARS

86. Cumulative impact refers to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
87. In December 2005, the Council resolved to undertake further consultation on cumulative impact. The Council has taken the following steps in considering whether to adopt a special policy:
- Identification of concern about crime and disorder or public nuisance;
 - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - Consultation with those specified by section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy;
 - Subject to that consultation, inclusion of a special policy about future premises or club premises certificate applications from that area within the terms of the Guidance in the statement of licensing policy;
 - Publication of the special policy as part of the statement of licensing policy required by the 2003 Act.
88. Following further consultation, the Council has recognised that there are substantial problems of low level disorder and nuisance arising outside or some distance from licensed premises in and around parts of Richmond and Twickenham, particularly but not wholly limited to Friday and Saturday evenings between approximately 10.30pm to 11.30pm and from 1.00am to 2.30am, which is related to the licensed economy. With a significant number of licensed premises already in the cumulative impact zones of Richmond and Twickenham, any further pubs or bars or material changes would add to the problems of low level disorder and nuisance currently being encountered. In light of this, it was deemed appropriate and necessary to include an approach to cumulative impact in the licensing policy.
89. The decision to include a special policy was based on the consultation comments and evidence collated, specifically:
- a. Report by Erskine Corporation LLP (“Erskine Report”) plus additional information
 - b. Police report and statistics dated 30 November 2004 and revised report dated May 2005
 - c. Noise complaints against pubs, night cafes and restaurants
 - d. Notices issued under section 80 of the Environmental Protection Act in respect of noise nuisance
 - e. Consultation comments
 - f. Crime Disorder and Substance Misuse Audit 2004
 - g. Letters of objection in relation to public entertainment licences
 - h. Statistics on the number of public entertainment licences in the Borough
 - i. Data received using the telephone hotline and web based reporting

- j. Data received from CCTV in Richmond
 - k. Aide Memoire of John Coates
 - l. Richmond designated dispersal area – results analysis
 - m. Material submitted by Mr Willan dated 29 April 2005
90. For example, the evidence showed that there was a substantial amount of low level nuisance and alcohol related disorder in Richmond and Twickenham town centres, which is often not reported to the police. This was clearly expressed by way of consultation letters received by the Council.

The Erskine Report showed that almost three-quarters of respondents from both Richmond and Twickenham town centres have regularly experienced crime, disorder nuisance and/or anti-social behaviour they believe is linked to the licensed economy. Furthermore 54% of respondents of Richmond and Twickenham are deterred from using the facilities in the town centres at night because they regularly encounter problems. The Research Report found that 80% of respondents believe that there should be a special policy.

The additional information submitted by Erskine Corporation stated that it was “evident that the two town centres do have a considerable problem with low level disorder linked to the licensed economy, in particular to the number of pubs and bars and the types of those pubs and bars.” Furthermore it was stated that the “increase of premises (of the alcohol –led pub and bar type) in number or size would almost certainly add to the low level disorder problems both town centres face.” It was concluded that a special policy could be justified.

The Police statistics showed that there were on average 15 calls a month about disturbances in licensed premises, with 65% of those calls being made between 20.00 hours and 00.59 hours. Furthermore, there are on average 62 calls a month for drunkenness. The statistics demonstrate 50% of such calls occurred between 21.00 and 01.59 hours and 38% of calls occurred on Friday and Saturday.

Special policy on cumulative impact

- 91(a). The special policy is contained below:

Where a relevant representation is received in relation to an application for a new public house or bar or material change of such premises in the cumulative impact zones, there is a presumption that the Licensing Authority will refuse to grant the premises licence unless the applicant can demonstrate that it will not add to the cumulative impact.

“Cumulative impact zone” – Means the cumulative impact zones contained in Appendix H.

“Material change” – Material change is limited to:

- (a) Any material increase of capacity of the premises;
- (b) Any change in the nature of the operation of premises where it changes to include operations as a public house or bar.

“Public house or bar” – Any premises where one of the primary activities is the consumption of alcohol, excluding restaurants.

- 91(b). The presumption does not relieve responsible authorities or interested parties of the need to make relevant representations. If no relevant representations are received in relation to an application for a new public house or bar or material change of the premises in the cumulative impact zone, it would

remain the case that any application must be granted in terms that are consistent with the operating schedule submitted.

91(c). Applicants will need to demonstrate why the operation of the new public house or bar or material change of such premises will not add to the cumulative impact being experienced.

91(d). This special policy is not absolute. The circumstances of each application will be considered. Where a new public house or bar or material change of the premises is unlikely to add to the cumulative impact on the licensing objectives, then the premises licence will be granted. Following receipt of representations in respect of a new application for a public house or bar or material change of the premises in the cumulative impact zone, 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. If after such consideration the licensing authority decides that an application should be refused, it will be for the licensing authority to show that the grant of the application would undermine the promotion of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

91(e). The special policy will be reviewed regularly.

91(f). In implementing the special policy, the Council considered that other mechanisms for controlling cumulative effect were not sufficient to curtail the problems encountered in the cumulative impact zones. The Council considered:

- Planning controls;
- Positive measure 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, ample 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;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event 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 a local resident or business to seek a review of the licence or certificate in question.