

Wiltshire Council

Licensing Committee

8 December 2014

Cumulative Impact Area (CIA) - Salisbury

Summary

This report summarises the evidence and possible benefits and limitations of a Cumulative Impact Area (CIA) for Salisbury.

Licensing Committee requested further information of developing a CIA for Salisbury area. At Licensing Committee on 2 June 2014, the decision was deferred for six months to enable more detailed assessment and further discussions with stakeholders.

Proposal(s)

It is recommended that:

1. After the further analysis of evidence on crime and anti social behaviour a Cumulative Impact Area (CIA) for Salisbury is not appropriate at this time.
2. A review of this special policy should take place regularly to assess if crime levels have significantly changed or if there have been significant changes to the licensing legislation (such as adoption or new licensing objectives).

Reason for Proposal

After further analysis of crime data the current evidence does not justify the implementation of this special policy at this time, but regular review is necessary.

Maggie Rae
Corporate Director

Wiltshire Council

Licensing Committee

8 December 2014

Cumulative Impact Area (CIA) - Salisbury

1. Purpose of Report

- 1.1. To provide further evidence to the Licensing Committee on the benefits and risks of implementing a CIA for Salisbury. This follows the initial report received at the committee meeting on 2 June 2014.
- 1.2. To hold discussions with stakeholders to increase understanding of a CIA and understand its possible impact on work to improve Salisbury and its night time economy.

2. Relevance to the Council's Business Plan

- 2.1. "Wiltshire has a thriving and growing local economy".
- 2.2. "People in Wiltshire work together to solve problems locally and participate in decisions that affect them".
- 2.3. "People are as protected from harm as much as possible and feel safe".

3. Main Considerations for the Council

- 3.1. A CIA would form a special policy within the Statement of Licensing Policy and, as such, is an amendment that will requires approval by Council.

4. Background

- 4.1. Wiltshire Council is the Licensing Authority and is required to discharge its responsibilities under the Act with a view to promoting four licensing objectives, namely:
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance, and
 - The protection of children from harm
- 4.2. The Licensing Act 2003 was designed to be light touch legislation covering a number of "licensable activities". Such activities are defined by the Act as broadly relating to the sale of alcohol, provision of regulated entertainment and provision of late night refreshment. There are close links with national and local strategies to reduce the harm caused by alcohol.

5. A Cumulative Impact – Special Policy (CIA)

- 5.1. A CIA would constitute a special policy, as part of the Statement of Licensing Policy (as required under Licensing Act 2003).
- 5.2. It allows the Licensing Authority to consider the numbers, type and / or density of licensed premises in a specified area in the promotion of the licensing objectives.
- 5.3. Only the impact on the licensing objectives can be considered in this special policy. Additional areas of impact, such as harm to health, are not licensing objectives under the licensing Act 2003.
- 5.4. A CIA introduces a 'rebuttable presumption' that any new application or variation for a premises licence will normally be refused or have certain limitations placed on applications.
- 5.5. The applicant would be required to demonstrate, within the operating schedule, that there would be no negative cumulative impact.
- 5.6. Representations would still be required and does not relieve responsible authorities or others to make a relevant representation. If no representations are made, the Licensing Authority must grant the application in terms consistent with the operating schedule submitted.

6. Potential benefits

- 6.1. The Licensing Authority operates under strict process legislated in the Licensing Act 2003. It must treat each application on its own merits. However, a CIA provides the opportunity to consider the cumulative impact of premises in a given geographical area.
- 6.2. The policy is designed to limit new applications and variations to licensed premises in areas where the concentration is significantly impacting the licensing objectives.
- 6.3. It is important to recognise that this policy will only be activated for new applications or variations. It is designed to stop any further increases in licensed premises. It will not reduce the existing concentration of licensed premises.

7. Potential limitations

- 7.1. A CIA will not deliver reductions in the impact on the licensing objectives in isolation.
- 7.2. Implementing this policy in areas where concentration or the impact of the licensing objectives is not significant may not meet the requirements of the guidance from the Secretary of State. As such, any inappropriate use of this policy may be challenged.

- 7.3. Impact not defined as part of the licensing objectives, such as protection of harm to health, cannot be addressed under this special policy.
- 7.4. The sale of alcohol and provision of late night refreshments will be limited in its entirety and also affect businesses that operate during daytime, evening and night time hours.
- 7.5. Constraining licensed premises applications / variations may inhibit economic growth of licensed premises in the CIA area. There will be a requirement for applications to demonstrate how they will not adversely affect the cumulative impact.
- 7.6. Conversely reducing new entrants into the market could provide licensed premises with monopolies and remove market incentives for good management practices.
- 7.7. Robust night time economy arrangements, including high quality management of premises and enforcement against poorly managed premises, are central to delivering the licensing objectives.
- 7.8. The CIA is a tool that takes considerable time to implement or remove. As a special policy of the Council Licensing Policy it would take significant time to revoke.

8. Requirements for implementing CIA

- 8.1. There should be an evidential basis for the decision to include a special policy within the statement of licensing policy.
- 8.2. The numbers, type and / or density of premises selling alcohol is high or exceptional and causing serious problems of nuisance and disorder.
- 8.3. The risk of cumulative impact is imminent.
- 8.4. Consult with those specified in section 5(3) of the 2003 Licensing Act

9. Evidence for a CIA in Salisbury

- 9.1. The public consultation conducted during summer 2014 highlighted concerns about the impact of the night time economy. There was a positive reaction to the implementation of the CIA policy. However the number of respondents was relatively low and many results were spread across a diverse range of opinion.
- 9.2. Information provided in the report dated 2 June 2014 on the Salisbury CIA, provided crime / ASB totals in proposed CIA in Salisbury compared with other areas of Wiltshire.
- 9.3. Further work has been completed to compare Salisbury with other 'similar' areas to ensure that fair comparisons are made. Due to Wiltshire's low crime levels, it is not robust to solely compare crime levels inside Wiltshire. Rates

in ASB, violent crime and public order have been compared, allowing directly statistical comparisons.

- 9.4. All these places have comparable demographic and socio-economic similarities to Salisbury and provide a robust comparison.
- 9.5. This analysis confirms that Wiltshire has some of the lowest crime levels in England and Wales. Salisbury compares favourably with similar towns and cities.
- 9.6. Rates of crime and ASB in Salisbury are relatively low and perform well in comparison with similar areas. Whilst higher than the rest of Wiltshire, this is expected given the significant rural nature of Wiltshire.
- 9.7. Crime and ASB rates for Salisbury are comparable with similar areas and substantially lower than other larger towns / cities. There is limited evidence that crime is exceptional or high and is causing serious problems with nuisance and disorder.
- 9.8. Crime and ASB levels are relatively stable and no imminent cumulative impact on the licensing objectives is likely.
- 9.9. Of the 12 areas compared, only three have CIA's in place and these cover a focused area. All of these Licensing Authorities keep the evidence under constant review.

10. Wider work to improve the Night Time Economy in Salisbury

- 10.1. Extensive work has been undertaken to gain Purple Flag status for Salisbury City Centre. The scheme requires a comprehensive set of standards and management processes involving all aspects of the night time economy. Salisbury has been developing and improving the night time offer, has recently completed the 2nd assessment and currently awaiting the results.
- 10.2. The coordinated approach by Wiltshire Council, Police, Licensing, City Council, Salisbury BID and premises is providing a focal point to improving the standards of the night-time economy. This work has demonstrated improvements across a range of criteria including physical space, environment, diversity, crime and safety, health and support, regulation, perceptions of the area and partnership working.

11. Conclusions

- 11.1. Salisbury is a well managed night time economy and continuing to improve through Purple Flag and BID efforts.
- 11.2. Local residents, Area Board, City Council and Wiltshire Council recognise that addressing crime and anti-social behavior is a priority.
- 11.3. Whilst a CIA provides an additional regulatory tool, its impact on the continued delivery of the licensing objectives is limited.

- 11.4. This analysis confirms that Wiltshire has some of the lowest crime levels in England and Wales. Salisbury compares favourably with similar towns and cities.
- 11.5. As such, there is limited evidence for a Cumulative Impact Policy at this time.
- 11.6. There is no evidence that the licensing objectives will be imminently affected by not issuing this special policy.
- 11.7. It is recommended that a regular review for this special policy should take place to assess if crime levels have significantly changed, or following legislative change.
- 11.8. Future reviews should provide future policy viability, supported by evidence for special policies before progressing to public consultations stage.

12. Proposal

- 12.1. After the further analysis of evidence on crime and ASB, a CIA for Salisbury is not appropriate at this time
- 12.2. A review of this special policy should take place regularly to assess if crime levels have significantly changed or if there have been significant changes to the licensing legislation (such as adoption or new licensing objectives)

13. Safeguarding Implications

- 13.1. One of the key objectives of the Licensing Act 2003 is 'The Protection of Children from Harm'. Wiltshire Council's Child Protection Team, are a Responsible Authority under the Licensing Act 2003. In this capacity, they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

14. Public Health Implications

- 14.1. The inclusion of the health service as a Responsible Authority under the Licensing Act 2003, which occurred in 2012, enables health bodies to have a say in alcohol licensing. The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered. The lack of a licensing objective related to harm to health limits this as an evidence base to implement this special policy.

15. Environmental and Climate Change Considerations

- 15.1. There is minimal environmental impact of these proposals. Successful application of the licensing functions should reduce the impact of licensable activities on local communities i.e. noise and public disorder

16. Equalities Impact of the Proposal

- 16.1. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

17. Risk Assessment

- 17.1. Licensing is a statutory undertaking.

18. Risks that may arise if the proposed decision and related work is not taken

- 18.1. There are no particular risks identified from any of the proposals.

19. Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

- 19.1. There are no particular risks identified from any of the proposals.

20. Financial Implications

- 20.1. There are no particular risks identified from any of the proposals. However a CIA could provide additional burden and costs onto businesses.

21. Legal Implications

- 21.1. The provisions contained within the Licensing Act 2003 are, in the Government's view, compatible with the requirements of the Human Rights Act 1998. However, whilst it appears that the Licensing Act itself is compatible with the Human Rights Act, there remains an obligation on the authority itself to act in a way that is also compatible with this Act. The possibility of acting in an incompatible way may arise at various stages such as during the review of premises licenses or drawing up the Statement of Licensing Policy. It is therefore incumbent on the authority to remain vigilant to these possibilities at all times as it discharges its responsibilities under the Licensing Act.
- 21.2. The licensing service is a high profile regulatory service, important for protecting the public but also for ensuring the development of the leisure industry and economic viability. Fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

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21 November 2014

Appendices

Appendix 1

1. Evidence for CIA for Salisbury

Background Papers

- Licensing Act 2003
- Secretary of State 182 Guidance
- Police and Social Responsibilities Act 2011
- Wiltshire Council Statement of Licensing Policy 20014-2019
- Cumulative Impact Area – Salisbury, report to Licensing committee 2nd Committee

Appendix 1: Review of Evidence for Cumulative Impact Area in Salisbury

1. Potential benefits

- 1.1. The Licensing Authority operates under strict process legislated in the Licensing Act 2003. It must treat each application on its own merits. However, a CIA provides the opportunity to consider the cumulative impact of premises in a given geographical area.
- 1.2. The policy is designed to limit new applications and variations to licensed premises in areas where the concentration is significantly impacting the licensing objectives.
- 1.3. It is important to recognise that this policy will only be activated for new applications or variations. It is designed to stop any further increases in licensed premises. It will not reduce the existing concentration of licensed premises

2. Potential limitations

- 2.1. A CIA will not deliver reductions in the impact on the licensing objectives in isolation.
- 2.2. Implementing this policy in areas where the concentration or impact of the licensing objectives is not significant may not meet the requirements of the guidance from the Secretary of State. As such any inappropriate use of this policy may be challenged.
- 2.3. Impact not defined as part of the licensing objectives, such as protection of harm to health, cannot be addressed under this special policy.
- 2.4. The sale of alcohol and provision of late night refreshments will be limited in its entirety and will also include businesses that operate during daytime, evening and night time hours.
- 2.5. Constraining licensed premises applications / variations may inhibit economic growth of licensed premises in the CIA area. There will be a requirement for applications to demonstrate how they will not adversely affect the cumulative impact.
- 2.6. Conversely reducing new entrants into the market could provide licensed premises with monopolies and remove market incentives for good management practices.
- 2.7. Robust night time economy arrangements, including high quality management of premises and enforcement against poorly managed premises, are central to delivering the licensing objectives.

- 2.8. The CIA is a tool that takes considerable time to implement or remove. As a special policy of the Council Licensing Policy it would take significant time to revoke.

3. Requirements for implementing CIA

- 3.1. There is clear process laid out for the implementation of cumulative Impact Policy under the Secretary of State of guidance 182.
- 3.2. This states that there should be an evidential basis for the decision to include a special policy within the statement of licensing policy.
- 3.3. The numbers, type and / or density of premises selling alcohol is high or exceptional and causing serious problems of nuisance and disorder.
- 3.4. The risk of cumulative impact is significant and imminent.
- 3.5. Consult with those specified in section 5(3) of the 2003 Licensing Act

4. Evidence for a CIA in Salisbury

- 4.1. Crime data was provided and demonstrated that the area of the proposed CIA had higher levels of crime and anti-social behaviour compared with other areas of Wiltshire and surrounding areas.
- 4.2. The public consultation conducted during summer 2014 highlighted concerns about the impact of the night time economy. There was a positive reaction to the implementation of the CIA policy. However the number of respondents was relatively low and many results were spread across a diverse range of opinion.
- 4.3. Received crime data demonstrates that the area of the proposed area of Salisbury has higher levels of crime and anti-social behaviour compared with other areas of Wiltshire.
- 4.4. Further work has been completed to compare Salisbury with other 'similar' areas to ensure that fair comparisons are made. Due to Wiltshire's low crime levels it is not robust to solely compare crime levels inside Wiltshire. Rates in ASB, violent crime and public order have been compared, allowing directly statistical comparisons.
- 4.5. These places were:
- Andover
 - Bury St Edmunds
 - Dorchester
 - Hereford
 - King's Lynn
 - Salisbury
 - Shrewsbury
 - Stroud

- Sudbury
- Tewkesbury
- Winchester
- Wiltshire Council Area

4.6. All these places have comparable populations and economic similarities to Salisbury and provide a more robust comparison than with just intra-Wiltshire comparisons.

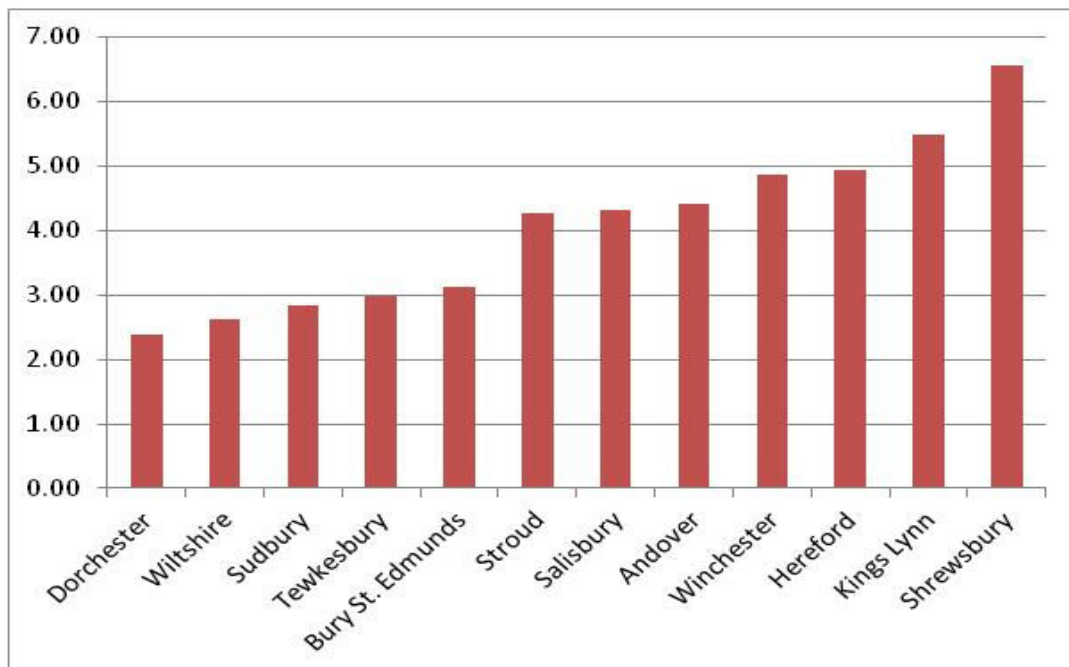
4.7. To provide local context and demonstrate comparable local rates, the Salisbury rates are placed alongside Swindon and Bath.

4.8. This analysis considered offences from Dec 2010 – Sep 2014 and provides significant data points to provide robust average levels.

4.9. Crime rates in Anti Social Behavior, violent crime and public order have been compared across three crime groupings. The crimes analysis did not extract offences only conducted in the night time economy.

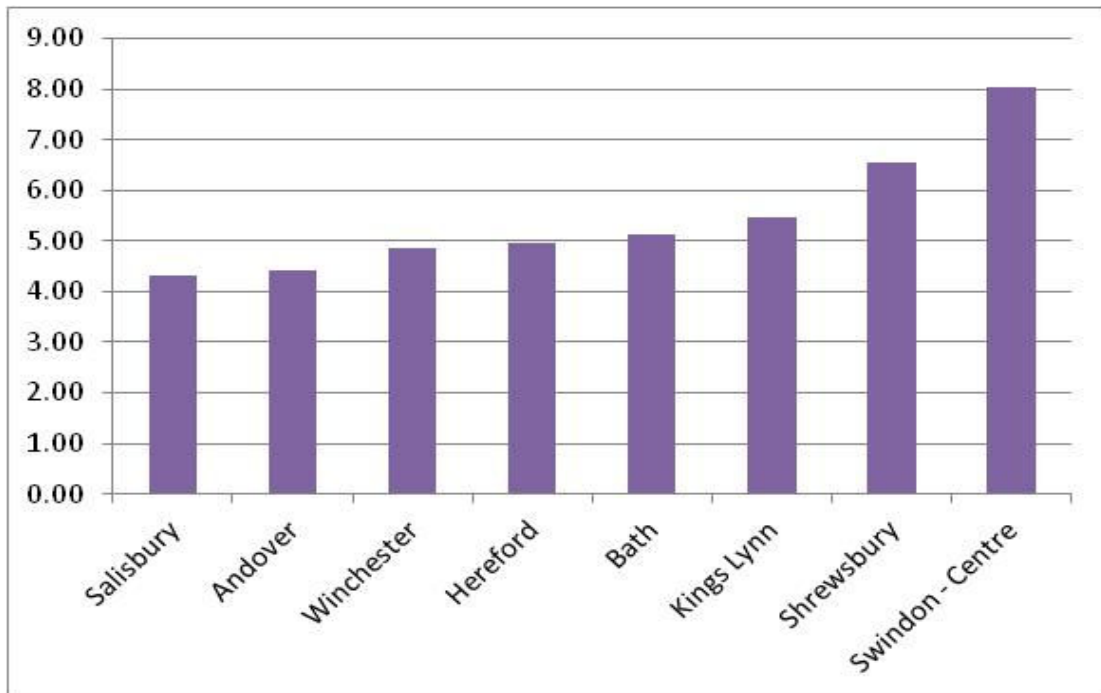
4.10. Rates of ASB in Salisbury are, in comparison with similar areas, within expected levels. Whilst above levels for Wiltshire as whole, this represents the significant rural nature of Wiltshire. It is important to note that other areas of Salisbury have significantly lower rates for ASB compared with comparable locations such as Kings Lynn and Shrewsbury.

Figure 1 – Selected ‘similar’ comparator conurbations average monthly rates of ASB per 1000 residents Dec 10- Sep14 *



4.11. To provide a further regional context, Swindon and Bath also have significantly higher rates than Salisbury.

Figure 2 – Selected ‘similar’ comparator conurbations with Swindon and Bath, average monthly rates of ASB per 1000 residents Dec 10- Sep14*



4.12. Analysis of violent crime rates provides a similar situation with Salisbury having expected rates and compares favorably with similar cities / towns and Bath and Swindon.

Figure 3 – Selected ‘similar’ comparator conurbations average monthly rates of Violent crime per 1000 residents Dec 10- Sep14*

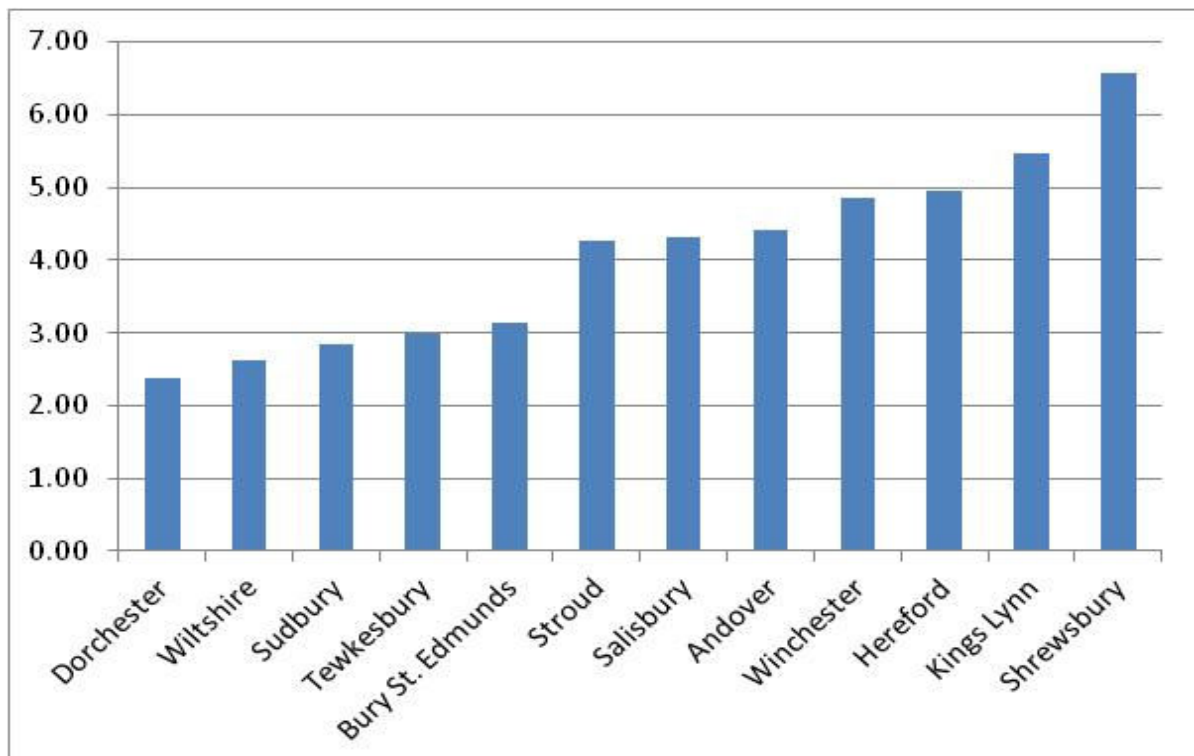
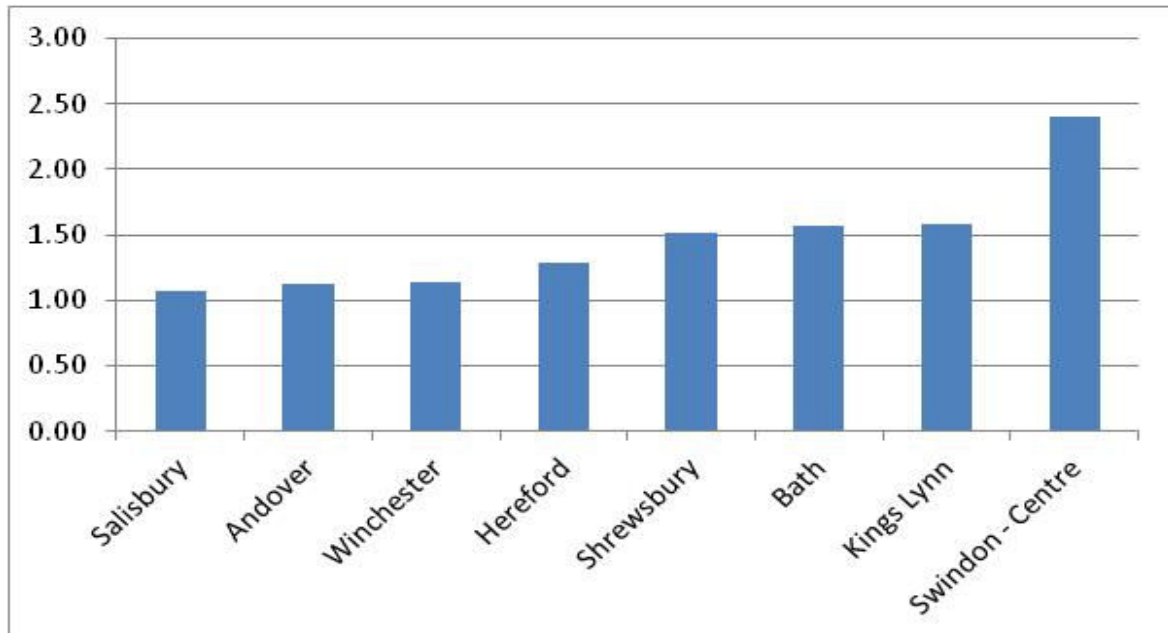


Figure 4 – Selected ‘similar’ comparator conurbations with Swindon and Bath, average monthly rates of Violent crime per 1000 residents Dec 10- Sep14*



4.13. Whilst Public Order offences provide a small number of offences, the significant majority of these will be committed in the night time economy. Salisbury performs strongly and has substantially lower rates than most comparators.

Figure 5 – Selected ‘similar’ comparator conurbations average monthly rates of Public order offences per 1000 residents Dec 10- Sep14*

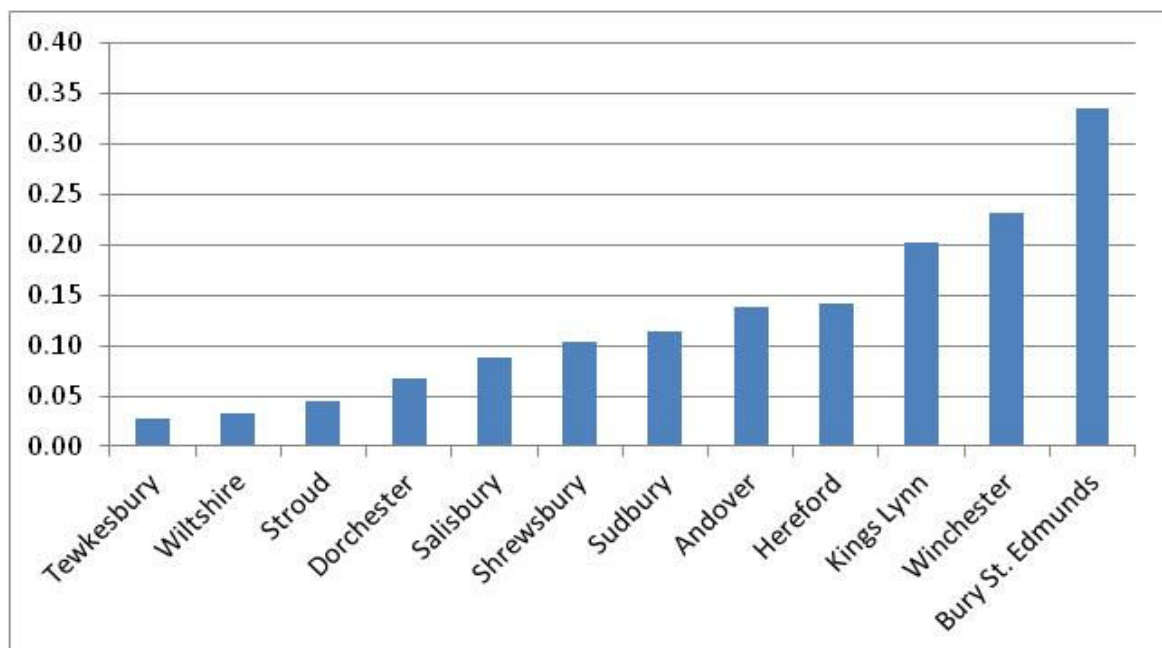
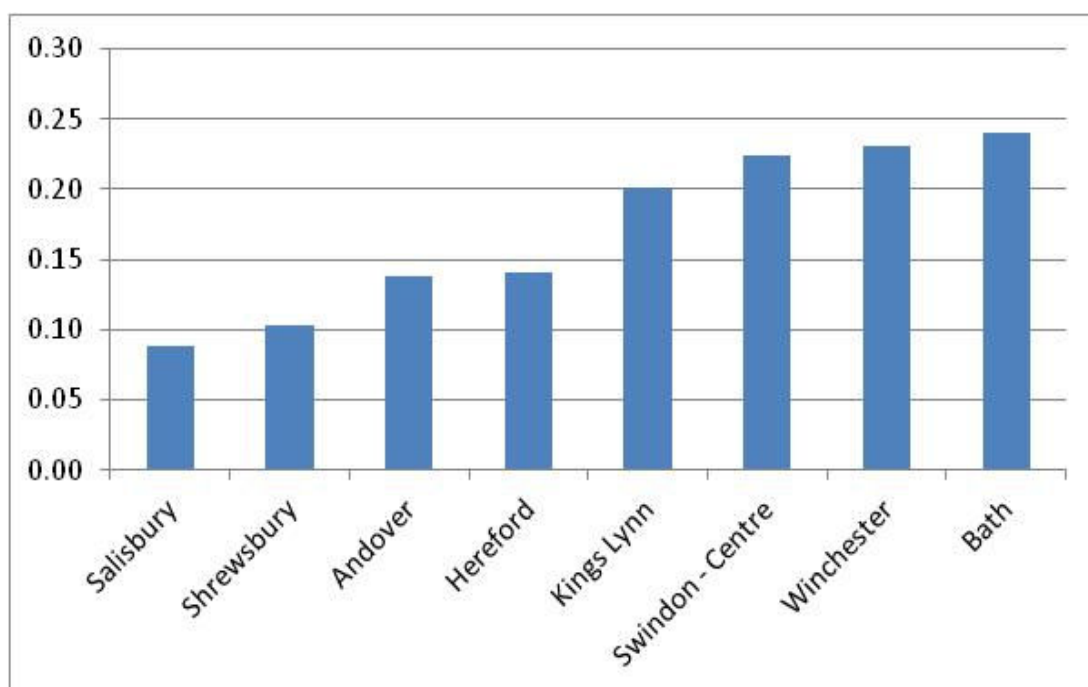


Figure 6 – Selected ‘similar’ comparator conurbations with Swindon and Bath, average monthly rates of Public order offences per 1000 residents Dec 10- Sep14*



- 4.14. This analysis confirms that Wiltshire has some of the lowest crime levels in England and Wales and Salisbury compares favourably with similar towns and cities.
- 4.15. Whilst there is still associated crime and disorder it is not exceptional and is comparably lower for many ‘similar’ towns / cities.
- 4.16. To provide further context, Swindon and Bath have significantly higher rates which compensates for the differences in population. However, they have a greater concentration and prevalence of licensed premises.
- 4.17. Crime and ASB rates for Salisbury are comparable with similar areas and substantially lower than other larger towns / cities. There is limited evidence that crime is exceptional or high and is causing serious problems with nuisance and disorder.
- 4.18. Crime and ASB levels are relatively stable and no imminent cumulative impact on the licensing objectives is likely.

5. Use of CIA special policies

- 5.1. Of the 12 comparison towns / cities only 3 operated CIA special policies
- 5.2. All of the remaining 9 locations do not deem there to be enough evidence to justify this special policy.
- 5.3. All Licensing Authorities keep this under review and respond to changes in circumstances both positive and negative.

6. Wider work to improve the Night Time Economy in Salisbury

- 6.1. Licensing Committee recognises consider the broader work that supports the delivery of the licensing objectives. The Licensing Policy 2014-19 recognises that licensing is one tool in improving the management of night time economies.
- 6.2. Extensive work has been undertaken to gain Purple Flag status for Salisbury City Centre. The scheme requires a comprehensive set of standards, management processes involving all aspects of the night time economy. Salisbury has been developing and improving the night time offer and has recently completed the 2nd assessment to these standards.
- 6.3. The coordinated approach by Police, Licensing, City Council, Salisbury BID and premises is providing a focal point to improving the standards of the night-time economy. This work has demonstrated improvements across a range of criteria including physical space, environment, diversity, crime and safety, health and support, regulation, perceptions of the area and partnership working.

7. Discussions with Stakeholders

- 7.1. Military Rebasing group stated that, due to the increases in personal in Wiltshire, there is a need for increasing leisure and recreational premises. This will require development of the existing service offer and will provide significant commercial potential. A CIA would place restrictions on delivering this benefit to Salisbury and may limit the leisure and recreational facilities on offer.
- 7.2. Salisbury Area Board has requested further information on the impact of this policy and will be provided with this reports assessment. Reducing ASB / Crime was a clear priority. However, members were split on the potential detrimental and positive impacts of this special policy.
- 7.3. City Council believes that this policy is not required at this time and the collective effort to improve the night time economy has delivered positive results.
- 7.4. The Licensing Task Group does not believe that implementing a CIA for Salisbury is required at this time. Substantial positive work has been developing in Salisbury with Licensed Premises supporting these improvements. Members believe that the advantages of this special policy are useful but that current crime levels do not justify this measure.

8. Conclusions

- 8.1. Salisbury is a well managed night time economy and is continuing to improve through Purple Flag and BID efforts.
- 8.2. Local residents, Area Board, City Council and Wiltshire Council recognise that addressing crime and anti-social behavior is priority.

- 8.3. Whilst a CIA provides an additional regulatory tool, its impact on the continued delivery of the licensing objectives is limited.
- 8.4. Analysis of crime and ASB levels in Salisbury demonstrate that it is higher than other places in Wiltshire. However, it has low levels in comparison with similar conurbations and is in line with England and Wales averages.
- 8.5. Wiltshire and Salisbury have low levels of crime and ASB. These comparatively low levels demonstrate that there is limited evidence for a Cumulative Impact Policy at this time.
- 8.6. There is no evidence that the licensing objectives will be imminently affected by not issuing this special policy.
- 8.7. It is recommended that regular reviews for this special policy should take place to assess if crime levels have significantly changed, or following legislative change.
- 8.8. Future reviews should provide future viability and evidence for special policies before progressing to public consultations stage.

9. Proposal

- 9.1. After the further analysis of evidence on crime and ASB, a CIA for Salisbury is not appropriate at this time
- 9.2. A review of this special policy should take place regularly to assess if crime levels have significantly changed or if there have been significant changes to the licensing legislation (such as adoption or new licensing objectives)

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21st November 2014

Background Papers

- Licensing Act 2003
- Secretary of State 182 Guidance
- Police and Social Responsibilities Act 2011
- CIA report 2 June to Licensing committee

* All data sources from www.ukcrimestats.com – from government & constabulary sources.