

# **Licensing Committee**

**Thursday 25 October 2018 at 10.00 am**

**To be held at at the Town Hall,  
Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

**Councillors David Barker (Chair), Josie Paszek (Chair), Andy Bainbridge,  
Lisa Banes, Jack Clarkson, Dawn Dale, Neale Gibson, Adam Hurst,  
Douglas Johnson, Mike Levery, George Lindars-Hammond, Joe Otten,  
Vickie Priestley, Mick Rooney and Cliff Woodcraft**

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## **PUBLIC ACCESS TO THE MEETING**

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The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

If you require any further information please contact John Turner on 0114 273 4122 or email [john.turner@sheffield.gov.uk](mailto:john.turner@sheffield.gov.uk)

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**LICENSING COMMITTEE AGENDA  
25 OCTOBER 2018**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meetings**  
To approve the minutes of the meetings held on 4<sup>th</sup>, 18<sup>th</sup>, 20<sup>th</sup> and 27<sup>th</sup> September and 2<sup>nd</sup> October, 2108
- 6. Licensing Act 2003 - Cumulative Impact Assessments**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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Licensing Sub-Committee

Meeting held 4 September 2018

**PRESENT:** Councillors Josie Paszek (Chair), Lisa Banes and Vickie Priestley

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Mick Rooney.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847 - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 85/18 attended the hearing, and addressed the Sub-Committee.

4.3 The applicant in Case No. 86/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 87/18 attended the hearing, and addressed the Sub-Committee. The licence holder was accompanied by Councillor Mazher Iqbal, in a personal capacity.

4.5 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
85/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of the licence.

86/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence.
87/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the case to enable the licence holder to seek legal representation.

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STREET TRADING CONSENT - BARKERS POOL, SHEFFIELD CITY CENTRE**

- 5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a City Centre Street Trading Consent for Barker's Pool, Sheffield City Centre (Ref No. 88/18).
- 5.2 Present at the meeting were Craig Harper (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Craig Harper presented the report, and it was noted that the current traders at this site, who had been licensed by the City Council since 1982, had given notice of their intention to cease trading at this location, and that this application would replace the existing pitch, times and operation. Mr Harper added that the applicants had been invited to the hearing, but had chosen not to attend. The City Centre Management Team had also been consulted on the application, and had indicated that they were happy with the previous applicants transferring the consent to the new applicants.
- 5.4 **RESOLVED:** That approval be given for the grant of a City Centre Street Trading Consent for Barker's Pool, Sheffield City Centre (Ref No. 88/18) for a period of 12 months, excluding any events held on Barker's Pool.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 18 September 2018

**PRESENT:** Councillors Josie Paszek (Chair), Lisa Banes and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Vickie Priestley.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. LICENSING ACT 2003 - DEVONSHIRE CAT, 49 WELLINGTON STREET, SHEFFIELD S1 4HG**

4.1 The Chief Licensing Officer submitted a report to consider an application, under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of premises known as Devonshire Cat, 49 Wellington Street, Sheffield S1 4HG (Ref no.89/18).

4.2 Present at the meeting were Kate Driver (Objector), Toby Grattidge (Designated Premises Supervisor) and Patrick Robson (Solicitor for the applicant), Craig Harper (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Craig Harper presented the report to the Sub-Committee, and it was noted that an objection to the application to vary the premises licence had been received from one objector, and was attached at Appendix "C" to the report.

4.5 Kate Driver, a local resident, stated that she, along with many other residents in the area were very unhappy with regard to the lack of clarity of the notice of the application and the way it had been displayed. She felt that the general public did not feel empowered to make objections to any licensing applications, and that the wording of the application was very unclear to them. Ms. Driver stated that the application had been made during a "quiet time" in the city centre, when the students were away and the schools were closed. She further stated that, generally, there wasn't any anti-social behaviour from customers of the Devonshire Cat, unlike other licensed premises in the area and had noted that the

application was to bring the opening hours in line with other establishments. She added that she had lived in the area since 1994, when, at the time, it was considered to be a residential area, but felt that the city centre was moving further out towards the Broomhall flats, encompassing it within the night-time economy. Ms. Driver said that noise nuisance up to midnight was annoying but, at weekends, tolerable, however between midnight and 2.30 a.m. it became disruptive and then noise nuisance at 3.30 a.m. became totally unbearable. She accepted that it was difficult to say where the late night revellers were coming from, not necessarily from the Devonshire Cat, but the level of noise and light pollution was causing constant irritation.

- 4.6 In response to questions, Kate Driver stated that she had spoken to other residents who were unaware of the application. She added that when she first lived in the area, the Council used to put notices through letterboxes of residents informing them about forthcoming events, but this no longer happened and it was hard to tell exactly how many residents were affected by the anti-social behaviour and noise nuisance during the early hours of the morning.
- 4.7 Patrick Robson gave a brief history about Abbeydale Brewery, stating that it had been in operation for approximately 20 years and had about 400 outlets nationwide. He stated that the premises were well known as a pub that sold, on the whole, craft beers, and that there was customer demand to stay open the extra hour to prevent them leaving to go elsewhere. Mr. Robson felt that there would be less migration through the city centre were the premises allowed to stay open until 3.00 a.m. He added that it was not the intention to use the extra hour during the week, mainly it would be for Friday and Saturday nights.
- 4.8 At this point in the proceedings, the objector decided that she wanted to leave the hearing. The Chair thanked her for her time and she left.
- 4.9 Toby Grattidge stated that it was becoming more of a necessity to compete with other local late night premises and that it was intended to stay open until 3.00 a.m. on Friday and Saturday nights. He sincerely hoped that the customers of the Devonshire Cat were not responsible for anti-social behaviour and causing noise nuisance and as a business would be very unhappy if that was the case.
- 4.10 Patrick Robson continued by stating that none of the Responsible Authorities had objected to the application and that there was no cumulative impact in place in the area. He noted that the objector's specific issues with regard to the application were general to the area, not specifically to the Devonshire Cat. He added that the applicant was seeking an extension to 3.00 a.m. with a 30 minute wind-down period, whereas other premises close-by stayed open longer with longer wind-down times.
- 4.11 In response to questions from Members of the Sub-Committee, Tony Grattidge stated that the age-range of the clientele varied depending on the time of day. He said that generally those around 50 years of age or over were the teatime drinkers up until 8.00 p.m., after that they were 30 or 40 something, and students very rarely frequented the premises, largely due to the fact that they sold mainly craft beers which tended to be higher in price than other beers. He further stated that if

he were to ask customers to keep the noise down when leaving the premises, they would generally adhere to that request, adding that the premises was not a lively venue, there were no DJs, nor recorded music, just soft background music. Mr. Grattidge said that smokers tended to congregate outside the front door, as there wasn't a beer garden and unfortunately people would talk and laugh whilst stood there in groups.

- 4.12 Patrick Robson summed up by stating that there had never been any issues at the premises, that the Responsible Authorities had not raised any objections and that he had written a "without prejudice" letter to the objector telling her that the line of communication between herself, other residents and the owners of the premises remained open.
- 4.13 Craig Harper outlined the options open to the Sub-Committee.
- 4.14 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.15 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.17 RESOLVED: That in the light of the contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, the application to vary the premises licence in respect of Devonshire Cat, 49 Wellington Street, Sheffield S1 4HG, be granted (Case No. 89/19).

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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**SHEFFIELD CITY COUNCIL**

**Licensing Committee**

**Meeting held 20 September 2018**

**PRESENT:** Councillors Josie Paszek (Chair), David Barker, Dawn Dale, Adam Hurst, Douglas Johnson, Mike Levery, George Lindars-Hammond, Joe Otten and Vickie Priestley

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**1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Andy Bainbridge, Lisa Banes, Jack Clarkson, Neale Gibson, Mick Rooney and Cliff Woodcraft.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. LICENCE FEES REVIEW (DETERMINATION OF FEES) - 2018/19 FINANCIAL YEAR**

4.1 The Chief Licensing Officer submitted a report on the Licensing Fees Review (Determination of Fees) for the 2018/19 financial year, relating to Private Hire Vehicles, Hackney Carriage Vehicles, Hackney Carriage and Private Hire Drivers, and Private Hire Operators. The report attached, as an appendix, a table setting out the proposed increases to the licence fees.

4.2 The report was supported by a presentation from Steve Lonnia (Chief Licensing Officer), who referred to the various Acts and Regulations which the fees must be set in accordance with, details of the Licensing Service's staffing structure, and information on how the fees were set, based on staff allocation of time, in respect of all the different administrative procedures required. Mr Lonnia also referred to the action required, in terms of cost savings, if the proposed increase in fees was not approved, and provided a breakdown of the weekly cost of the fees to drivers, based on the proposed increase. He concluded by providing a comparison of the fees from 2014 to 2018.

4.3 Members of the Committee raised questions, and the following responses were provided:-

- In terms of enforcement, it was not so much a case of knowing how much enforcement work was required, but more a case of utilising the eight full-time posts of Enforcement Officers in the most efficient and productive manner, based on their 37-hour week. The Officers rotated in terms of day and night-

time enforcement. Ideally, the Service could do with more Enforcement Officers, but this would have to be funded through further licence fee increases.

- The taxi licence fees had last been increased in 2016.
- It had been the Service's aim to sell more electronic licences on the basis that they provided a cheaper alternative for drivers, but it had not been able to do so due to the continuing problems with the IT system. At the present time, whilst there were problems with the IT system, the Service was not penalising those drivers who preferred to purchase their licence electronically.
- The licence fees in several of the other licensing systems had increased each year.
- The licence fees were based wholly on the number of hours worked by staff in the Service, and would not be increased by a specific percentage. The cost of the fees in respect of the various different licences was reflective of the work required in processing each type of licence.
- The Service was totally self-financing, therefore was not subsidised to any extent.

4.4 Ibrar Hussain, representing the GMB, referred to the submission made by the GMB in response to the proposal to increase licence fees, which had been circulated to Members prior to the meeting. He stated that, whilst welcoming the information reported as part of the presentation, which had been requested by the trades for some time, there were still a number of outstanding issues that needed addressing. He considered that the report was not as detailed as it should be, and pointed out that the GMB had still not received responses to the questions raised at the Committee meeting in December 2017, despite several requests. Mr Hussain stated that performance of the staff in the Service, including frontline and back-room staff, was not satisfactory, and that enforcement had not been at the level expected of the licence fee payers. He considered that a higher percentage of income raised by the Service, in terms of licence fees, should be allocated towards enforcement work. He stated that drivers were experiencing delays when ringing the Service, and referred to the continuing problems with regard to the IT system, indicating that those drivers wishing to use on-line services were not able to do so, and were therefore being penalised financially. Mr Hussain made specific reference to the lack of consultation held with the trades with regard to the closure of the office on Wednesdays, which he considered unsatisfactory. He raised a number of issues, which he had raised in previous Committee meetings, including a request that the Service be split into two sections – general licensing and a dedicated hackney and private hire taxi section; further exploration regarding private hire operators' fees banding, based on the Transport for London and Doncaster models; the provision of three-yearly audited accounts to the taxi trades; and a request for the Service to be autonomous. Mr Hussain concluded by stating that the GMB strongly objected to the proposed increase in licence fees, and requested that consideration of the report now submitted be deferred, subject to detailed discussions between the Service and taxi trades.



- 4.5 The Chair stated that the Committee only had the remit of looking at the fees, and would not be able to discuss, or make any decisions in terms of, the other issues raised by Mr Hussain relating to the general management of the Licensing Service. In the light of this, she suggested that arrangements be made for the trade representatives to meet with Councillor Jack Scott (Cabinet Member for Transport and Development), the Director of Business Strategy and Regulation and the Chief Licensing Officer, to discuss these issues.
- 4.6 In response, Steve Lonnia stated that he accepted that some elements of the Service were not at a standard expected by the trades and members of the public, and appreciated that the trades were simply fighting for what was best for their members. He confirmed that the Service's accounts were audited by the Council's Audit Service, and were available for inspection on the Council website. With regard to the request for the Licensing Service to be autonomous, Mr Lonnia stated that, whilst he did not totally object to the principle of the request, he considered that this was a discussion for Members. Similarly, Mr Lonnia stated that he would be happy to discuss the private hire operators' fees banding further, but indicated that there was a need to explore this in more detail, based on the Transport for London and Doncaster models. He stressed that it was important that licence fees needed to increase, in order to ensure that there was no further deterioration in the level of service. He stated that he wanted to deliver a quality service, but was struggling due to low staffing levels, and that if there was no increase in the fees, he may have to look at making savings elsewhere within the Service.
- 4.7 Tariq Nazir (GMB) concurred with Mr Hussain's comments, and indicated that he had been a private hire driver with City Taxis for a number of years, and whilst the Company had not increased the fees for some time, it still provided an excellent service to the public.
- 4.8 Ibrar Hussain raised further comments, indicating that the suggested meetings with the Cabinet Member and Director need to be time-lined, and regular, and also pointed out that there were insufficient taxi ranks in the City.
- 4.9 In response, the Chair stated that arrangements would be made for the link to the Licensing Service's accounts, on the Council website, to be sent to the GMB. She added that it would be inappropriate to arrange a time-line in respect of the meetings with the Cabinet Member and Director, as neither were present, to give their approval for holding such meetings, and for arranging specific dates.
- 4.10 Hafeas Rehman (Sheffield Taxi Trades Association) concurred with the previous comments made by the trade representatives, indicating that the current service provided by Licensing was not satisfactory, even bordering on being not fit for purpose. Mr Rehman expressed his frustration, as the service provided to the trades had been excellent in the past and, despite the latest increase in licence fees, there had been a deterioration in the service provided. He believed that taxi drivers were subsidising certain elements of the Service, in the form of their licence fees, and that he was getting extremely frustrated at the poor level of service he was receiving which included, amongst other things, officers failing to respond to calls or emails. Mr Rehman concluded by stating that he was fed up of receiving

apologies, and that action was now required.

- 4.11 The Committee also considered written representations submitted by the Sheffield Taxi Trade Association, which had been circulated to Members prior to the meeting.
- 4.12 In summary, Steve Lonnia highlighted the fact that the consultation period in respect of the proposed increase in fees ended on 4<sup>th</sup> October, 2018 and indicated that, if there were still outstanding objections in place after that date, the Committee would have to meet to determine the fees.
- 4.13 RESOLVED: That the public and press and attendees involved in the meeting be excluded before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.14 Members raised a number of comments with regard to the report now submitted, the information reported as part of the presentation now made and the representations now made, and Marie-Claire Frankie provided legal advice on various aspects of the proposals.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.16 RESOLVED: That the Committee:-
- (a) agrees to defer the decision to determine the fees to a date after the end of the consultation period, on 4th October 2018, and arrangements be made for the taxi trades to have an initial discussion with Councillor Jack Scott (Cabinet Member for Transport and Development) on the issues raised as part of their written representations and the issues raised at the meeting before being presented back to the Committee; and
  - (b) requests that:-
    - (i) that arrangements be made for meetings to be held with Councillor Jack Scott, the Director of Business Strategy and Regulation and the Chief Licensing Officer to discuss the other points raised by the GMB, the Sheffield Taxi Trades Association and the Sheffield Eagle Taxi Association, relating to operational issues within the Licensing Service; and
    - (ii) the Chief Licensing Officer circulates a link to the Licensing Service's accounts, on the Council's website, to the taxi trade representatives and Members of the Committee.

## **5. MINUTES OF PREVIOUS MEETINGS**

- 5.1 The minutes of the meetings of (a) the Licensing Committee held on 26<sup>th</sup> July

2018 and (b) the Licensing Sub-Committee held on 19<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup> June, 10<sup>th</sup>, 12<sup>th</sup>, 19<sup>th</sup> and 31<sup>st</sup> July, and 7<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup> and 28<sup>th</sup> August 2018, were approved as correct records, with the exception of the Licensing Committee meeting held on 26<sup>th</sup> July 2018 – Item 5 – Private Hire Vehicle Policy, which was amended by the deletion of the line ‘he added that he supported the installation of CCTV which would overcome the issue of vast differences in manufacturers’ specifications and personal choice’, in paragraph 5.5.

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# SHEFFIELD CITY COUNCIL

## Licensing Committee

### Meeting held 27 September 2018

**PRESENT:** Councillors David Barker (Chair), Adam Hurst, Douglas Johnson, Mike Levery, Josie Paszek, Vickie Priestley and Mick Rooney

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Andy Bainbridge, Lisa Banes, Dawn Dale and Cliff Woodcraft.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. SAFETY OF SPORTS GROUNDS ACT (AS AMENDED) AND FOOTBALL SPECTATORS ACT 1989 - STADIUM GENERAL SAFETY CERTIFICATES AND SPECTATOR LICENCES**

##### **4.1 Designated Stadium General Safety Certificates**

4.1.1 The Chief Licensing Officer submitted a report to confirm the decision taken by him, under delegated authority, to grant a General Safety Certificate in respect of (a) Hillsborough Stadium, Sheffield Wednesday Football Club and (b) Bramall Lane Stadium, Sheffield United Football Club (Ref 91/18).

4.1.2 Matt Proctor (Sports Grounds and Events Lead Officer) presented the report to the Committee, giving background information and detailed the annual inspection process. He stated that the certificate in respect of Bramall Lane had been issued on 2<sup>nd</sup> August, 2018 and in respect of Hillsborough on 10<sup>th</sup> August, 2018, and copies of both Certificates were available at the meeting for inspection and were also available online. Also, in accordance with the legislation, the new General Safety Certificates were required to be advertised, and a copy of such advertisement was attached to the report at Appendix "A".

4.1.3 In response to questions from Members of the Committee, Matt Proctor stated that the reduced capacity at Hillsborough Stadium remained in place due to physical characteristics relating to access and egress to the Stadium. Matt Proctor further stated that, as the Certifying Authority, should any major incidents occur, the Council may be liable to prosecution. Steve Lonnia added that the Safety of Sports Ground by its very nature was the most technical certificate and that Sheffield could be guilty of being over-cautious, but the Licensing Service

does take the safety of sports grounds seriously and carry out safety checks thoroughly. Steve Lonnia said that he would keep the Committee up to date with any issues that arise, however minor.

4.1.4 RESOLVED: That the Committee noted the decisions of the Chief Licensing Officer (Head of Licensing) to grant an amended and revised General Safety Certificate in respect of the Hillsborough Stadium, Penistone Road, Sheffield S6 1SW and Bramall Lane Stadium, Bramall Lane, Sheffield S2 4SU (Ref No.91/18).

4.2 Sports Ground Safety Authority – Spectator Licences 2018/19

4.2.1 The Chief Licensing Officer submitted a report to inform Members that the Sports Ground Safety Authority (SGSA) had granted licences to permit spectators to watch designated football matches at the following stadiums during the season 2018-19 – Sheffield Wednesday Hillsborough Stadium and Sheffield United Bramall Lane Stadium (Ref 92/18).

4.2.2 Matt Proctor (Sports Grounds and Events Lead Officer) presented the report to the Committee, stating that the respective SGSA Licences and Conditions were attached at Appendix “A” to the report.

4.2.3 In response to questions from Members of the Committee, Matt Proctor stated that both Sheffield clubs adopt a persuasive approach to encourage fans to sit down and that 97-98% of fans do sit down. He added that if the problem persisted in a particular area of a stadium, that part of the stadium could be closed down until there was a suitable resolution to the problem. He further added that it was away supporters who tended to stand up at football games and that the cost of safe standing at the grounds might prove to be excessive.

4.2.4 RESOLVED: That the Committee notes the contents of the report now submitted (Ref.92/18).

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 2 October 2018**

**PRESENT:** Councillors Josie Paszek (Chair), Joe Otten and Vickie Priestley

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Andy Bainbridge attended the meeting as a Member, but was not required to stay.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 91/18 requested that consideration of the case be deferred on the grounds that his representative had not been able to attend the hearing on this day.

4.3 The licence holder in Case No. 87/18 attended the hearing, and addressed the Sub-Committee. The licence holder was accompanied by Councillor Mazher Iqbal in a personal capacity.

4.4 The applicant in Case No. 95/18 attended the hearing with two friends, and they all addressed the Sub-Committee.

4.5 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the meeting, the cases now submitted be determined as follows:-

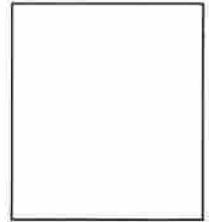
<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
91/18	Application for a Hackney Carriage Vehicle Licence	Defer consideration of the case to enable the applicant to attend a further hearing with a representative.

87/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately suspend the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, until the outcome of the applicant's pending Court case.
95/18	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term of one year, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence, and (b) the applicant be required to complete the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver', and present his Certificate to the Licensing Service, within a period of two years.





## SHEFFIELD CITY COUNCIL Committee Report



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**Report of:** Chief Licensing Officer and Head of Licensing

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**Date:** Thursday, 25<sup>th</sup> October 2018

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**Subject:** Licensing Act 2003 – Cumulative Impact Assessments

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**Author of Report:** Steve Lonnia

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**Summary:** To inform / brief members with regards to law and process for having a “Cumulative Impact Assessment” under the Licensing Act 2003 and to determine what the next steps should be in determining whether Sheffield requires a Cumulative Impact Assessment.

For members to authorise the Chief Licensing Officer & Head of Licensing to carry out all the necessary work required to undertake a formal consultation if required.

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**Recommendations:** See Report

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**Background Papers:** None

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**Category of Report:** OPEN

# **REPORT OF THE CHIEF LICENSING OFFICER & HEAD OF LICENSING TO THE LICENSING COMMITTEE**

**No: 97/18**

## **The Licensing Act 2003 – Cumulative Impact Assessments**

### **1.0 Reasons / Purpose of Report**

- 1.1 To inform / brief members with regards to law and process for having a “Cumulative Impact Assessment” under the Licensing Act 2003 and to determine what the next steps should be in determining whether Sheffield requires a Cumulative Impact Assessment.
- 1.2 For members to authorise the Chief Licensing Officer & Head of Licensing to carry out all the necessary work required to undertake a formal consultation if required.

### **2.0 Background**

- 2.1 The Licensing Act 2003 regulates the sale of alcohol, provision of entertainment and provision of late night refreshment (sale of hot food or drink after 11pm). Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare, consult and publish a “Statement of Licensing Policy” every three years. However in April 2012, this was amended by the Police Reform and Social Responsibility Act 2011 to extend the three year period to every five years.
- 2.2 Sheffield City Council published its first Statement of Licensing Policy in January 2005 and this has been reviewed in accordance with the legislation on four occasions. The Policy is due to be reviewed and consulted upon next year, with a new Policy in place for January 2020.
- 2.3 Cumulative Impact Assessments (CIA) have been around for many years and were used under the old Public Entertainment Licensing (Local Government (Miscellaneous Provisions) Act 1982), Westminster City Council were one of the first Council’s to use such a policy.
- 2.4 There are over 200 Cumulative Impact Assessments in England and Wales, with some Local Authorities having several such assessments in place across their local authority area. For instance the London Boroughs of Newham and Islington both have six.
- 2.5 Sheffield, like Manchester do not have such an assessment in place for their City Centre, however Manchester do have a CIA in other areas of the City. Yet other core northern cities such as Leeds, Nottingham, Newcastle and Liverpool have successful CIA’s in place.

### **3.0 What is Cumulative Impact**

- 3.1 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.
- 3.2 A Cumulative Impact Assessment introduces a presumption against the granting of new (or full variations to existing) premises licences or club premises certificates to sell alcohol from bars, pubs, clubs or shops in a designated area where there is evidence that the number, type or density of premises gives rise to a harmful impact on the promotion of the licensing objectives, specifically problems of nuisance and disorder which may arise outside of premises or even some distance from them.

### **4.0 The Law & Guidance**

- 4.1 Cumulative impact was a concept introduced in previous versions of the Government's Section 182 Guidance issued under the Licensing Act 2003 (the 2003 Act). Nationally, cumulative impact policies have proved popular and are well supported by Licensing Committees and, on appeal, by Magistrates Courts - however they previously had no statutory footing and they were only a concept in the guidance. Local Authorities called for Cumulative Impact Policies to be introduced into the law so that they would have a legal footing. The introduction of the Police and Crime Act 2017 took steps to do just that and this came in to effect on the 6<sup>th</sup> April 2018 (see Appendix A).
- 4.2 The policies provided a rebuttable presumption when considering new or full variations to licences in areas where there is evidence to show the impact of an accumulation of licensed premises is undermining the licensing objectives, unless the applicant can demonstrate that there will be no negative impact on the licensing objectives.
- 4.3 The 2003 Act now states that a licensing authority may publish a document ("a Cumulative Impact Assessment") stating that it considers that the number of premises licences or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in that area and restrict changes to licensable activities of existing licences. A CIA may relate to all authorisations including premises licences and club premises certificates in the area described in the assessment, or parts thereof, or only to authorisations of a specific kind described in the assessment.
- 4.4 The new Section 182 Guidance issued in April 2018 provides more information in relation to such policies in Chapter 14, pages 109 – 115 (see Appendix B).
- 4.5 The changes put CIA's within primary legislation, with a prescribed method for implementing a "Cumulative Impact Assessment" and it provides guidance regarding the source and level of evidence required to put a policy in place.

- 4.6 Members should note that Paragraph 14.28 of the Guidance states "...importantly, the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licence, where the authority considers this to be appropriate in the light of the individual circumstances of the case...."

## **5.0 The Assessment / Process**

- 5.1 A Licensing Authority may publish a document ("A cumulative impact assessment") stating that the licensing authority considers that the number of relevant authorisations (premises licence and/or club premises certificate), in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty to carry out its functions under the 2003 Act with a view to promoting the licensing objectives.
- 5.2 The Licensing Objectives are:-
- the prevention of crime & disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm
- 5.3 The authority must first of all identify a concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular area. Following this the authority would then consider whether there is a clear evidential basis indicating that the licensing objectives are being undermined as a result of the cumulative impact of licensed premises.
- 5.4 The authority should then identify the boundaries of the area where problems are occurring.
- 5.5 The cumulative impact assessment must set out the evidence for the Authority's opinion. Before publishing a CIA the Licensing Authority must consult with;
- the Chief Officer of Police
  - the relevant Fire Authority
  - the Local Health Board(s) for the authority's area
  - the relevant authority for Public Health
  - premises licence holder(s) and/or representatives
  - club premises certificate holder(s) and/or representatives
  - personal licence holder(s) and/or representatives
  - other persons who the Licensing Authority consider to be representative of businesses and residents in its area
  - any other persons that have been previously consulted as part of the Statement of Policy consultation process

5.6 The licensing authority consultation process must provide to the above the following information:-

- the reasons why the licensing authority is considering publishing a cumulative impact assessment;
- a general indication of the part or parts of the authority's area which it is considering describing in the assessment; and
- whether it considers the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.

5.7 The evidence supporting a cumulative impact assessment will have to be reviewed by the licensing authority every three years in order to determine whether the CIA is still appropriate.

## **6.0 Evidential Basis**

6.1 As part of the CIA process the Licensing Authority must set out the evidential basis for its opinion.

6.2 Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA.

6.3 The licensing authority may obtain evidence / information regarding the specific area from the following:-

- local crime & disorder statistics, including statistics of a specific type(s) 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 (residents / residents associations);
- residents questionnaires;
- local and parish councillors; and
- relevant consultation.

6.4 The licensing authority may consider any evidence, alongside its own evidence of the impact of licensable activities within its area. Such information may include;

- trends in applications for that area (types of premises / terminal hours etc.;
- changes in terminal hours of premises;
- premises capacities at different times of the night and expected concentrations of drinkers leaving premises at different times in that area or surrounding area(s).

## 7.0 In Practice

- 7.1 In publishing a CIA the council is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences and club premises certificates in the area identified. The Council must recognise that a CIA should not be absolute.
- 7.2 The Council must have regard to the CIA when determining or revising the Statement of Licensing Policy (SoLP) and must have regard to the CIA, SoLP, the 2003 Act and the Section 182 Guidance when determining applications relating to the grant of new authorisations (premises / club premises) and / or variations to any such authorisations.
- 7.3 The CIA does not change the fundamental way in which licensing decisions are made and it is open to the Council to grant an application where it is appropriate to do so and where the applicant can demonstrate through the operating schedule that their premises/club premises would not add to the cumulative impact.
- 7.4 Applicants will be encouraged to submit a full and thoroughly considered application and operating schedule at the earliest opportunity, giving full consideration to potential cumulative impact issues and setting out the steps to be taken to promote licensing objectives. The onus is on the applicant to demonstrate that, if granted, their authorisation will not add to the cumulative impact, nor will it have any adverse or detrimental effect on the area with regards to the licensing objectives. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, proposed operation and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.
- 7.5 Future applicants making an application in the area covered by a CIA should give consideration to potential cumulative impact issues when setting out the steps to be taken to promote the licensing objectives. The applicant must demonstrate in the application that if granted their authorisation will not add to the cumulative impact or will not have any adverse / detrimental effect in the area with regards to the licensing objectives.
- 7.6 Members should be aware that a CIA does not lead to a blanket ban on the grant of licences and the council can only consider using CIA to refuse an application if relevant representation(s) are made. Where no representation(s) are received the council must grant the licence. Further, CIA's should never be used as a ground for revoking an existing premises licence or club premises certificate where representations are received about problems with those premises.
- 7.7 A cumulative impact assessment does not relieve responsible authorities, local residents and / or residents groups or any other person of the need to make a representation.
- 7.8 When making a representation it can be based on information provided within the CIA, or even just on the fact that a CIA has been published or has previously that the application undermines one or more of the licensing objectives.

- 7.9 The circumstances of each application will be considered properly, taking each case on its own merits, and applications for licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its policy and cumulative impact assessment in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles of operation and characteristics. If the Council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 7.10 There may be some premises that the licensing authority may consider will have no negative impact, however, these are very limited.
- 7.11 Examples of factors the licensing authority may not consider where an application has been received for an authorisation within the cumulative impact area include:
- That the premises will be well managed and run as all licensed premises should meet this standard
  - That the premises will be constructed to a high standard
  - That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint

## **8.0 Other Mechanisms for Managing Cumulative Impact**

- 8.1 Members need to be aware that adopting a CIA is not the only mechanism for controlling issues arising from the licensing of premises and club premises.
- 8.2 The Statement of Licensing Policy (2016) provides a list of other mechanisms outside of the licensing regime that are available for addressing such issues that may lead to cumulative impact, for example:-
- planning controls;
  - 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 authority 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 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;
- the powers given to police, other responsible authorities or other persons to seek a review of a premises licence or club premises certificate;
- early morning restriction orders (EMRO's)

## **9.0 Working Group Submission**

- 9.1 In early 2017 a working group was formed following concerns being expressed by residents, local businesses and elected members regarding the negative impact of licensed premises in the City Centre.
- 9.2 The group was created to discuss whether there was a need for a Cumulative Impact Policy and had representatives from Public Health, South Yorkshire Police, Universities, Legal Services, NHS, SCRAGG, UNITE and DACT. The group was jointly chaired by the Director of Public Health and the Head of Licensing.
- 9.3 Magdalena Boo, Health Improvement Principal was asked to produce the following;
- an Options Report June 2017 (see Appendix C); and
  - a Public Survey/Consultation and collate responses Oct – Dec 2017 (see Appendix D).
- 9.4 Further to the above a power point presentation was produced in 2018 to provide a summary of the findings from the public consultation (see Appendix E).
- 9.5 South Yorkshire Police also submitted an analysis of crime and anti-social behaviour in the possible CIA area for the period April 2017 to November 2017 (see Appendix F).

## **10.0 The Area of Concern**

- 10.1 For several years now the Licensing Authority has highlighted in its Statement of Licensing Policy several areas nearing levels of stress. Two of these areas are now becoming a serious concern with regards to crime and disorder, anti-social behaviour and the general impact on the promotion of the licensing objectives, potentially as a result of a significant number of licensed premises concentrated in these areas.
- 10.2 The area concerned is bordered by Leopold Street, Barkers Pool, Division Street, Devonshire Street, Fitzwilliam Street, Broomhall Street, Cavendish Street, Victoria Street, Glossop Road and West Street. A plan of the area is attached at Appendix G.



## **11.0 Recommendations**

- 11.1 That members instruct the Chief Licensing Officer and Head of Licensing to work with Public Health, South Yorkshire Police and other interested parties to refresh / update the Crime and ASB figures referred as they are now 12 months old.
- 11.2 That members instruct the Chief Licensing Officer and Head of Licensing as to any other evidence or information they would require from the Licensing Service; any Responsible Authority and/or other organisation for consideration before making a final decision following any consultation.
- 11.3 That members instruct the Chief Licensing Officer and Head of Licensing to collate a detailed analysis of all licensing authorisations that are in force for the proposed area. This information should include name of premises, address, licensable activities, opening hours and a brief background / history of premises, and also provide a map showing the location of all authorisations within the specified area.
- 11.4 That members authorise the Chief Licensing Officer and Head of Licensing to prepare the relevant documents / information to commence a consultation should it be considered that a concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular area has been identified following the refresh / update of the evidence above.

## **12.0 Options**

- 12.1 That members carefully consider all of the information in this report, the appendices and the recommendations set out in paragraph 11 above then instruct the Chief Licensing Officer & Head of Licensing as they consider appropriate.

Stephen Lonnia  
Chief Licensing Officer & Head of Licensing  
Business Strategy & Regulation, Place  
Staniforth Road Depot, Staniforth Road  
September 2018

# Appendix A

- (b) an article specified, or of a description specified, in regulations made by statutory instrument by the Secretary of State.
- (5) In this section, “qualifying musical event” means an event at which one or more live musical performances take place and which is specified, or of a description specified, in regulations made by statutory instrument by the Secretary of State.
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

## PART 7

### ALCOHOL AND LATE NIGHT REFRESHMENT

#### *Licensing*

#### **135 Meaning of “alcohol”: inclusion of alcohol in any state**

In the Licensing Act 2003, in section 191(1) (meaning of “alcohol”) after “liquor” insert “(in any state)”.

#### **136 Interim steps pending review: representations**

- (1) In the Licensing Act 2003, section 53B (interim steps pending review) is amended as follows.
- (2) In subsection (6) at the beginning insert “Subject to subsection (9A),”.
- (3) After subsection (9) insert—
  - “(9A) Where the relevant licensing authority has determined under subsection (8) whether to withdraw or modify the interim steps taken, the holder of the premises licence may only make further representations under subsection (6) if there has been a material change in circumstances since the authority made its determination.”

#### **137 Summary reviews of premises licences: review of interim steps**

- (1) The Licensing Act 2003 is amended as follows.
- (2) Section 53C (review of premises licence following review notice) is amended as follows.
- (3) In subsection (2)—
  - (a) at the end of paragraph (a) insert “and”,
  - (b) in paragraph (b) omit “and”, and
  - (c) omit paragraph (c).
- (4) After subsection (11) insert—
  - “(12) Section 53D makes provision about the application and review of any interim steps that have been taken under section 53B in relation to a premises licence before a decision under this section comes into effect in relation to the licence.”

(5) After section 53C insert –

**“53D Interim steps pending section 53C decision coming into effect**

- (1) At the hearing to consider an application for a review under section 53A, the relevant licensing authority must review any interim steps that have been taken by the relevant licensing authority under section 53B that have effect on the date of the hearing.
- (2) In conducting the review under this section, the relevant licensing authority must –
  - (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives;
  - (b) consider any relevant representations; and
  - (c) determine whether to withdraw or modify the interim steps taken.
- (3) The power of the relevant licensing authority on a review under this section includes a power to take any of the following interim steps –
  - (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - (c) the removal of the designated premises supervisor from the licence;
  - (d) the suspension of the licence;and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- (4) Any interim steps taken under subsection (3) apply until –
  - (a) the end of the period given for appealing against a decision made under section 53C,
  - (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
  - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under paragraph (a) or (b)).
- (5) Any interim steps taken under section 53B in relation to a premises licence cease to have effect when the decision made under section 53C comes into effect.
- (6) In subsection (2) “relevant representations” means representations which –
  - (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (7).
- (7) The requirements are –
  - (a) that the representations are made by the holder of the premises licence, a responsible authority or any other person within the period prescribed under subsection 53A(3)(e),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

- (8) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (9) A decision under this section may be appealed (see paragraph 8B of Part 1 of Schedule 5 (appeals: premises licences)).”
- (6) Part 1 of Schedule 5 (appeals: premises licences) is amended as follows.
- (7) After paragraph 8A (summary review of premises licence) insert—
- “Review of interim steps*
- 8B (1) This paragraph applies where a review of interim steps is decided under section 53D (review of interim steps at a summary review of a premises licence).
- (2) An appeal may be made against that decision by—
- (a) the chief officer of police for the police area (or each police area) in which the premises are situated, or
  - (b) the holder of the premises licence.
- (3) An appeal under this paragraph must be heard by the magistrates’ court within the period of 28 days beginning with the day on which the appellant commenced the appeal (see paragraph 9(2)).”
- (8) This section does not apply to an application made under section 53A of the Licensing Act 2003 (summary reviews on application of senior police officer) where a decision in relation to that application has been made under section 53C (review of premises licence following review notice) before the coming into force of this section.

### 138 Personal licences: licensing authority powers in relation to convictions

- (1) The Licensing Act 2003 is amended as follows.
- (2) In section 10(4)(a) (functions that may not be delegated to an officer) after subparagraph (xii) insert—
- “(xiii) section 132A(8) and (12) (revocation or suspension of licence by local authority where it becomes aware of convictions or immigration penalties),”.
- (3) After section 132 (licence holder’s duty to notify licensing authority of convictions) insert—

#### **“132A Convictions etc of licence-holder: powers of licensing authority**

- (1) This section applies where a licensing authority has granted a personal licence and it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that the holder of the licence (“the licence holder”) has been, at any time before or after the grant of the licence—
- (a) convicted of any relevant offence or foreign offence, or
  - (b) required to pay an immigration penalty.
- (2) But this section does not apply at any time when in the case of a licence holder who has been convicted of any relevant offence or foreign offence—

- (a) the licence holder has appealed against a conviction for, or any sentence imposed in relation to, a relevant offence or foreign offence and that appeal has not been disposed of, or
  - (b) the time limit for appealing against such a conviction or sentence has not expired.
- (3) The relevant licensing authority may –
  - (a) suspend the licence for a period not exceeding six months, or
  - (b) revoke the licence.
- (4) If the relevant licensing authority is considering whether to suspend or revoke the licence, the authority must give notice to the licence holder.
- (5) A notice under subsection (4) must invite the licence holder to make representations regarding –
  - (a) the relevant offence, foreign offence or immigration penalty that has caused the relevant licensing authority to issue the notice,
  - (b) any decision of a court under section 129 or 130 in relation to the licence, and
  - (c) any other relevant information (including information regarding the licence holder’s personal circumstances).
- (6) The licence holder may make representations under subsection (5) to the relevant licensing authority within the period of 28 days beginning with the day the notice was issued.
- (7) Before deciding whether to suspend or revoke the licence the relevant licensing authority must take into account –
  - (a) any representations made by the licence holder under this section,
  - (b) any decision of a court under section 129 or 130 of which the licensing authority is aware, and
  - (c) any other information which the authority considers relevant.
- (8) Having taken into account the matters described in subsection (7) the relevant licensing authority may make a decision whether to suspend or revoke a licence, unless subsection (9) applies.
- (9) This subsection applies where the relevant licensing authority has taken into account the matters described in subsection (7) and proposes not to revoke the licence.
- (10) Where subsection (9) applies the authority must –
  - (a) give notice to the chief officer of police for its area that it proposes not to revoke the licence, and
  - (b) invite the officer to make representations regarding the issue of whether the licence should be suspended or revoked having regard to the crime prevention objective.
- (11) The chief officer of police may make representations under subsection (10)(b) to the relevant licensing authority within the period of 14 days beginning with the day the notice was received.
- (12) Where the relevant licensing authority has given notice to the chief officer of police under subsection (10)(a), the authority must take into account –

- (a) any representations from the officer, and
  - (b) the matters described in subsection (7),
- and then make a decision whether to suspend or revoke the licence.
- (13) The relevant licensing authority must give notice of any decision made under subsection (8) or (12) to the licence holder and the chief officer of police, including reasons for the decision.
- (14) A decision under this section does not have effect—
- (a) until the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, until the appeal is disposed of.
- (15) A decision under subsection (8) or (12) may be appealed (see paragraph 17(5A) of Part 3 of Schedule 5 (appeals: personal licences)).”
- (4) In paragraph 17 of Part 3 of Schedule 5 (appeals: personal licences) after subparagraph (5) insert—
- “(5A) Where a licensing authority revokes or suspends a personal licence under section 132A(8) or (12) the holder of the licence may appeal against that decision.”

### 139 Licensing Act 2003: addition of further relevant offences

- (1) Schedule 4 to the Licensing Act 2003 (personal licence: relevant offences) is amended as follows.
- (2) In paragraph 18 (sexual offences), after paragraph (a) insert—
- “(aa) listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);”.
- (3) After paragraph 19 (violent offences) insert—
- “19A An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).”
- (4) After paragraph 22 (fraud offences) insert—
- “22ZA An offence under any of the following provisions of the Violent Crime Reduction Act 2006—
- (a) section 28 (using someone to mind a weapon);
  - (b) section 36 (manufacture, import and sale of realistic imitation firearms).”
- (5) After paragraph 23A (offences under the Psychoactive Substances Act 2016) insert—
- “23B An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).”

### 140 Licensing Act 2003: guidance

In the Licensing Act 2003, in section 182 (guidance) omit subsections (2) and (4) to (6).

#### 141 Cumulative impact assessments

- (1) The Licensing Act 2003 is amended as follows.
- (2) In section 5 (statement of licensing policy), after subsection (6C) insert—
  - “(6D) In determining or revising its policy, a licensing authority must have regard to any cumulative impact assessments published by it under section 5A.
  - (6E) A licensing statement must—
    - (a) summarise any cumulative impact assessments published by the licensing authority under section 5A, and
    - (b) explain how the licensing authority has discharged its duty under subsection (6D).”
- (3) After section 5 insert—

##### “5A Cumulative impact assessments

- (1) A licensing authority may publish a document (“a cumulative impact assessment”) stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority’s duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.
- (2) A cumulative impact assessment must set out the evidence for the authority’s opinion as set out in the assessment in accordance with subsection (1).
- (3) For the purposes of this section, “relevant authorisations” means—
  - (a) premises licences;
  - (b) club premises certificates.
- (4) A cumulative impact assessment may relate to all relevant authorisations or only to relevant authorisations of a kind described in the assessment.
- (5) Before publishing a cumulative impact assessment, the licensing authority must consult the persons mentioned in section 5(3).
- (6) For the purposes of the consultation, the licensing authority must provide the persons mentioned in section 5(3) with the following information—
  - (a) the reasons why it is considering publishing a cumulative impact assessment;
  - (b) a general indication of the part or parts of its area which it is considering describing in the assessment;
  - (c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.
- (7) Where a licensing authority publishes a cumulative impact assessment, it must, before the end of each relevant period, consider whether it remains of the opinion stated in the assessment.



- (8) Before deciding whether it remains of that opinion, the licensing authority must consult the persons mentioned in section 5(3).
- (9) If the licensing authority is no longer of that opinion –
  - (a) it must publish a statement to that effect, and
  - (b) the duties in section 5(6D) and (6E) and subsection (7) of this section cease to apply in relation to the assessment.
- (10) If the licensing authority remains of that opinion, it must revise the cumulative impact assessment so that it –
  - (a) includes a statement to that effect, and
  - (b) sets out the evidence as to why the authority remains of that opinion.
- (11) A licensing authority must publish any revision of a cumulative impact assessment.
- (12) In subsection (7), “relevant period” means the period of three years beginning with the publication of the cumulative impact assessment or a revision of the cumulative impact assessment.”

*Late night levy*

**142 Late night levy requirements**

- (1) Section 125 of the Police Reform and Social Responsibility Act 2011 (late night levy requirement) is amended as follows.
- (2) For subsections (1) and (2) substitute –
  - “(1) In this Chapter, “a late night levy requirement” means a requirement to pay a late night levy in accordance with this Chapter.
  - (2) A licensing authority may decide that a late night levy requirement is to apply in its area or in a part of its area in respect of –
    - (a) relevant late night alcohol authorisations relating to premises in the area or the part, or
    - (b) relevant late night alcohol authorisations and relevant late night refreshment authorisations relating to premises in the area or the part.
  - (2A) Accordingly, references in this Chapter to a late night authorisation to which a late night levy requirement relates are references to any relevant late night alcohol authorisation or relevant late night refreshment authorisation in respect of which the late night levy requirement applies.
  - (2B) A licensing authority may decide under subsection (2) that different late night levy requirements are to apply in different parts of its area.”
- (3) In subsection (3)(a), after “supply of alcohol” insert “or late night refreshment”.
- (4) Omit subsection (4).
- (5) Schedule 18 makes further amendments of Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (late night levy).

# Appendix B

licensing policy.

## **The cumulative impact of a concentration of licensed premises**

### **What is cumulative impact?**

- 14.20 The concept of “Cumulative impact” has been described within this guidance and used by licensing authorities within their statements of licensing policy since the commencement of the 2003 Act. ‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 14.21 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may 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.
- 14.22 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, 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.
- 14.23 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 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.

### **Cumulative impact assessments**

- 14.24 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 14.25 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act. The 2003 Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a

licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.

- 14.26 The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion.
- 14.27 CIAs 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 refreshment providers which are not licensed to sell alcohol. A CIA may relate to all premises licences and club premises certificates in the area described in the assessment or parts thereof, or only to premises of a particular kind described in the assessment. For example, it may be appropriate for the licensing authority to only include off-licences or nightclubs within the scope of its assessment. The licensing authority must make clear, when publishing its CIA, which premises types it applies to. CIAs do not apply to TENs; however it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within a CIA when objecting to a TEN.
- 14.28 While the evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area subject to a CIA therefore still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case.

### **Evidence of cumulative impact**

- 14.29 As noted above, there must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on 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 and parish councillors; and
  - evidence obtained through local consultation.

- 14.30 The licensing authority may consider this evidence, alongside its own evidence of 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.
- 14.31 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.
- 14.32 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.
- 14.33 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 publish a CIA. The CIA 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 14.46.

### **Steps to publishing a cumulative impact assessment**

- 14.34 The steps to be followed in considering whether to publish a CIA are summarised below.
- Identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
  - 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 there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that 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. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).
  - For the purposes of the consultation provide the persons specified in section 5(3) with the following information:
    - the reasons why it is considering publishing a CIA;

- a general indication of the part or parts of its area which it is considering describing in the assessment;
- whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.
- Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the particular kinds of premises the assessment relates to. Licensing authorities are not restricted to using general terms such as on-trade, off-trade and late night refreshment providers, and can apply their own descriptions such as vertical-drinking bars and night clubs if appropriate.
- Summarise the licensing authority's opinion in light of the evidence of cumulative impact (or any revision to an existing opinion) in the licensing policy statement and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A. The summary within the licensing policy statement should include, but is not limited to: the nature of the problems identified and the evidence for such problems; the geographical extent of the area covered by the assessment; the types of premises described in the assessment; and the types of applications for which it would likely be inconsistent with the licensing authority's duty to promote the licensing objectives to grant.

## Reviewing the CIA

- 14.35 After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3). If having consulted with the statutory list of persons the licensing authority decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to the CIA in its licensing policy statement no longer applies. The licensing authority should remove any reference to the CIA within its licensing policy statement at the earliest opportunity.
- 14.36 If having consulted the licensing authority decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion. It will be important for any evidence included in the revised CIA to be robust and relevant to the current problems described. This is likely to involve the collation of fresh or updated evidence of the kind described in the above section on evidence of cumulative impact. The licensing authority must also at this stage publish any other material change to the assessment. For example if the types of premises or area described in the assessment have changed due to a shift in the nature of the problems being experienced or where there is evidence of the emergence of a new type of problem.
- 14.37 In each case the three year period for reviewing a CIA begins with the original date of the publication of the CIA or the date that a CIA was last revised. Where a licensing policy statement as a whole is due for review, under the five year review period under section 5(4), and this occurs before the end of the three year CIA review period, licensing authorities may wish to use this as an opportunity to carry out a review of the evidence in support of the CIA. However, licensing authorities are free to carry out consultations and reviews of their CIAs (and/or licensing policy statements) at more regular intervals if they consider this to be appropriate.

- 14.38 As Cumulative Impact Policies were not part of the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within three years of the commencement of the legislation on CIAs or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs adhere to the principles in the legislation (in particular concerning relevant evidence and consultation).

### **Effect of cumulative impact assessments**

- 14.39 When publishing a CIA a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described. The evidence is used to justify the statement in the CIA that it is likely that granting further premises licences and/or club premises certificates in that area (limited to a kind described in the assessment), would be inconsistent with the authority's duty to promote the licensing objectives.
- 14.40 In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.
- 14.41 The CIA must also stress that it does not relieve responsible authorities (or any other persons) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published. It remains incumbent on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 14.42 The absence of a CIA 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. However, in each case it would be incumbent on the person

making the representation to provide relevant evidence of cumulative impact.

- 14.43** As noted above, CIAs 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 publishing a CIA, 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 CIA.

## **Limitations on special policies relating to cumulative impact**

- 14.44** A CIA 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 CIA 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 or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 14.45** CIAs 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 17). The “cumulative impact” on the promotion of the licensing objectives of a concentration of 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.
- 14.46** CIAs must not impose quotas based on either the number of premises or the capacity of those premises. This is because quotas that indirectly have the effect of predetermining the outcome of any application would have no regard to the individual characteristics of the premises concerned.

## **Other mechanisms for controlling cumulative impact**

- 14.47** Once away from the licensed premises, a minority of consumers will behave badly. 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, including best practise schemes such as Best Bar None, Pubwatch or BIDs;
- Community Protection Notices;
- 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);
- Raising a contribution to policing the late night economy through the Late Night Levy.
- Early Morning Alcohol Restriction Orders (see Chapter 17).

14.48 As part of its licensing policy statement, the licensing authority may also wish to consider the use of alternative approaches such as fixed closing times, staggered closing times and zoning. Such policy restrictions would need to be evidence-based and would be subject to the merits of each case in accordance with what is appropriate for the promotion of the licensing objectives. The licensing authority would be **expected** to justify the use of such measures as an appropriate means of managing problems in its area.

## Public Spaces Protection Order

14.49 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014<sup>15</sup>. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the local police. DPPOs will continue to be valid for a period of three years following commencement of the PSPO in October 2014. Once that three year period expires, they will be treated as a PSPO and enforceable as such. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times<sup>16</sup>. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

14.50 It should be noted that when one part of a local authority seeks a premises licence of this kind from the licensing authority, the licensing committee and its officers **must** consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they must be considered **fairly** by the committee. Anyone making a representation that is genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority

<sup>15</sup> For full guidance on the PSPO please see the statutory guidance on the 2014 Act: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2.pdf)

<sup>16</sup> Licensed premises in general are exempt from the effect of a PSPO.

would be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision.

## Licensing hours

- 14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 14.52 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

## Children

- 14.53 It is an offence under the 2003 Act to:
- permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a TEN; and
  - to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or TEN.
- 14.54 Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the offences under the 2003 Act. The expression 'exclusively or primarily' should be given its ordinary and natural meaning in the context of the particular circumstances.
- 14.55 Where it is not clear that the business is predominately for the sale and consumption of alcohol, operators and enforcement agencies should seek to clarify the position before enforcement action is taken. Mixed businesses may be more difficult to classify and in such cases operators and enforcement agencies should consult where appropriate

# Appendix C

<b>Report Title:</b> Cumulative Impact Policies (CIP) – Options for Sheffield			
<b>Meeting:</b> 7 <sup>th</sup> June 2017 (updated 15 <sup>th</sup> June 2017)			
<b>Report Author:</b> Magdalena Boo Health Improvement Principal – Environment, Transport, Planning & Sustainability			
<b>Contact Number:</b> 0114 205 7470 (int 57470)		<b>Portfolio:</b> Office of the Director of Public Health	
<b>Purpose:</b> To provide a range of options to address alcohol related issues in the West St area			
<b>For Decision</b>		<b>Progress Update</b>	
<b>For Steer</b>		<b>Other (for information/discussion)</b> x	
<b>Report Summary:</b> <ul style="list-style-type: none"> <li>• Cumulative Impact Policies (CIPs) aim to address the concentration of licensed premises in a particular area. They are a tool which Local Authorities can use to reduce the impact on the licensing objectives of: the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm;</li> <li>• There must be an evidential basis decision to introduce a CIP and this report aims to collate evidence against the CIP criteria;</li> <li>• Sheffield City Council is exploring whether a CIP would address problems relating to anti-social behaviour and nuisance associated with particular areas of the city centre with a proliferation of licensed premises e.g. West St;</li> <li>• Sheffield City Council has a range of other measures in place to promote a vibrant city centre and a culture of responsible alcohol consumption and these include the Purple Flag and Best Bar None scheme;</li> <li>• CIP is one option for dealing with the prevention of public nuisance but is not the only or best option in all circumstances, therefore this report contains an option appraisal of a range of possible options;</li> </ul>			
<b>Recommendations</b> <ul style="list-style-type: none"> <li>- The problems are mapped and defined for each geography for which a CIP is proposed– the community/residents should be involved;</li> <li>- There is a realistic appraisal as to whether a CIP will address the problems identified;</li> <li>- Alternative options are considered if these provide better “fit” to address local problems;</li> <li>- Adoption of a CIP includes evaluation against the baseline evidential measures used to apply for a CIP;</li> </ul>			

## Introduction

Local Authorities have responsibility for licensing decisions under the Licensing Act 2003. Cumulative Impact Policies (CIPs) sit outside the act, but are discussed in Home Office section 182 guidance (March 2015) which refers to the potential impact of a concentration of licensed premises in an area (Woodhouse, 2017, p3).

CIPS create a “rebuttable presumption” that applications for a license which are likely to add to the cumulative impact will be refused unless the applicant can demonstrate no negative cumulative impact on the licensing objectives (Woodhouse, 2017, p3).

There must be an “evidential basis” for an application for a CIP which must be reviewed every three years (Woodhouse, 2017, p3, p7), this can include:

- Local crime and disorder statistics
- 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

Sheffield is currently exploring whether there is sufficient evidence to consider a CIP in relation to some areas of the city centre where there is a concentration of licensed premises and local concerns about alcohol related nuisance and harm e.g. West St. Action 25 within Sheffield’s Alcohol Strategy 2016 is to explore the use of CIP in the city.

Before a Local Authority applies for a CIP it must identify problems in the area associated with the Licensing Act objectives (crime and disorder, public safety, public nuisance, protection of children from harm) and must consider if these problems are being caused by the customers of licensed premises, or whether cumulative impact is imminent (Woodhouse, 2017, p5). The Local Authority must also identify geographical boundaries – specific streets or localities – where the problems are occurring. License applications put forward for these areas will still be considered individually on their merits and the CIP cannot be used as a ground for revoking existing licenses (Woodhouse, 2017, p6).

Sheffield actively manages its night time economy through a range of measures including the Purple Flag Scheme, Best Bar None scheme, fixed penalty notice waiver scheme and U-Night Meetings to promote responsible retailing and consumption of alcohol, and a good relationship between customers, retailers and the authority and enforcement agencies. Sheffield is the only Core City, aside from Nottingham to have both a current BBN and Purple Flag.

CIP is an additional option but is not the only option or the best option for all circumstances and therefore this report outlines a number of different alternative options.

## Options Appraisal – CIP and alternatives

An appraisal of options follows, these are not either/or options, and there may be additional options to be explored. The options are not given in any particular order of priority or effectiveness. Sheffield's Statement of Licensing Policy (2016) lists a number of methods for addressing cumulative impact which could be explored in more detail.

- planning controls;
- 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;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate; and
- Early Morning Alcohol Restriction Orders (EMROs).

<b>Option 1 – “do nothing” Business As Usual</b>	<b>Benefits</b>	<b>Risks</b>
<p>Sheffield already has Purple Flag status for a safer night time economy and an award winning Best Bar None Scheme.</p> <p>Sheffield has a City Centre Management Team and specific task groups to deal with problems associated with alcohol and anti-social behaviour.</p> <p>The Local Policing Team work closely with partners to manage crime and disorder.</p> <p>License applications are reviewed and revoked where necessary by the Local Authority.</p>	<p>This is resource effective as it requires no additional activity or intervention.</p> <p>The interventions in place are sufficient for Sheffield to be considered a city with a safer night time economy.</p>	<p>Business as usual may be sufficient to contain the current situation but does not address the potential “tipping point” where additional licensed premises in certain areas may have a cumulative impact.</p> <p>There have been concerns raised already by the Sheffield City Centre Residents Group and there is expected to be growth in city centre residential properties which could exacerbate the situation in terms of exposure of additional residents to noise, nuisance and anti-social behaviour.</p>

Option 2 – Reducing the Strength Schemes (RTS)	Benefits	Risks
<p>Reducing the Strength Schemes (RTS) place restrictions on the sale of certain products both in the on and off trade e.g. rapid intoxication drinks (shots, alcohol + energy drinks) or super strength alcohol products.</p> <p>RTS schemes are in place in England and Wales and are voluntary schemes. The schemes usually apply to drinks over 6.5% alcohol by volume (abv)</p>	<p>This policy scores 5 (on a scale of 3-9) in a report by Foster et al (2017) and is therefore moderately effective but not as effective as CIP (which scores 7).</p> <p>Ipswich and Portsmouth have reported impressive results in terms of reduction of street drinking as a result of RTS schemes (73% and 80% respectively) but it is not clear if this can all be attributable to this single policy. In Ipswich, two thirds of 147 off-licenses participated in the scheme to deter disruptive customers from stores, reduce neighbourhood disruption and maintain a good relationship with the Local Authority.</p> <p>Exploring reducing the strength schemes is Action 30 within the Sheffield Alcohol Strategy.</p>	<p>RTS schemes need to be based on evidence and a clear understanding of local problems and the likely impacts. This requires a detailed consideration of the street drinking community and their preferred products and places of purchase for example.</p> <p>RTS schemes require collaboration across licensing teams, the police, alcohol treatment services and local licensed trade – this may already be in place in Sheffield without the need for RTS.</p> <p>Consumers of high strength alcohol products may “switch” to products not covered by the RTS code. This has been observed in Leeds Armley Scheme (Susan Holden, Leeds CC)</p>
<p>All information in this table taken from Foster et al (2017) p62</p>		

Option 3 – Early Morning Restriction Orders (EMRO)	Benefits	Risks
<p>EMROs can be introduced at the discretion of local councils to restrict sales and consumption of alcohol between midnight-6am.</p>		<p>Opposition from the licensed trade and difficulties using the legislation experienced by the police and local government mean that no council has yet introduced an EMRO.</p> <p>Relative proximity of licensed premises could mean an EMRO in one area could easily displace economic activity and alcohol related harm to a nearby area.</p>
<p>All information in this table taken from Foster et al, 2017, p26</p>		

Option 4 – Late Night Levy	Benefits	Risks
<p>The Late Night Levy must be applied to the entire local government licensing area (i.e. the whole of Sheffield).</p> <p>The proceeds of the Late Night Levy are split 70:30 between the Police and Crime Commissioner and the Local Authority and must be spent to reduce crime and disorder, promote public safety, reduce or prevent public nuisance or clean infrastructure in the area. Newcastle-upon-Tyne invested revenues from LNL into street pastors, taxi marshalls, bar and nightclub scanners, additional CCTV, street cleansing and a safe haven scheme. Nottingham invested LNL revenues into 2 additional PCSOs.</p> <p>Premises involved in BID and Best Bar None can receive a 30% reduction on the levy.</p> <p>Newcastle-upon-Tyne raised £1,168.50 per premises. 130 venues received a 30% reduction (exceptions were worth £18,000).</p>	<p>The LNL could be a means of motivating premises to participate in BBN in order to receive a levy reduction, however most premises to whom this applies are already involved in the BID</p>	<p>This option can only be applied equally across Sheffield and not in response to specific licensing problem areas.</p> <p>This was not included in Sheffield's Statement of Licensing Policy 2016.</p> <p>There are resource implications for the Local Authority in terms of additional work generated by premises varying license applications in order to not be eligible to be charged the LNL.</p> <p>Late Night Levy is one of the lowest scoring policy interventions in recent research (Foster et al, 2017).</p> <p>Chelmsford, who had a LNL are now replacing this with a BID which is seen as more business friendly, less restrictive regarding revenues generated and can raise more money.</p> <p>The cost of administering and enforcing LNL can outweigh revenues generated.</p> <p>There is no formal evaluation of LNL in Newcastle-upon-Tyne and Nottingham, the English Core Cities who have implemented this policy.</p>
<p>All information in this table taken from Foster et al, 2017, p18</p>		



Option 5 – Extend the Best Bar None (BBN) Scheme	Benefits	Risks
<p>Sheffield has an award winning Best Bar None (BBN) scheme which is currently limited to city centre premises and to the Ecclesall Rd area and to on-trade.</p> <p>There is high take up of the scheme by on-trade licensed premises but there is not 100% coverage.</p> <p>The off-trade is not covered by the current BBN scheme.</p> <p>This option could include extending:</p> <ul style="list-style-type: none"> <li>- geographical coverage of BBN</li> <li>- ‘take-up’ by on-trade (100% BBN)</li> <li>- to “off trade”</li> </ul>	<p>This would be viewed as a positive rather than a punitive approach by licensed premises.</p> <p>Extending the BBN scheme to the off-trade would be innovative and could attract positive attention to Sheffield and enhance its reputation as a safer night time economy.</p>	<p>This would require a significant increase in Local Authority, South Yorkshire Police and other partnership resources. The scheme currently costs £15,000 per year cash after all revenues have been paid for a 40 premise scheme. The scheme is currently funded through SCC, SYP, sponsorship and revenues from ticket sales from the awards dinner. There are additional in-kind costs of staff time (including a team of evaluators) to run the scheme – these costs would be expected to increase.</p> <p>Premises give their time to attend briefings on the scheme, prepare their application, receive an evaluation visit, attend the awards ceremony (voluntary and charged £) and display the BBN plaque. There is no remuneration for businesses taking part in the scheme and therefore motivation to participate is dependent on the value that businesses place on being part of such a scheme, such as publicity, being promoted as a trusted premise, benchmarking against competitors. Premises that have so far resisted joining the scheme may require considerable support to participate, increasing the staff costs of the scheme. If premises decline to join the scheme this risks being in effect a “do nothing” option.</p> <p>Alcohol industry voluntary schemes are considered a low scoring policy option in recent research (Foster et al, 2017). They are viewed as less effective than mandatory schemes and the authors recommend that they are de-prioritised.</p>

<b>Option 6 – Extend uniformed presence (PCSOs, Ambassadors) in problem areas at problem times and make use of health staffed “safe zone” to detain and monitor individuals until sufficiently sober as to no longer constitute a threat to themselves or others, or a nuisance</b>	<b>Benefits</b>	<b>Risks</b>
<p>This option offers proactive management by a multi-disciplinary team (MDT) at identified problem times and areas e.g. Friday 11pm-Sunday 3am, Freshers’ Week, Christmas period or major events</p> <p>Uniformed staff patrol problem areas, acting as a deterrent to problematic behaviour, reassurance to the public and a point of notification for problems.</p> <p>Door staff at premises can be trained to notify the MDT where they are concerned about an individual’s behaviour.</p> <p>In the event of an incident, staff can remove individuals considered a risk to themselves or others to a “safe zone” staffed by health professionals where individuals can be monitored until considered safe to be discharged. The offer of the safe zone could include alcohol screening (IBA), sexual health services, mental health support where necessary.</p> <p>There could be the possibility of charging through a BID-type scheme (1% of business rates) for a “Safe Zone” so that licensed premises contribute to the successful management of a vibrant night time economy.</p>	<p>This option targets the problem times and problem customers, rather than addressing licensed sales of alcohol as a whole.</p> <p>This option shares the responsibility across the partnership (health, Local Authority, Police, VCF) so that no one agency bears the brunt of all the costs.</p> <p>There are existing effective partnerships between the police, psychiatric liaison teams, alcohol teams, city centre ambassadors which could be drawn upon when developing a Safe Zone. There are a number of potential health premises of sufficient size, equipped to be a safe zone in the city centre e.g. Fitzwilliam Centre, Walk in Centre, Minor Injuries Unit</p> <p>Leeds CIP employs “street marshalls” through their BID where Door Staff use 1 hour of their shift to patrol the CIP area in pairs. This has reduced crime and disorder in the area (Susan Holden, Leeds CC)</p>	<p>This intervention would be costly and would need to be fully costed. A BID could recoup some of the costs from licensed premises and residual costs would be shared across partnership agencies and could save upstream costs (hospital admissions, court costs) but the upfront costs of such a scheme could make this unattractive.</p> <p>This option could potentially impact on the local business climate and perceptions of safety – this could be positive or negative, depending on how a uniformed presence is perceived.</p> <p>Some of the problems of street behaviour in certain areas are during the daytime and therefore the hours of operation of the “Safe Zone” may need to address daily problems in the late afternoon rather than weekend problems in the night time economy.</p> <p>“Safe zones” often called “drunk tanks” are currently being evaluated BY NIHR – results are not due until 2018  <a href="https://ukctg.nihr.ac.uk/trials/trial-details/trial-details?trialNumber=ISRCTN63096364">https://ukctg.nihr.ac.uk/trials/trial-details/trial-details?trialNumber=ISRCTN63096364</a></p>

<b>Option 7 – Cumulative Impact Policy (CIP) for the whole of the city centre or selected areas e.g. West St and Devonshire</b>	<b>Benefits</b>	<b>Risks</b>
<p>Cumulative Impact Policies (CIP) are not included in the Licensing Act 2003 but in s182 guidance.</p> <p>There are 208 CIPs in place across England and Wales.</p> <p>A CIP covering either the whole of the city centre or selected areas where density of premises and evidence of impact justify this measure.</p>	<p>A CIP specifically addresses licensed premises and is a targeted intervention to address alcohol related problems of crime, disorder, ASB. Specific measures can include limiting hours of trading for alcohol sales.</p> <p>A CIP allows well-run, responsible retailers to make successful license applications. The CIP generally favours the “on” trade which can change the culture of alcohol consumption in the area. Newcastle-upon-Tyne has reported success in using CIPs to prevent the further growth of the off-trade. CIPs have also been shown to increase engagement between license applicants and the Local Authority.</p> <p>A low cost option which places onus on premises to demonstrate “no impact”.</p> <p>CIP is considered one of the top 3 highest scoring policy initiatives in recent research (Foster et al, 2017).</p> <p>Exploring a CIP for the city centre is Action 25 in the Sheffield Alcohol Strategy and should assist with strategy ambitions of shaping the night time economy and reducing the growth of off-sales.</p>	<p>A CIP does not address all the possible issues and reasons for individuals with problematic behaviour to be in an area. Some of the problems of street behaviour in certain areas are during the daytime rather than being specifically around the Night Time Economy and therefore restrictions on trading after midnight would not specifically address these problems. A CIP + other local interventions (e.g. services) may be required.</p> <p>Publicity around the application for a CIP may create negative perceptions about the safety of the Sheffield Night Time Economy.</p> <p>All the resource pressures for the CIP administration rest with the Local Authority. The process of compiling evidence and consulting on a CIP is staff resource intensive for Local Authorities. This may be because Local Authorities take an overly evidential view – this often arises due to pressure from the licensed trade for factual evidence, whereas the guidance requires a transparent but discretionary judgement.</p> <p>Latest figures show that 86% of license applications or variations in a CIP area were still granted (91% in non CIP areas). CIPs are used as more of a “place-shaping” mechanism e.g. to encourage more food-led premises and diversity of premises. In Westminster, the concentration of premises increased by more than 35% between 2003-2013, but more than 93% of additional premises were food-led.</p> <p>CIPs are a low cost option.</p>

Some data in this table from Foster et al, 2017 pp30-32

## **Conclusion**

Sheffield has a range of measures in place to promote a safer night time economy, including nationally recognised schemes such as Purple Flag and Best Bar None.

Sheffield has a vibrant night-time economy and city centre; any initiatives need to address problematic issues with licensed sales of alcohol without impacting negatively on responsible retailers.

The problems identified with certain areas in Sheffield (e.g. West St) have alcohol as a contributing factor, but addressing the density of licensed premises or varying opening hours will not address the problems in their entirety. Vulnerable people have reasons to congregate in certain areas as they are near to services, transport links and accommodation as well as providing ready access to affordable alcohol. We may not have all the information we need (quantitative and qualitative) to understand and design best fit solutions to the problem(s).

There is a need to define and map the problems for each area for which a CIP is proposed to ensure that the CIP is not presented as a simple solution for multi-factorial problems as this could potentially disappoint and alienate residents groups and concerned communities.

Cumulative Impact Policies (CIP) are an option that can be used to change the culture of alcohol retailing and consumption, and anecdotal evidence as well as formal evaluation suggests that they can be a means of encouraging responsible retailing of alcohol with a preference for the “on” trade and a mixed offer of food + drink rather than vertical drinking. CIP is not the only or best option in all circumstances and therefore a range of other options have been outlined which could be used instead of, or as well as, a CIP.

All options rely on effective partnership and co-ordination between the agencies – police, health, council, third sector – this is strength of Sheffield.

## **Recommendations**

- The problems are mapped and defined for each geography for which a CIP is proposed– the community/residents should be involved;
- There is a realistic appraisal as to whether a CIP will address the problems identified;
- Alternative options are considered if these provide better “fit” to address local problems;
- Adoption of a CIP includes evaluation against the baseline evidential measures used to apply for a CIP;

## Appendix - Evidential basis for Cumulative Impact Policy for West St/Devonshire Green area

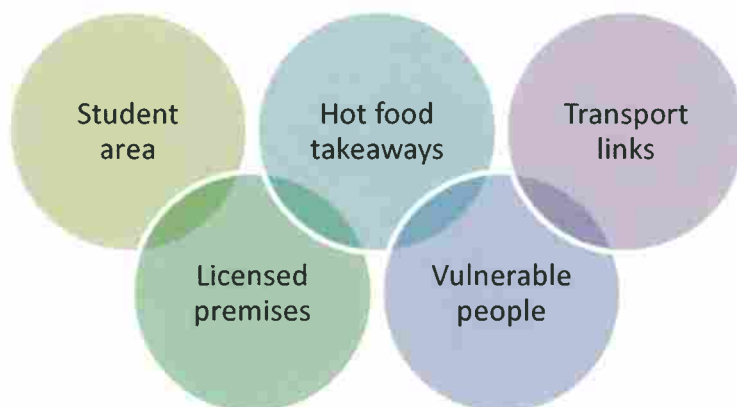
Evidence was collected by Sheffield City Council Public Health to assist the Local Authority Licensing Committee in determining whether Cumulative Impact Policy (CIP) was suitable for the West St/Devonshire Green area of the city and if so, what should be covered by the CIP.

### West Street and Devonshire Green area

The West St and Devonshire Green area of Sheffield has a considerable number of licensed premises both on and off trade. Many of the on-trade premises are accredited with the Best Bar None scheme. The off-trade includes off-licenses and supermarket chains (Sainsbury's and Tesco's).

Some characteristics of the area are: density of licensed premises, concentration of fast food establishments, busy thoroughfare, student areas, and vulnerable people's accommodation/services. West St is a busy thoroughfare, being a main road, bus and tram route. There are taxi ranks adjacent to West St near the city hall which could draw people into the area. West St runs alongside University of Sheffield academic departments on adjacent streets and is a popular student area. This could lead to alcohol marketing "offers" targeted at students being more available in this area. There are a number of hot food takeaways on West St as well as more formal eating establishments of cafes, and licensed restaurants. The range and number of hot food takeaways could draw people into the area, even if they have consumed alcohol elsewhere.

On West St and adjacent streets (Division St, Fitzwilliam St, Convent Walk) there are a number of accommodation, faith-based and health projects for the homeless and substance misusers including a number of hostels, drug and alcohol treatment services, and pharmacy needle exchange. The Walk-in centre and the Devonshire Green GP practice which provide primary care to vulnerable people are on streets adjacent to or abutting West St. Job Centre Plus has offices on and near West St (Cavendish Court). There are reasons for vulnerable people to be on West St and adjacent streets, other than the licensed premises, and the transport links make this a natural meeting point where vulnerable people congregate – with or without alcohol – in daytime as well as night-time.



West St and the surrounding area has a range of residential accommodation including 122 units of supported housing for vulnerable people, student accommodation and other residential accommodation such as luxury flat complex, West One. The number of residential premises in the city centre could grow under the Sheffield Plan as brownfield sites are priorities for housing development, including the re-purposing of commercial sites for residential use.

## What is Sheffield already doing to manage the night time economy?

Sheffield already has a range of measures in place to promote city centre vibrancy and a safer night time economy:

- Sheffield has Purple Flag Status for a safer night time economy
- Sheffield has an award winning Best Bar None Scheme
- Sheffield has a City Centre Management Team including CCTV and uniformed ambassadors
- Sheffield has a Fixed Penalty Waiver Notice Scheme to deal with alcohol related behaviour
- Sheffield has a policy of replacing glassware with polycarbonates
- Sheffield has a range of partnership meetings to manage alcohol related harm, anti-social behaviour
- Sheffield BID has funded 2 additional City Centre Ambassadors and a peer-to-peer spot cleaning team to deal with issues associated with rough sleeping
- Sheffield has a "Help us, help you" scheme to channel donations into local homeless and drug and alcohol charities rather than to those begging on the street
- Sheffield has voluntary groups such as Street Pastors providing welfare services in the night time economy <https://streetpastors.org/locations/sheffield/>

## Sheffield Alcohol Strategy 2016-2020

Sheffield's Alcohol Strategy 2016 (DACT, August 2016) proposes a number of recommendations and actions regarding licensing and the night time economy and these include:

- (i) using licensing powers to shape the night time economy
- (ii) continuing alcohol industry voluntary scheme Best Bar None
- (iii) addressing the switch to off-sales from on-sales
- (iv) reducing the strength schemes to reduce availability of cheap, high strength alcohol in areas of the city where this is causing problems

Action 23 of Sheffield's Alcohol Strategy 2016 is to continue with Best Bar None (BBN)

Action 25 of Sheffield's Alcohol Strategy 2016 is to explore Cumulative Impact Policies (CIP)

Action 30 of Sheffield's Alcohol Strategy 2016 is to explore reducing the strength (RTS) schemes

## What would CIP add?

CIP provides the Licensing Committee with additional powers so that in the area covered by the CIP a license application to retail alcohol will be refused unless the applicant can demonstrate that they will not impact on the Licensing Objectives (Woodhouse, 2017, p3).

Local Authorities who have CIPs in place report that the on-trade is favoured and that the on-trade offer is adjusted so that there are fewer 'vertical drinking' establishments and a change of culture to offer alcohol to seated customers in food-led premises (Foster et al, 2017 pp30-32) .

A CIP was introduced by the London Borough of Islington in 2013 and was evaluated by the School for Public Health Research team at the London School for Hygiene and Tropical Medicine for impacts on licensing decisions, alcohol availability and alcohol related harm, including crime and health (Triantafyllos et al, March 2017 p1). The team looked at license application decisions at 3 months and 6 months post introduction of the CIP. The study found that the introduction of the CIP in Islington did not lead to significant changes in the total number of licenses submitted in the long term, and nor did it displace license applications from cumulative impact zones (CIZ) into non-CIZ (Triantafyllos et al, March 2017 p2). There was a short-term

decrease in successful license applications in the initial period after the CIP was introduced both for 'on' and 'off'-trade; however, decreases were not sustained over time and were followed by increases in successful applications as premises adjusted their applications to comply with the CIP requirements (Triantafyllos et al, March 2017, pp2-3).

The CIP was judged to have been “broadly effective” as it met objectives of reducing crime, anti-social behaviour and ambulance call outs, reducing the rate of successful applications for off-licenses, and reducing the average weekly trading times of alcohol licenses granted (Triantafyllos et al, March 2017 p4). However, the CIP had no long term impact on the number of alcohol licenses granted overall, retail sales volume or sales revenues (Triantafyllos et al, March 2017 p1). The CIP in Islington reduced the negative and harmful impacts of alcohol without negatively impacting on the night time economy, and successful businesses were able to adjust their offer to apply with local Licensing conditions (Triantafyllos et al, March 2017 p4).

CIP is evaluated by Foster et al (May 2017) alongside other policies to address alcohol availability in the UK and Australia. In a scorecard developed by the authors, CIP scores 7 (on a scale of 3-9) and is one of the three highest scoring interventions. Conversely, the Late Night Levy and alcohol industry voluntary schemes such as Best Bar None and Purple Flag are amongst the lowest scoring policy interventions (scoring 4 on a scale of 3-9). Latest figures show that 86% of license applications or variations in a CIP area were still granted (91% in non CIP areas) and that CIPs are used as more of a “place-shaping” mechanism e.g. to encourage more food-led premises and diversity of premises (Foster et al, 2017, pp30-32). In Westminster, the concentration of premises increased by more than 35% between 2003-2013, but more than 93% of additional premises were food-led(Foster et al, 2017, pp30-32).

## CUMULATIVE IMPACT POLICIES

<b>LOCATION:</b>	England and Wales
<b>WHAT IS IT?</b>	Designated areas where the combined impact of licensed premises presents particular concern. Under cumulative impact policies, local government has additional powers to influence, and possibly reject, licence applications.
<b>POLICY SCORE:</b>	7 on a scale of 3 to 9
<b>PROS:</b>	<ul style="list-style-type: none"> <li>• Can be used as a 'place shaping' device to direct the development of the licensed trade in ways likely to be less problematic.</li> <li>• Can be applied consistently across an area for an extended period.</li> </ul>
<b>CONS:</b>	<ul style="list-style-type: none"> <li>• Can be resource intensive and time-consuming.</li> <li>• Not necessarily effective at limiting the number of licensed premises.</li> <li>• Often applied retrospectively following the emergence of problems in a region.</li> </ul>

Scorecard : Image source – Foster et al, May 2017, “Anytime, Anyplace, Anywhere”

## Evidence for CIP for this area

Issue	Source	For
Crime	South Yorkshire Police	Carver St and West St are “high risk” crime locations
Anti-social behaviour	South Yorkshire Police	West Street saw 51 counts of “Begging/Vagrancy” outside several premises including Tesco and takeaways between 1st April 2017 – 23rd November 2017. This is more than double the count seen in the City Hall area (23).
Anti-social behaviour	Sheffield City Centre Residents Action Group	SCCRAG listed numerous reports of anti-social behaviour through their website SAY SUMMAT and from diaries being completed by business premises around West Street
Anti-social behaviour	Sheffield City Council	Citizenspace public consultation with over 800 responses found that behaviours that were always/often seen in the area included: Begging (84% of respondents) Street drinking (81% of respondents) Rough sleeping (74% of respondents) Shouting (73% of respondents)
Complaints to elected members	Elected members	All three elected members (2 Green Party, 1 Labour) for the ward which includes this area have received complaints from residents and businesses.

## What should be covered by CIP (if applied)

Issue/ source	South Yorkshire Police	Citizenspace survey	SCCRAG
Off license sales	ASB counts of begging and vagrancy linked to off licenses and takeaways	Respondents wanted to see fewer off licenses (74% of respondents).	Off-license sales specifically and licensing hours (24 hrs) linked to ASB
Off license hours of sale	ASB counts of begging and vagrancy linked to off licenses and takeaways		Off-license sales specifically and licensing hours (24 hrs) linked to ASB
Takeaways	ASB counts of begging and vagrancy linked to off licenses and takeaways	Respondents wanted to see fewer fast food/takeways (56%).	
Hours of licensing		After 5pm more than half of people did not enjoy the area and satisfaction falls further after 8pm (weekdays) and 11pm (weekends) with more people not enjoying than enjoying the area suggesting that issues are linked to the night time economy	24 hour off-licenses linked to ASB
Type of premises	Off licenses and takeaways linked to ASB	Respondents wanted to see more high quality, independent and food premises and fewer off licenses and fast food/takeways	Off licenses and takeaways linked to ASB



## What measures in addition to or instead of CIP are suitable?

The Citizenspace survey asked what measures respondents would like to see implemented instead of or alongside a Cumulative Impact Policy to benefit the area and these are shown in the table below, with the number of responders selecting that measure.

The strongest themes are:

- Greater support to address street behaviours
- Stronger police presence
- Infrastructure measures such as CCTV and street lighting
- Responsible retailers scheme for off-sales
- Public transport after midnight

Measures you would like to see implemented instead of or alongside a Cumulative Impact Policy to benefit the area (select as many as apply)	Number of responders
Greater support for homeless people	661
CCTV linked to the City Centre monitoring station	621
A stronger police presence	598
More lighting in side streets	593
Responsible retailers scheme for off-licenses and supermarkets selling alcohol	583
Greater support for street drinkers	562
Public transport available after midnight	557

The support for measures regarding responsible retailing for off sales supports evidence from South Yorkshire Police and the Sheffield City Centre Residents Action Group which associates problems with off sales specifically.

In addition to the measures above which scored highly in the Citizenspace consultation, the following options were also considered and discussed by the CIP Task Group and the Alcohol Strategy Implementation Group:

**Reducing the strength scheme** - SCCRAG's comments on cheap, strong alcohol would support consideration of a *Reducing the strength scheme* in this area, although there are concerns about harm impacts from addiction service clinicians and service users at the Alcohol Strategy Implementation Group (ASIG). RTS schemes need to be based on evidence and a clear understanding of local problems and the likely impacts. This requires a detailed consideration of the street drinking community and their preferred products and places of purchase for example. Ipswich and Portsmouth have reported impressive results in terms of reduction of street drinking as a result of RTS schemes (73% and 80% respectively) but it is not clear if this can all be attributable to this single policy. In Ipswich, two thirds of 147 off-licenses participated in the scheme to deter disruptive customers from stores, reduce neighbourhood disruption and maintain a good relationship with the Local Authority. However, anecdotal reports from implementation in Leeds confirm that RTS can encourage switching to stronger alcohol rather than reduces street drinking. Addiction service clinicians at ASIG report that the availability of cheap alcohol in the nearby area is an issue in them enabling service users to address alcohol dependence. This policy scores 5 (on a scale of 3-9) in a report by Foster et al (2017) and is therefore moderately effective but not as effective as CIP (which scores 7).

**Early morning restriction orders (EMRO)** - EMROs can be introduced at the discretion of local councils to restrict sales and consumption of alcohol between midnight-6am. Opposition from the licensed trade and difficulties using the legislation experienced by the police and local government mean that no council has yet introduced an EMRO (Foster et al, 2017, p26). Relative proximity of licensed premises could mean an EMRO in one area could easily displace economic activity and alcohol related harm to a nearby area. The issues in the West St and Devonshire Green area appear from the consultation to be night-time economy problems (people did not enjoy the area after 5pm) so an EMRO could address some of the later night-time economy aspects.

**Late night levy (LNL)** - The Late Night Levy must be applied to the entire local government licensing area (i.e. the whole of Sheffield). Premises involved in BID and Best Bar None can receive a 30% reduction on the levy. The proceeds of the Late Night Levy are split 70:30 between the Police and Crime Commissioner and the Local Authority and must be spent to reduce crime and disorder, promote public safety, reduce or prevent public nuisance or clean infrastructure in the area. Newcastle-upon-Tyne raised £1,168.50 per premises. 130 venues received a 30% reduction (exceptions were worth £18,000). Newcastle-upon-Tyne invested revenues from LNL into street pastors, taxi marshalls, bar and nightclub scanners, additional CCTV, street cleansing and a safe haven scheme. Nottingham invested levy revenues into 2 additional PCSOs. This option can only be applied equally across Sheffield and not in response to specific licensing problem areas. The LNL could be a means of motivating premises to participate in BBN in order to receive a levy reduction, however most premises to whom this applies are already involved in the BID. However, there are resource implications for the Local Authority in terms of additional work generated by premises varying license applications in order to not be eligible to be charged the levy and these costs can outweigh the revenues created through the levy. Late Night Levy is one of the lowest scoring policy interventions in recent research (Foster et al, 2017). Chelmsford, who had a LNL are now replacing this with a BID which is seen as more business friendly, less restrictive regarding revenues generated and can raise more money. There is no formal evaluation of LNL in Newcastle-upon-Tyne and Nottingham, the English Core Cities who have implemented this policy.

### **Are CIP, Purple Flag and Best Bar None contradictory or incompatible?**

There are a number of Core Cities (shown in the table below) who have both the Purple Flag and Cumulative Impact Policy, these include:

- Leeds
- Liverpool
- Nottingham
- Bristol


Nottingham have Purple Flag, Best Bar None and Cumulative Impact Policy.

### **Conclusion**

On the balance of evidence CIP, in addition to other measures, would be a suitable intervention for this area and should specifically restrict off licenses, hot food takeaways and hours of sales whilst encouraging more diverse high quality and independent food-led and seated venues.

## Evidential Basis for CIP – West St and Devonshire Green area

Type of evidence	Partnership Lead/Named Contact	Type of evidence	Evidence provided?																		
Local crime and disorder statistics	South Yorkshire Police, Chief Inspector Lydia Lynskey from Sheffield's Local Policing Unit	City Centre violent crime	Data provided to previous CIP Task Group by Matt Collings, will need updating. Crime data is extracted from CMS using statistics date and ASB data is extracted from Procad based on all incidents closed as ASB, for the current period of 1 <sup>st</sup> April 2017 – 23 <sup>rd</sup> November 2017. Data regarded as “unaudited” for external purposes.  <i>“Violence against the person, handling stolen goods, rowdy/inconsiderate behaviour and begging/vagrancy account for the majority of crimes and incidents in the area. High-risk crime locations include Carver Street and West Street (namely j/w Rockingham Street, Rockingham Lane and Bailey Lane)”.</i>																		
Statistics on local anti-social behaviour offences	South Yorkshire Police  City Centre Task Group and ASB Group (Tracey Ford, Communities Development Officer, Simon Mitchell, Safer Neighbourhood Manager)  City Centre Management & Major Events (Richard Eyre, Head of Service) Steve Cooper	ASB complaints through “101”  Persistent issues of problems and nuisance in the city centre  Incidents through CCTV, City Centre Ambassadors, football counters	Data on ASB provided to previous CIP Task Group by Matt Collings, will need updating. ASB data is extracted from Procad based on all incidents closed as ASB, for the current period of 1 <sup>st</sup> April 2017 – 23 <sup>rd</sup> November 2017. Data regarded as “unaudited” for external purposes. West St shows considerably higher ASB than other city centre locations.  <table border="1" data-bbox="869 78 1173 1265"> <thead> <tr> <th>High-risk ASB locations include: <b>Street</b></th> <th>Majority ASB Type</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>City Hall</td> <td>Begging/Vagrancy</td> <td>23</td> </tr> <tr> <td>Division Street</td> <td>Noise/Rowdy/Inconsiderate Behaviour</td> <td>32</td> </tr> <tr> <td>Eldon Court</td> <td>Rowdy/Inconsiderate Behaviour</td> <td>31</td> </tr> <tr> <td>West Street</td> <td>Begging/Vagrancy outside several premises including Tesco and takeaways.</td> <td>51</td> </tr> <tr> <td>Victoria Street</td> <td>Rowdy/Inconsiderate Behaviour</td> <td>17</td> </tr> </tbody> </table>	High-risk ASB locations include: <b>Street</b>	Majority ASB Type	Count	City Hall	Begging/Vagrancy	23	Division Street	Noise/Rowdy/Inconsiderate Behaviour	32	Eldon Court	Rowdy/Inconsiderate Behaviour	31	West Street	Begging/Vagrancy outside several premises including Tesco and takeaways.	51	Victoria Street	Rowdy/Inconsiderate Behaviour	17
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West Street	Begging/Vagrancy outside several premises including Tesco and takeaways.	51																			
Victoria Street	Rowdy/Inconsiderate Behaviour	17																			
Health related statistics such as alcohol-related emergency attendances and	Yorkshire Ambulance Service, Sheffield Teaching Hospitals	Transportation to hospital by ambulance, attendances at A&E (last premise	Helen Phillips-Jackson raised at conference call with YAS. Outcome was that YAS will do for whole area of operations not just Sheffield so this may take longer to provide as a bigger project.  Helen Phillips-Jackson will provide fixed penalty notice waiver data.																		

hospital admissions		visited)	alcohol-related admissions	
Environmental health complaints, particularly in relation to litter and noise	Ian Ashmore, Head of Environmental Regulation (Noise, Environmental Health)  David Wain (SCC Streets Ahead Client Team)	Noise & Environmental Health complaints  Street cleaning issues, volumes of waste from particular locations e.g. Arundel Gate clubs	“Gold” area of city centre covers West St – litter complaints are rising since 2015 (24), 2016 (31) and part year as of May 2017 (8).	
Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations	Sheffield City Centre Residents Action Group (SSCRAG) – Peter Sephton (Chair)  Customer Services at Sheffield City Council pass complaints associated with licensed premises to Licensing (Chief Licensing Officer and Head of Licensing, Stephen Lonnia)	Reports of ASB & nuisance	Negative reports from businesses and residents of nuisance to SCCRAG but not a systematic approach e.g. not every business surveyed, doesn't capture positives.  SCCRAG(02.06.17) Why SCCRAG needs a Cumulative Impact Policy states:  “SCCRAG has numerous reports of anti-social behaviour. The following examples are just a few of the ones passed to us via local people, the website SAY SUMMAT and from diaries being completed by business premises around West Street”.  The report gives examples and photographs of anti-social behaviour and street behaviour and are concerned about off-license sales specifically and licensing hours (24 hrs) which they view as fuelling this behaviour.	
Residents questionnaires	Magdalena Boo, SCC Public Health	Citizenspace consultation which included residents, businesses, others – 816 responses	Over-representation of working age people due to nature of topic.  There is strong evidence of “street behaviours” in the area that need to be addressed to make the area more welcoming, with most people having “always/often” seen begging and street drinking. Begging (84%) Street drinking (81%)	

			<p>Rough sleeping (74%) Shouting (73%)</p> <p>This impacted on people visiting the West St/Devonshire Green area in the following ways:</p> <p>Feel unsafe/intimidated visiting the area (59%) Hard to relax, enjoy myself in the area (58%) Concerned for people involved in street behaviours and want to help (52%)</p> <p>During the daytime the area is an enjoyable place to be, but after 8pm more people are dissatisfied with the area.</p> <p>56% (n=213) of those who responded to this question would recommend the West St/Devonshire Green area to a visitor to Sheffield</p>
Evidence from local councillors	Requested from Green Party Councillors Robert Murphy and Douglas Johnson and Cllr Moya O'Rourke, Labour.		

Reference TABLE: English Core Cities – Safer Night Time Economy Measures

Core City	Purple Flag	Best Bar None	CIP(s) from LA Statement of Licensing Policy	Early Morning Restriction Orders (EMROs)*	Designated Public Place Orders (DPPOs) Public Spaces Protection Orders (PSPO) **	Late Night Levy***
<b>Birmingham</b>	x	x	√ Special policies in place (CIP) for some areas of the city – Broad St, Hurst St/Arcadian, Central Moseley, Erdington, Digbeth	x	x	x
<b>Bristol</b>	√	x	√ CIPs in place for City Centre, Clifton, and 5 other areas	The Council recognises that this may be a useful tool to help address specific, alcohol related problems in local communities, particularly where it is difficult to attribute the cause of the associated problems to any particular premises. This could be particularly relevant where there is a concentration of late night activity in one area.	x	x
<b>Leeds</b>	√	x	√ CIP for City Centre and Armley areas	x	x	x
<b>Liverpool</b>	√	x	√ CIP in place for 4 areas including Rope Walk and Cavern Quarter in City Centre	x	x	x
<b>Manchester</b>	X (previously)	x (previously)	√ CIPs in place Withington Stress Area,	x	Several areas of the city, including the city centre, are subject to	x

	held and referred to in Statement of Licensing Policy 2016 but not current)	held and referred to in Statement of Licensing Policy 2016 but not current)	Wilmslow Rd	Designated Public Place Orders (DPPOs) restricting alcohol in public spaces. DPPOs have been superseded by Public Space Protection Orders, with effect from 2014		
Nottingham	√	√	City Centre Saturation Zone (CIP)	x	x	√ The Late Night Levy Scheme will apply to holders of both premises licences and club premises certificates granted by the Council which authorises the supply of alcohol after midnight. It does not apply to premises that only provide regulated entertainment or late night refreshment, without the supply of alcohol.
Newcastle	x	x	5 CIPS including City Centre and Jesmond	x	√	√ LNL introduced from 1 November 2013 Licensed premises authorised to supply alcohol between midnight and 6am will have to pay an annual levy of between £299 and £4,400,
		Durham & Middlesborou gh but not Newcastle		Consulting on replacing DPPO with PSPO	DPPOs in place for a number of areas of the city including the City Centre and Jesmond	

							depending on their rateable value and whether the premises primarily or exclusively are used to sell alcohol for consumption on the premises.
Sheffield	√	√	x	None in place but some areas of concern or nearing levels of stress including West St and Division St, West St, Devonshire St and Division St, Broomhill and Ecclesall Rd	x	No plans to implement at time of writing 2016 Statement of Licensing Policy	√ Woodhouse and Shiregreen DPPOs, none in City Centre

\* **EARLY MORNING RESTRICTION ORDERS (EMROs)** enable a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area. If it is satisfied that this would be appropriate for the promotion of the licensing objectives, EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises (from Sheffield City Council, Statement of Licensing Policy 2016, p37)

\*\* Designated Public Places Orders restrict drinking in public places that have experienced alcohol related disorder or nuisance. Public Spaces Protection Orders ('PSPOs') can be used to regulate activities in identified public places that can have a detrimental effect on the quality of life of those in the locality. PSPOs are designed to ensure that the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

\*\*\*The Late Night Levy enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.



# Appendix D



## Cumulative Impact Policy (West Street/Devonshire Green): Summary report

This report was created on Monday 18 December 2017 at 10:12.

The consultation ran from 30/10/2017 to 13/12/2017.

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For each of the following statements, please select the relevant option: - At the weekend I enjoy being in the area during the night/early morning (11pm-7am)	10
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<b>Question 8: If you have seen any of the behaviours in Q7 above, in the West Street/Devonshire Green area, please select the relevant option:</b>	<b>19</b>
If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - Street behaviours do not affect me and do not impact on me	19
If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - I feel unsafe or intimidated visiting the area	19
If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - I find it hard to relax and enjoy myself in the area	20
If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - I feel concerned about people involved in these behaviours and want to help	20
If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - These behaviours add to the vibrancy of the area	20
If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - I avoid the area at certain times or on certain days (please specify below which days and times)	21
If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - None of the above/other, please specify	21
If none of the above or if you have any further comments, please state:	21
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I would recommend a visit to West St/Devonshire Green area to a visitor to Sheffield.	21
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<b>Question 12: Please select the measures below, that you would like to see implemented instead of or alongside a Cumulative Impact Policy, to benefit the area (select as many as apply).</b>	<b>36</b>
Please select, which of the measures listed below, you think would benefit the West St/Devonshire Green area.	36
If other, please state	37

**Question 1: I go to the West Street and Devonshire Green area because (please select as many as apply):**

*I go to the West St/Devonshire Green area because (please select as many as apply):*





Option	Total	Percent
I live there	74	8.63%
I study there (University of Sheffield)	73	8.52%
I work there	291	33.96%
I run a business there	30	3.50%
For leisure purposes	525	61.26%
I use services in the area (e.g. health services)	99	11.55%
Just passing through – running, walking, cycling route	298	34.77%
None of the above	13	1.52%
Other, please specify below	40	4.67%
Not Answered	3	0.35%

***If you have ticked other, please specify***

There were 55 responses to this part of the question.



## Question 2: Which of these best describes your ethnic or cultural background

### Ethnicity/Culture



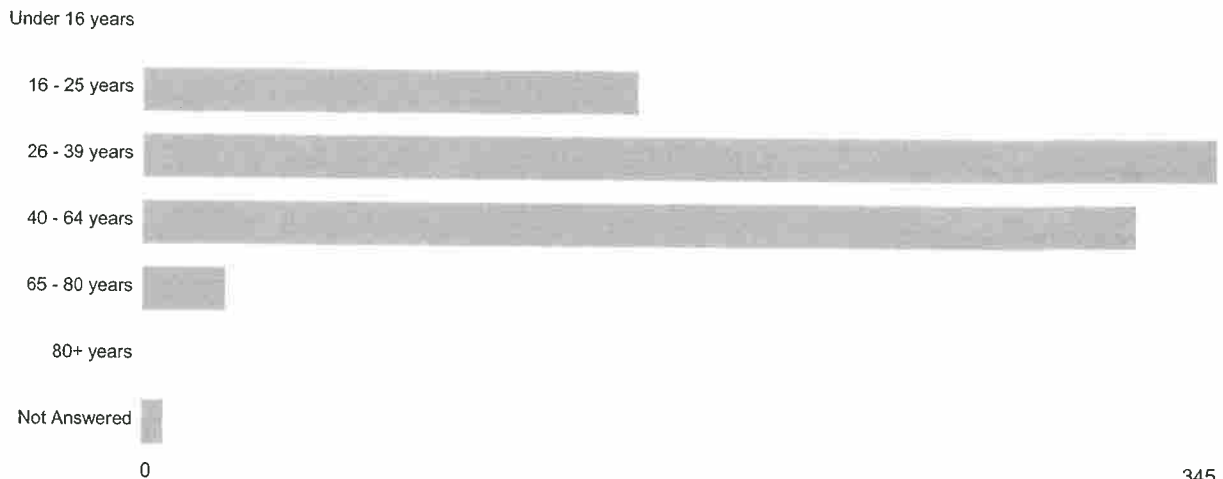
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Option	Total	Percent
White: English/Welsh/Scottish/British/Northern Irish	745	86.93%
White: Irish	9	1.05%
White: Gypsy Irish Traveller	0	0%
White: Roma	0	0%
White: Other European	21	2.45%
White: Other White background	20	2.33%
Mixed / Dual Heritage: White and Black Caribbean	6	0.70%
Mixed / Dual Heritage: White and Black African	2	0.23%
Mixed / Dual Heritage: White and Asian	9	1.05%
Mixed / Dual Heritage: Other mixed background	5	0.58%
Asian or Asian British: Indian	2	0.23%
Asian or Asian British: Pakistani	9	1.05%
Asian or Asian British: Bangladeshi	0	0%
Asian or Asian British: Chinese	5	0.58%
Asian or Asian British: Other Asian background	4	0.47%
Black/African/Caribbean or Black British: Caribbean	1	0.12%
Black/African/Caribbean or Black British: Somali	2	0.23%
Black/African/Caribbean or Black British: Other African background	1	0.12%
Black/African/Caribbean or Black British: Other Black background	1	0.12%
Other Ethnic group: Yemeni	3	0.35%
Other Ethnic group: Other Arab	4	0.47%
Not Answered	8	0.93%

**Question 3: What is your age?**

**Age**





Option	Total	Percent
Under 16 years	0	0%
16 - 25 years	159	18.55%
26 - 39 years	345	40.26%
40 - 64 years	319	37.22%
65 - 80 years	27	3.15%
80+ years	0	0%
Not Answered	7	0.82%

**Question 4: Gender**

**Gender**



Option	Total	Percent
Male?	381	44.46%
Female?	472	55.08%
Not Answered	4	0.47%

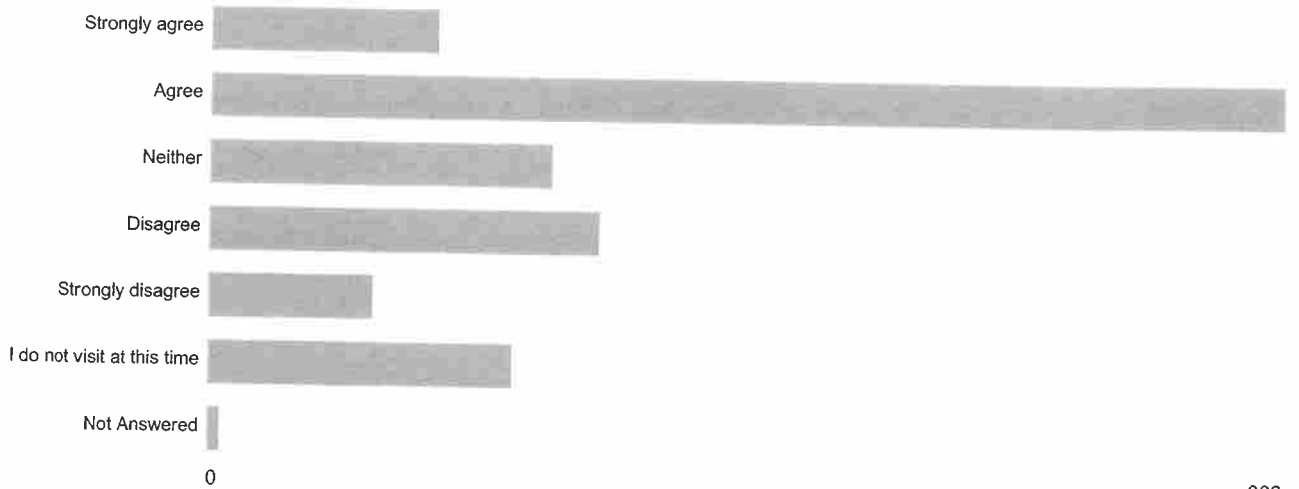
**Question 5: What is your postcode?**

**What is your postcode?**

There were 814 responses to this part of the question.

**Question 6: For each of the following statements, please select the relevant option:**

*For each of the following statements, please select the relevant option: - On weekdays I enjoy being in the area during day time (7am-5pm)*

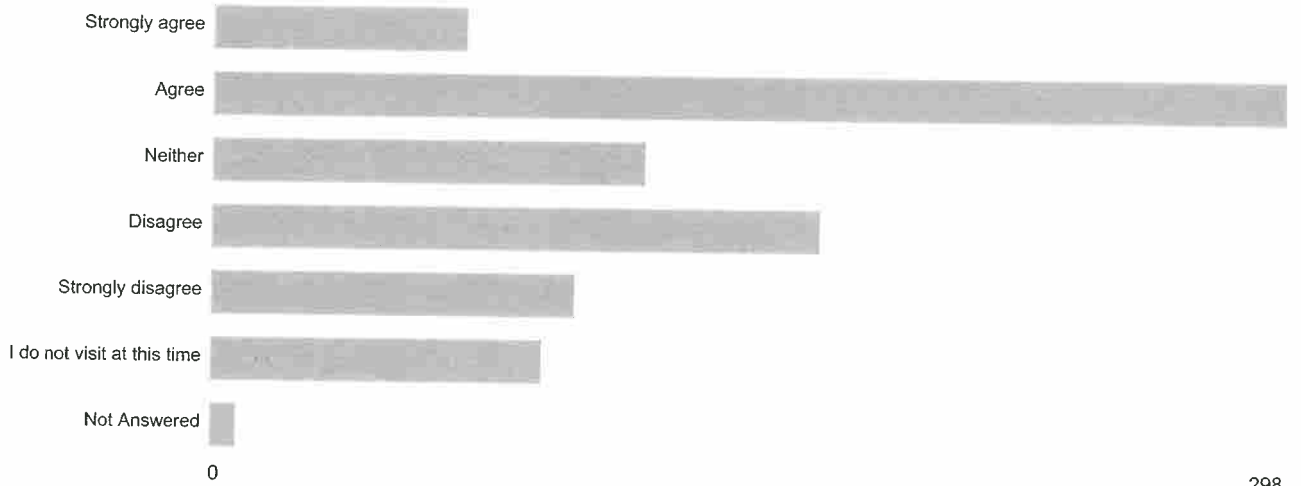






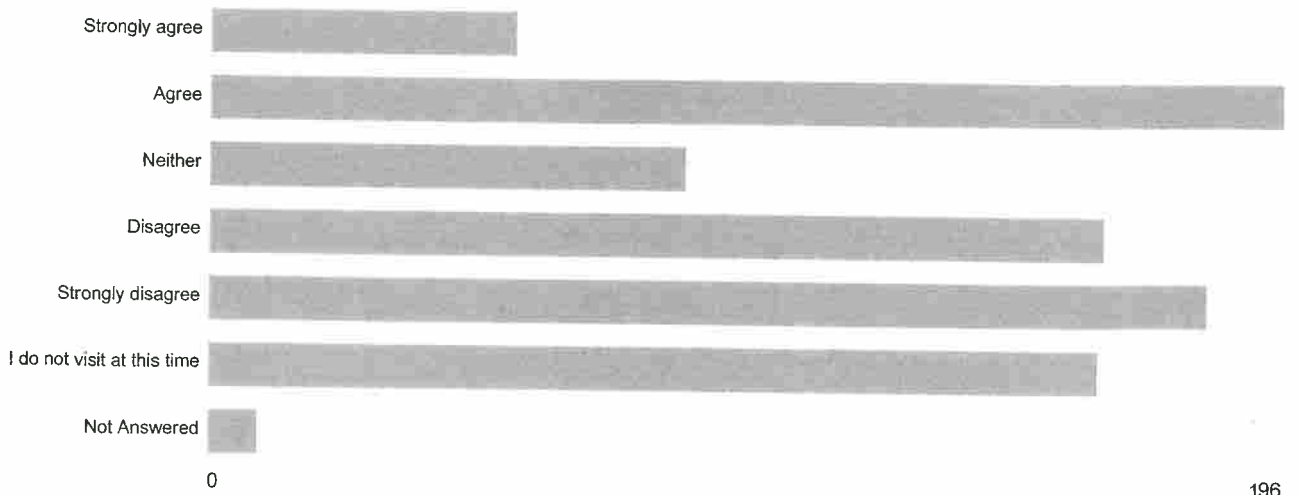
Option	Total	Percent
Strongly agree	77	8.98%
Agree	366	42.71%
Neither	117	13.65%
Disagree	133	15.52%
Strongly disagree	56	6.53%
I do not visit at this time	104	12.14%
Not Answered	4	0.47%

**For each of the following statements, please select the relevant option: - On weekdays I enjoy being in the area during early evening (5pm-8pm)**



Option	Total	Percent
Strongly agree	70	8.17%
Agree	298	34.77%
Neither	120	14.00%
Disagree	169	19.72%
Strongly disagree	101	11.79%
I do not visit at this time	92	10.74%
Not Answered	7	0.82%

**For each of the following statements, please select the relevant option: - On weekdays I enjoy being in the area during late evening (8pm to 11pm)**





Option	Total	Percent
Strongly agree	56	6.53%
Agree	196	22.87%
Neither	87	10.15%
Disagree	164	19.14%
Strongly disagree	182	21.24%
I do not visit at this time	163	19.02%
Not Answered	9	1.05%

**For each of the following statements, please select the relevant option: - On weekdays I enjoy being in the area during the night/early morning (11pm-7am)**



Option	Total	Percent
Strongly agree	45	5.25%
Agree	96	11.20%
Neither	76	8.87%
Disagree	112	13.07%
Strongly disagree	161	18.79%
I do not visit at this time	356	41.54%
Not Answered	11	1.28%

**For each of the following statements, please select the relevant option: - At the weekend I enjoy being in the area during day time (7am-5pm)**





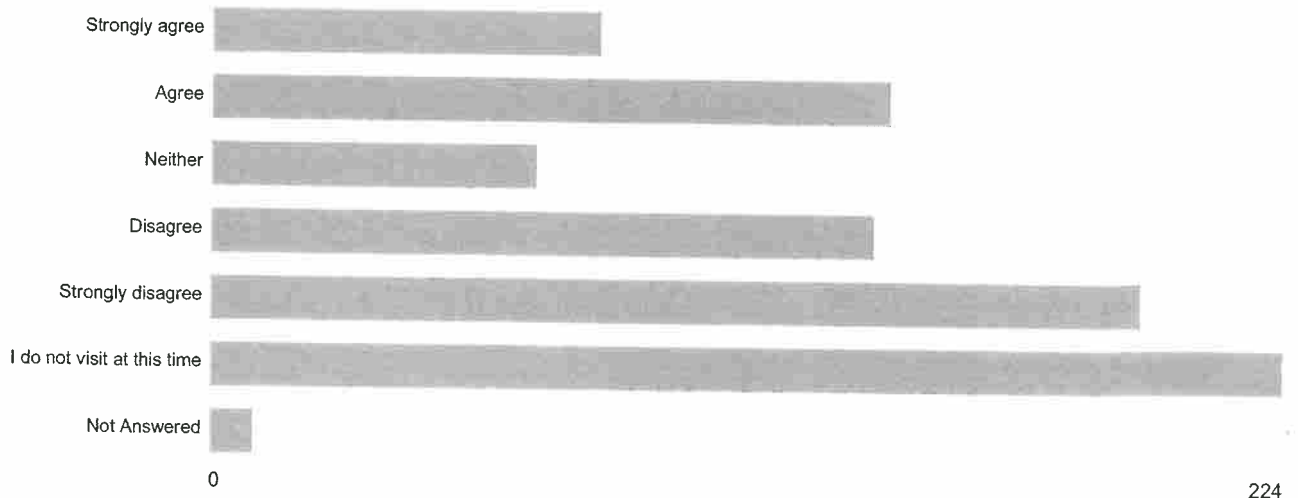
Option	Total	Percent
Strongly agree	103	12.02%
Agree	383	44.69%
Neither	113	13.19%
Disagree	92	10.74%
Strongly disagree	56	6.53%
I do not visit at this time	97	11.32%
Not Answered	13	1.52%

**For each of the following statements, please select the relevant option: - At the weekend I enjoy being in the area during early evening (5pm-8pm)**



Option	Total	Percent
Strongly agree	94	10.97%
Agree	305	35.59%
Neither	109	12.72%
Disagree	147	17.15%
Strongly disagree	103	12.02%
I do not visit at this time	94	10.97%
Not Answered	5	0.58%

**For each of the following statements, please select the relevant option: - At the weekend I enjoy being in the area during the night/early morning (11pm-7am)**





Option	Total	Percent
Strongly agree	81	9.45%
Agree	142	16.57%
Neither	68	7.93%
Disagree	139	16.22%
Strongly disagree	194	22.64%
I do not visit at this time	224	26.14%
Not Answered	9	1.05%

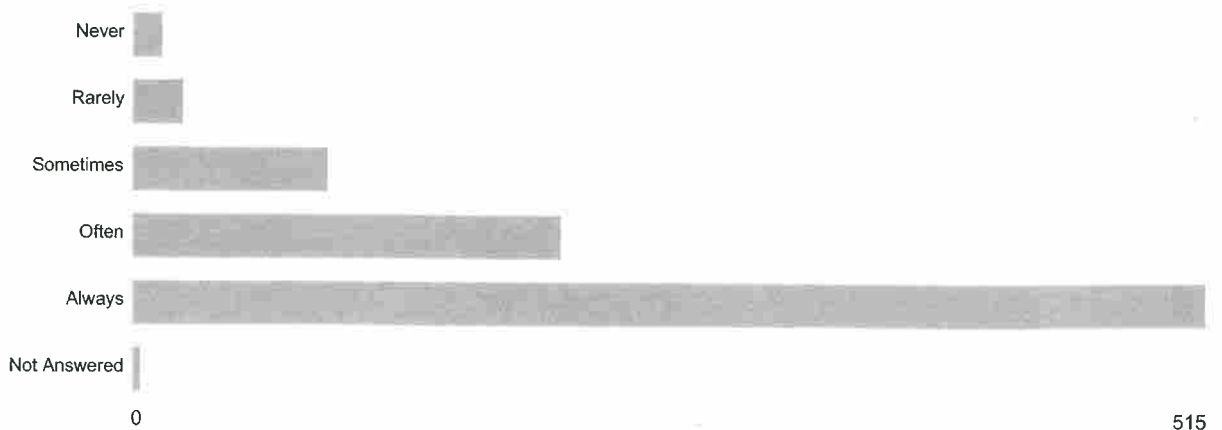
**For each of the following statements, please select the relevant option: - At the weekend I enjoy being in the area during the night/early morning (11pm-7am)**



Option	Total	Percent
Strongly agree	75	8.75%
Agree	121	14.12%
Neither	67	7.82%
Disagree	123	14.35%
Strongly disagree	190	22.17%
I do not visit at this time	271	31.62%
Not Answered	10	1.17%

**Question 7: In the last 12 months how frequently have you seen the following in the West Street/Devonshire Green area?**

**In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Begging**





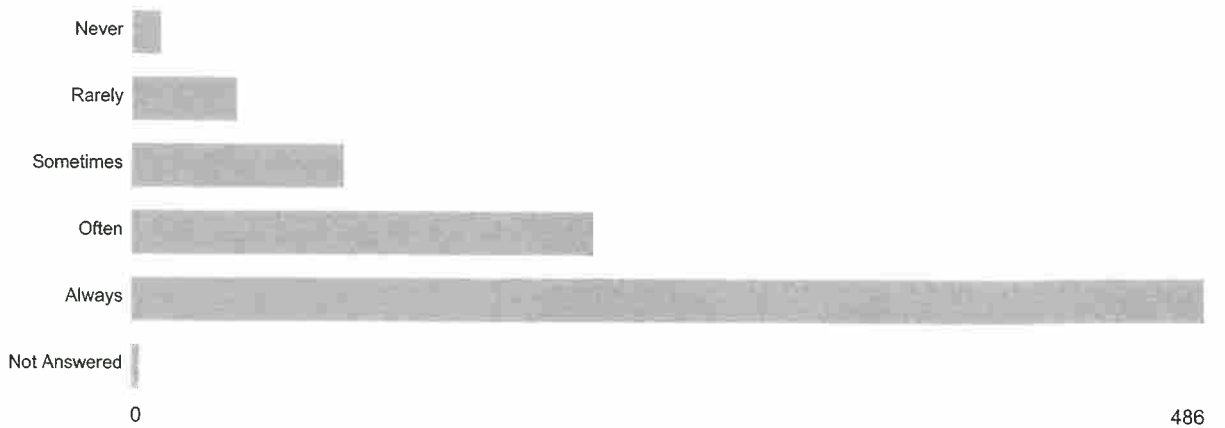
Option	Total	Percent
Never	14	1.63%
Rarely	24	2.80%
Sometimes	94	10.97%
Often	206	24.04%
Always	515	60.09%
Not Answered	4	0.47%

***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Rough Sleeping***



Option	Total	Percent
Never	25	2.92%
Rarely	45	5.25%
Sometimes	145	16.92%
Often	227	26.49%
Always	410	47.84%
Not Answered	5	0.58%

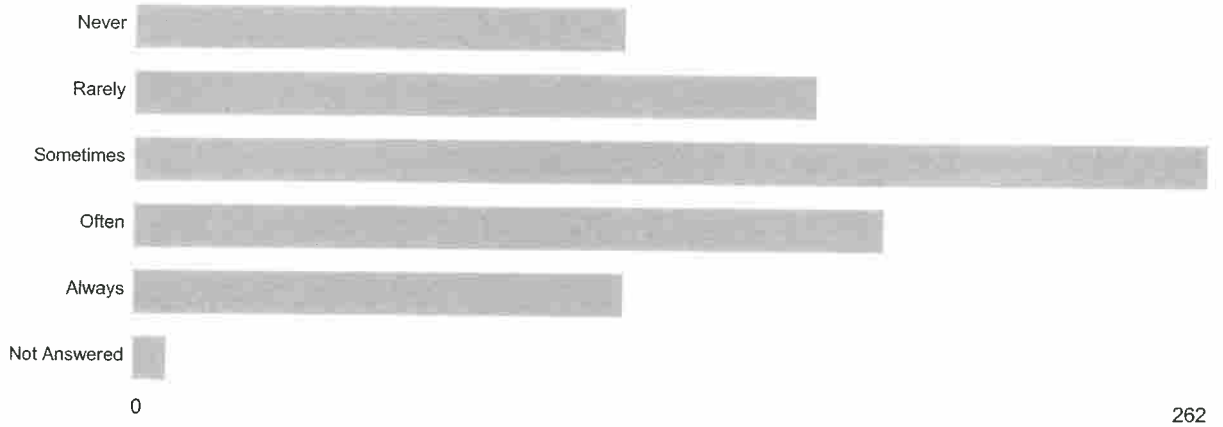
***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Street Drinking***





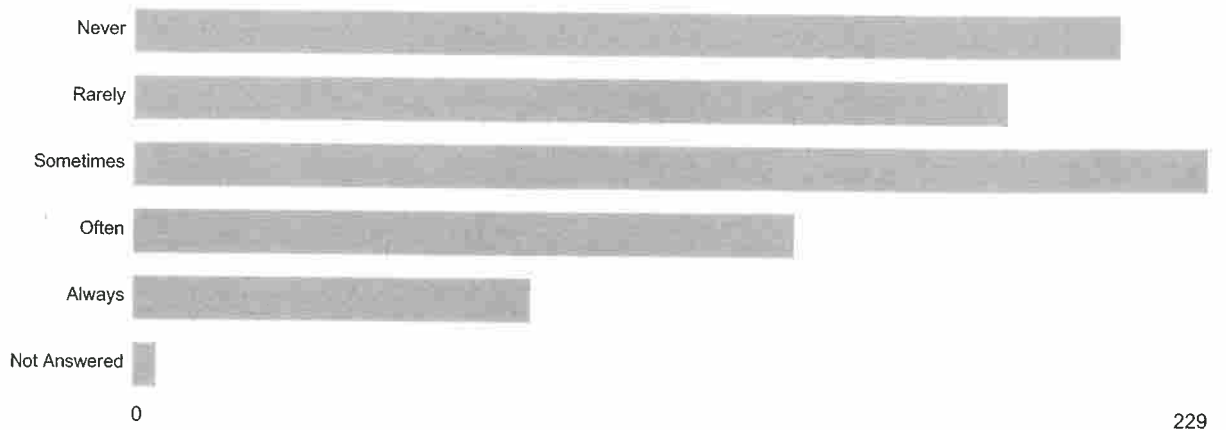
Option	Total	Percent
Never	13	1.52%
Rarely	48	5.60%
Sometimes	96	11.20%
Often	210	24.50%
Always	486	56.71%
Not Answered	4	0.47%

***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Vomiting***



Option	Total	Percent
Never	119	13.89%
Rarely	166	19.37%
Sometimes	262	30.57%
Often	183	21.35%
Always	119	13.89%
Not Answered	8	0.93%

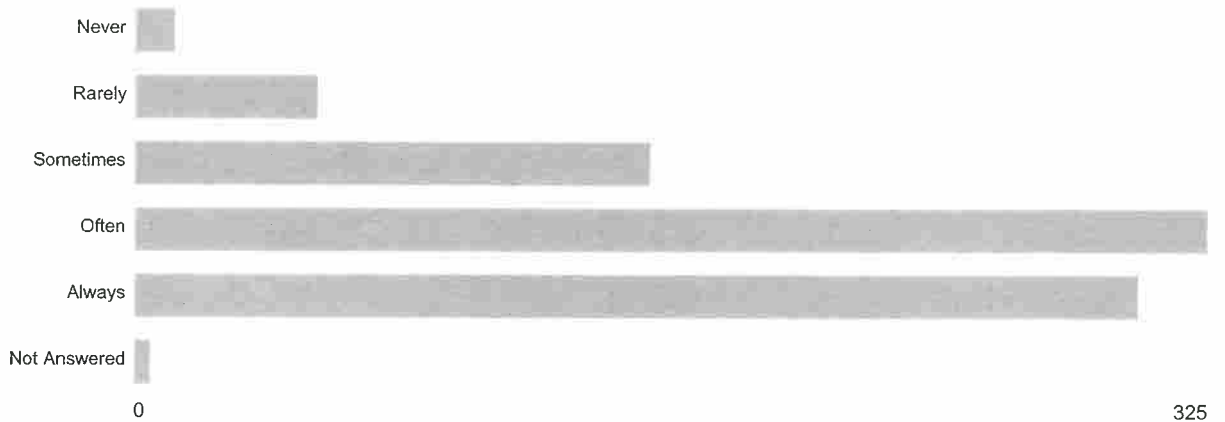
***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Urinating***





Option	Total	Percent
Never	210	24.50%
Rarely	187	21.82%
Sometimes	229	26.72%
Often	141	16.45%
Always	85	9.92%
Not Answered	5	0.58%

**In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Shouting**



Option	Total	Percent
Never	12	1.40%
Rarely	55	6.42%
Sometimes	156	18.20%
Often	325	37.92%
Always	304	35.47%
Not Answered	5	0.58%

**In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Obscene language**





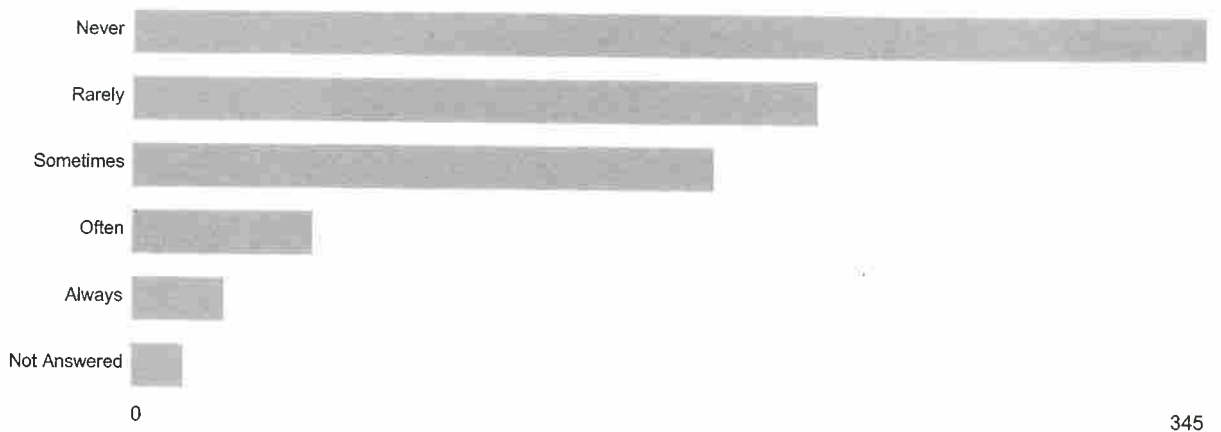
Option	Total	Percent
Never	28	3.27%
Rarely	82	9.57%
Sometimes	192	22.40%
Often	278	32.44%
Always	270	31.51%
Not Answered	7	0.82%

***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Sex acts***



Option	Total	Percent
Never	604	70.48%
Rarely	151	17.62%
Sometimes	73	8.52%
Often	10	1.17%
Always	8	0.93%
Not Answered	11	1.28%

***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Underage drinking***

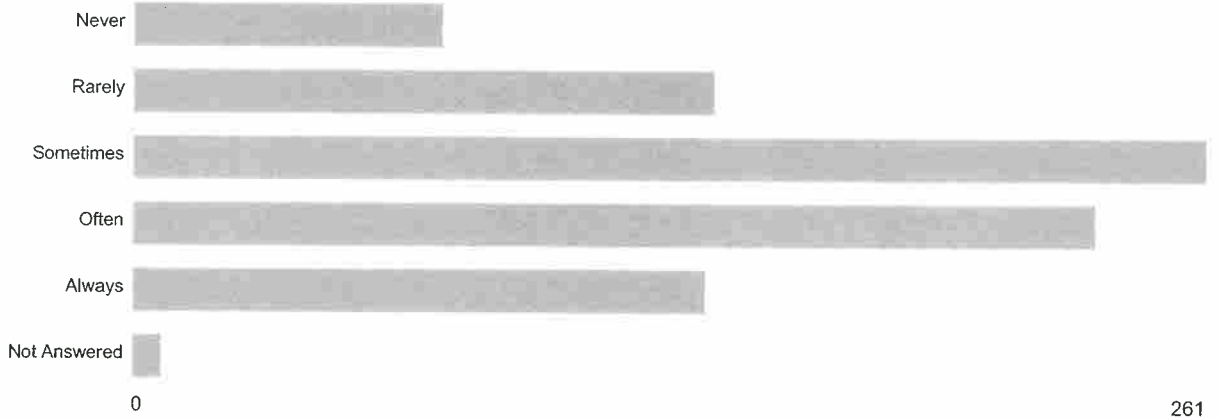






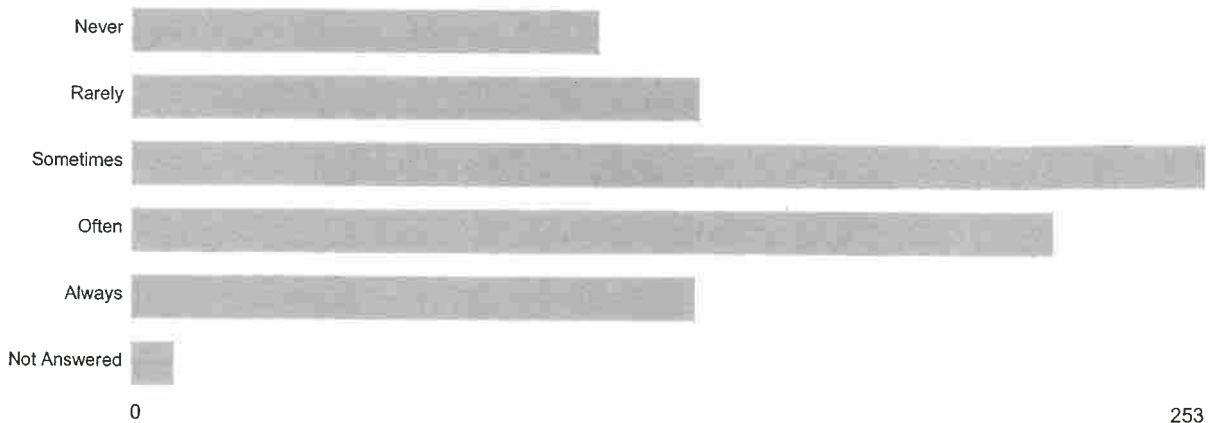
Option	Total	Percent
Never	345	40.26%
Rarely	220	25.67%
Sometimes	187	21.82%
Often	58	6.77%
Always	30	3.50%
Not Answered	17	1.98%

***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Excessive noise***



Option	Total	Percent
Never	75	8.75%
Rarely	141	16.45%
Sometimes	261	30.46%
Often	234	27.30%
Always	139	16.22%
Not Answered	7	0.82%

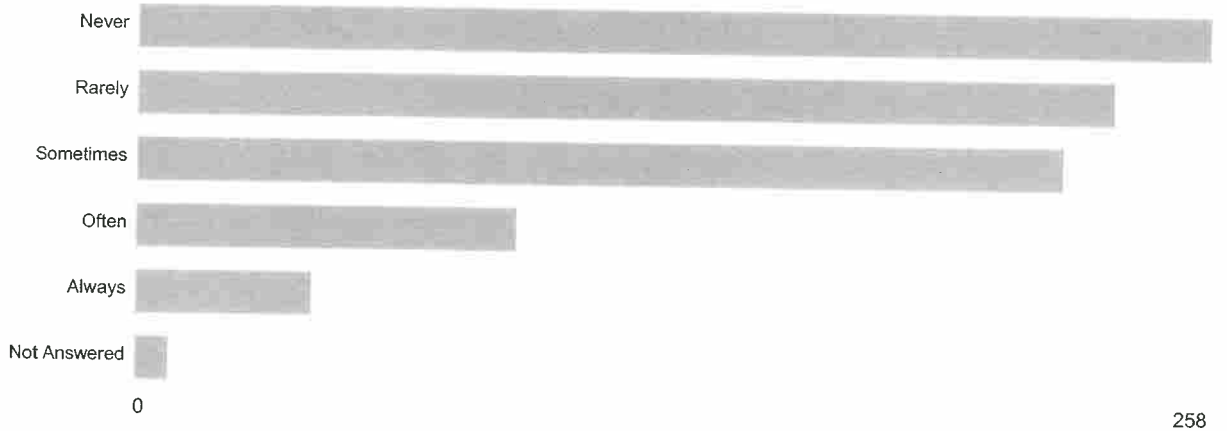
***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Verbal abuse***





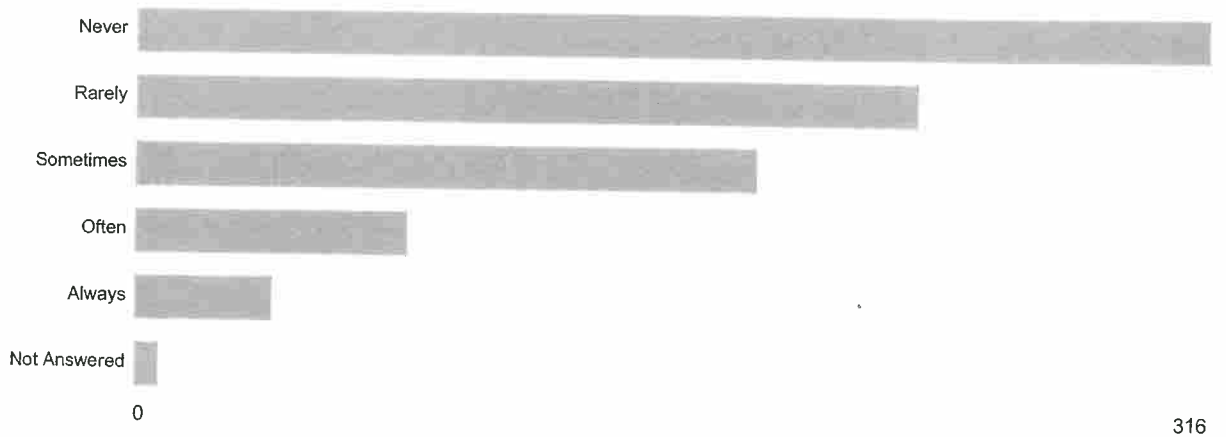
Option	Total	Percent
Never	110	12.84%
Rarely	134	15.64%
Sometimes	253	29.52%
Often	217	25.32%
Always	133	15.52%
Not Answered	10	1.17%

***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Physical abuse***



Option	Total	Percent
Never	258	30.11%
Rarely	235	27.42%
Sometimes	223	26.02%
Often	91	10.62%
Always	42	4.90%
Not Answered	8	0.93%

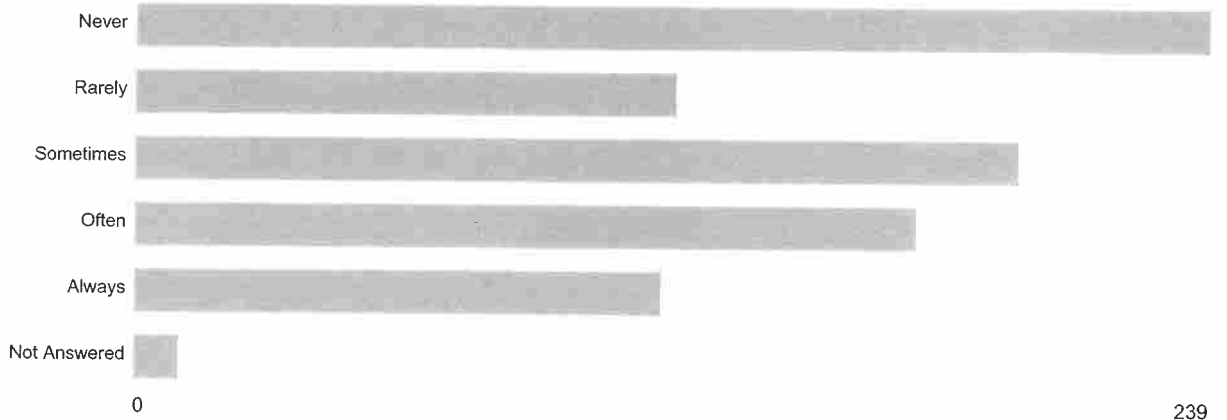
***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Damage to property***





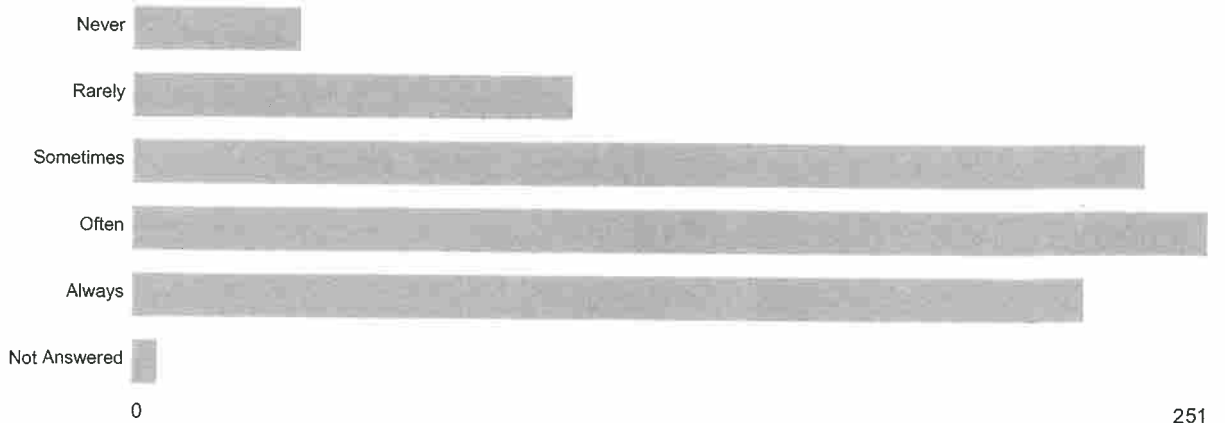
Option	Total	Percent
Never	316	36.87%
Rarely	231	26.95%
Sometimes	183	21.35%
Often	80	9.33%
Always	40	4.67%
Not Answered	7	0.82%

***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Drug taking/dealing***



Option	Total	Percent
Never	239	27.89%
Rarely	120	14.00%
Sometimes	197	22.99%
Often	174	20.30%
Always	117	13.65%
Not Answered	10	1.17%

***In the last 12 months how frequently have you seen the following types of behaviour in the West St/Devonshire Green area? - Dangerous litter i.e. bottles/glasses***





Option	Total	Percent
Never	39	4.55%
Rarely	103	12.02%
Sometimes	236	27.54%
Often	251	29.29%
Always	222	25.90%
Not Answered	6	0.70%

**Question 8: If you have seen any of the behaviours in Q7 above, in the West Street/Devonshire Green area, please select the relevant option:**

*If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - Street behaviours do not affect me and do not impact on me*



Option	Total	Percent
Yes	186	21.70%
No	571	66.63%
Don't know/not sure	90	10.50%
Not Answered	10	1.17%

*If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - I feel unsafe or intimidated visiting the area*





Option	Total	Percent
Yes	508	59.28%
No	281	32.79%
Don't know/not sure	58	6.77%
Not Answered	10	1.17%

**If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - I find it hard to relax and enjoy myself in the area**



Option	Total	Percent
Yes	501	58.46%
No	289	33.72%
Don't know/not sure	56	6.53%
Not Answered	11	1.28%

**If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - I feel concerned about people involved in these behaviours and want to help**



Option	Total	Percent
Yes	452	52.74%
No	247	28.82%
Don't know/not sure	146	17.04%
Not Answered	12	1.40%

**If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - These behaviours add to the vibrancy of the area**





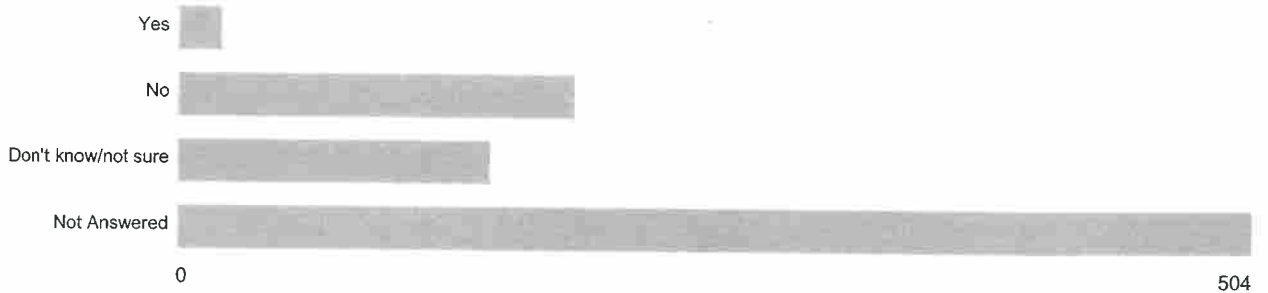
Option	Total	Percent
Yes	91	10.62%
No	694	80.98%
Don't know/not sure	64	7.47%
Not Answered	8	0.93%

**If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - I avoid the area at certain times or on certain days (please specify below which days and times)**



Option	Total	Percent
Yes	406	47.37%
No	370	43.17%
Don't know/not sure	66	7.70%
Not Answered	15	1.75%

**If you have seen any of the behaviours in Q7 above, please tick the relevant statement(s) below: - None of the above/other, please specify**



Option	Total	Percent
Yes	20	2.33%
No	186	21.70%
Don't know/not sure	147	17.15%
Not Answered	504	58.81%

**If none of the above or if you have any further comments, please state:**

There were 311 responses to this part of the question.

**Question 9: I would recommend a visit to West St/Devonshire Green area to a visitor to Sheffield.**

*I would recommend a visit to West St/Devonshire Green area to a visitor to Sheffield.*





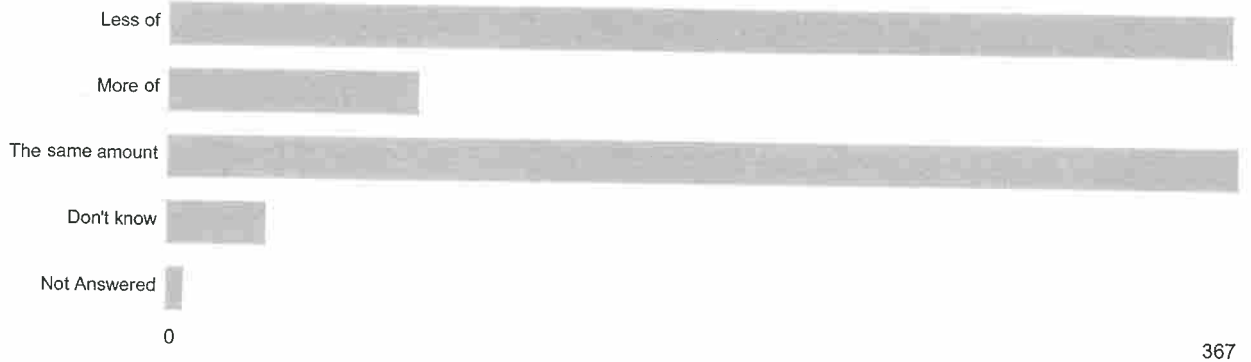
Option	Total	Percent
Yes	487	56.83%
No	368	42.94%
Not Answered	2	0.23%

*If no, please state why*

There were 382 responses to this part of the question.

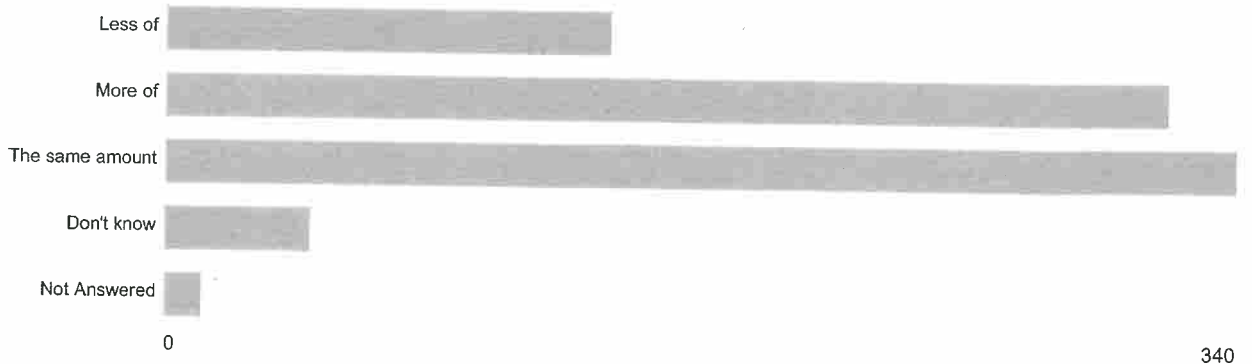
**Question 10: What would you like to see for the following premises in the area?**

*What would you like to see for the following premises in the West St, Devonshire Green area? - Licensed premises (where alcoholic beverages and tobacco can be sold and consumed)*



Option	Total	Percent
Less of	364	42.47%
More of	86	10.04%
The same amount	367	42.82%
Don't know	34	3.97%
Not Answered	6	0.70%

*What would you like to see for the following premises in the West St, Devonshire Green area? - Food businesses (unlicensed)*





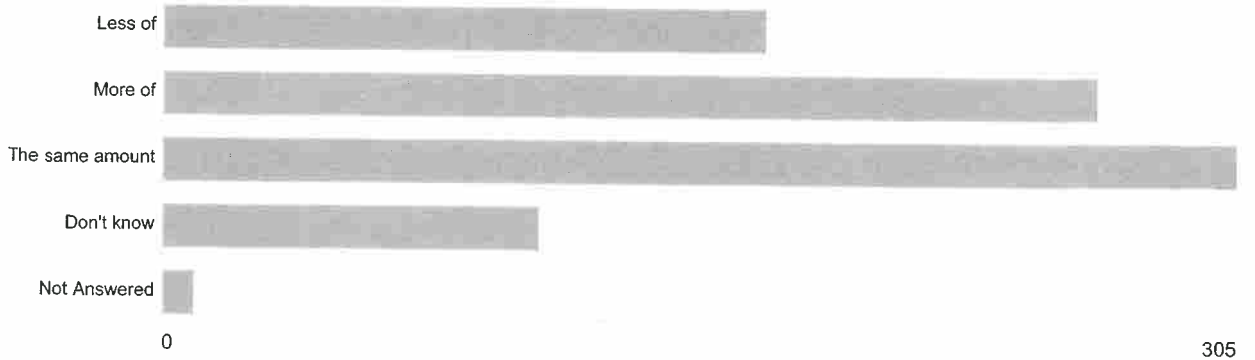
Option	Total	Percent
Less of	141	16.45%
More of	318	37.11%
The same amount	340	39.67%
Don't know	46	5.37%
Not Answered	12	1.40%

**What would you like to see for the following premises in the West St, Devonshire Green area? - Non food/drink retail**



Option	Total	Percent
Less of	35	4.08%
More of	574	66.98%
The same amount	191	22.29%
Don't know	48	5.60%
Not Answered	9	1.05%

**What would you like to see for the following premises in the West St, Devonshire Green area? - Business and professional offices**







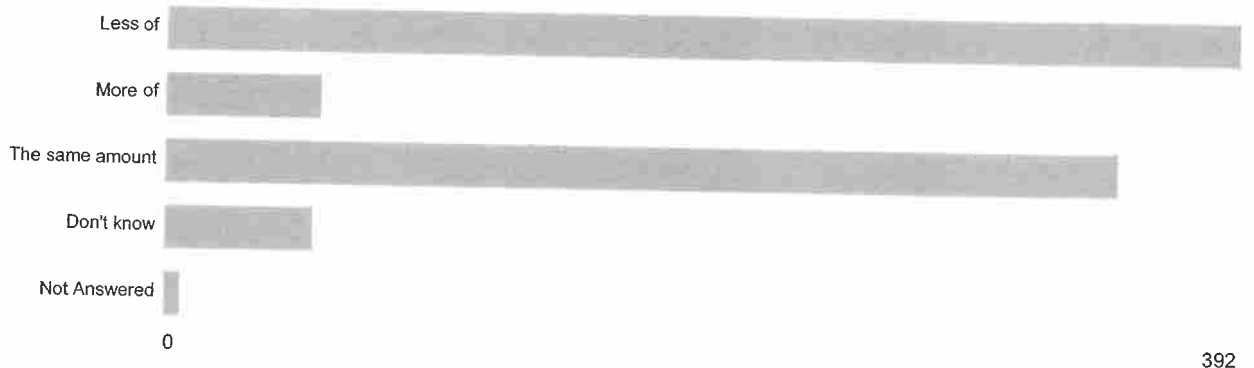
Option	Total	Percent
Less of	171	19.95%
More of	265	30.92%
The same amount	305	35.59%
Don't know	107	12.49%
Not Answered	9	1.05%

**What would you like to see for the following premises in the West St, Devonshire Green area? - University buildings**



Option	Total	Percent
Less of	204	23.80%
More of	153	17.85%
The same amount	414	48.31%
Don't know	81	9.45%
Not Answered	5	0.58%

**What would you like to see for the following premises in the West St, Devonshire Green area? - Residential premises (student)**





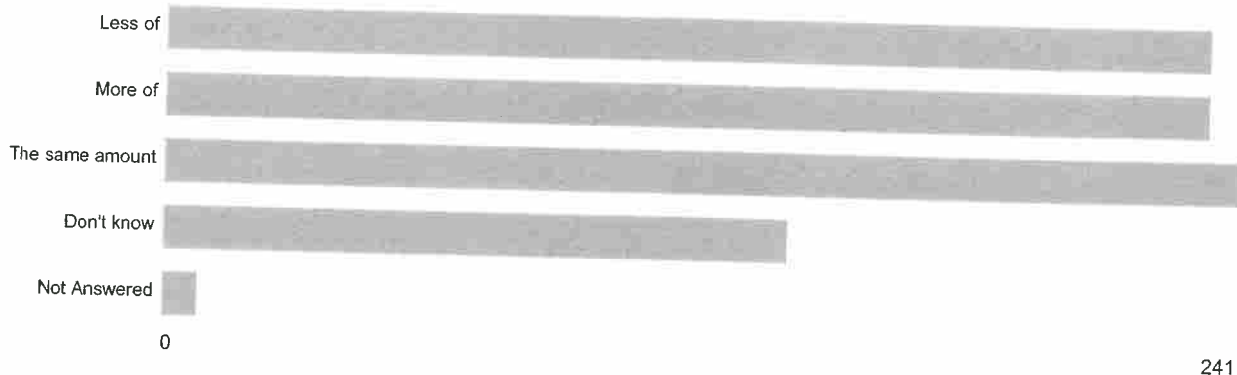
Option	Total	Percent
Less of	392	45.74%
More of	57	6.65%
The same amount	348	40.61%
Don't know	54	6.30%
Not Answered	6	0.70%

**What would you like to see for the following premises in the West St, Devonshire Green area? - Residential premises (non-student)**



Option	Total	Percent
Less of	188	21.94%
More of	280	32.67%
The same amount	309	36.06%
Don't know	76	8.87%
Not Answered	4	0.47%

**What would you like to see for the following premises in the West St, Devonshire Green area? - Health, social care and supported accommodation services**





Option	Total	Percent
Less of	234	27.30%
More of	234	27.30%
The same amount	241	28.12%
Don't know	140	16.34%
Not Answered	8	0.93%

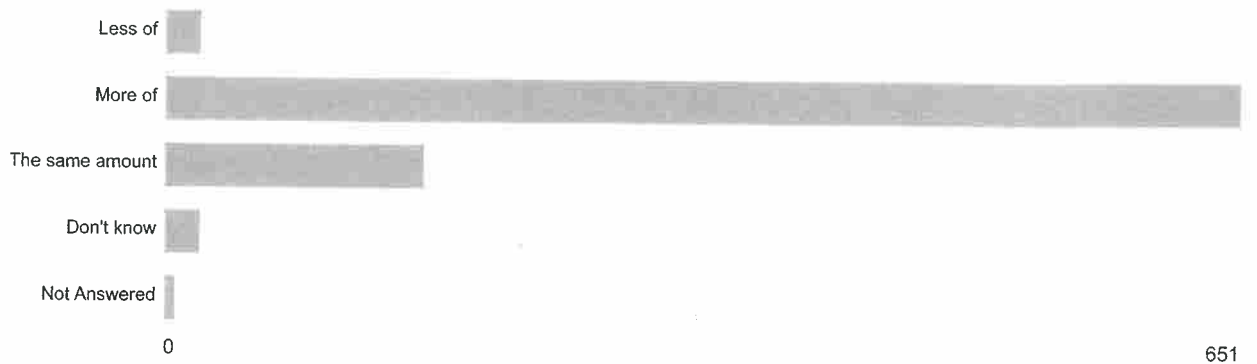
**What would you like to see for the following premises in the West St, Devonshire Green area? - Boutique and independent shops**



Option	Total	Percent
Less of	16	1.87%
More of	748	87.28%
The same amount	73	8.52%
Don't know	17	1.98%
Not Answered	3	0.35%

**Question 11: What would you like to see, in terms of licensed premises, in the area?**

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - High quality restaurants**





Option	Total	Percent
Less of	22	2.57%
More of	651	75.96%
The same amount	157	18.32%
Don't know	21	2.45%
Not Answered	6	0.70%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - High quality wine bars**



Option	Total	Percent
Less of	101	11.79%
More of	505	58.93%
The same amount	197	22.99%
Don't know	45	5.25%
Not Answered	9	1.05%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - High quality artisan beer and cider retailers**





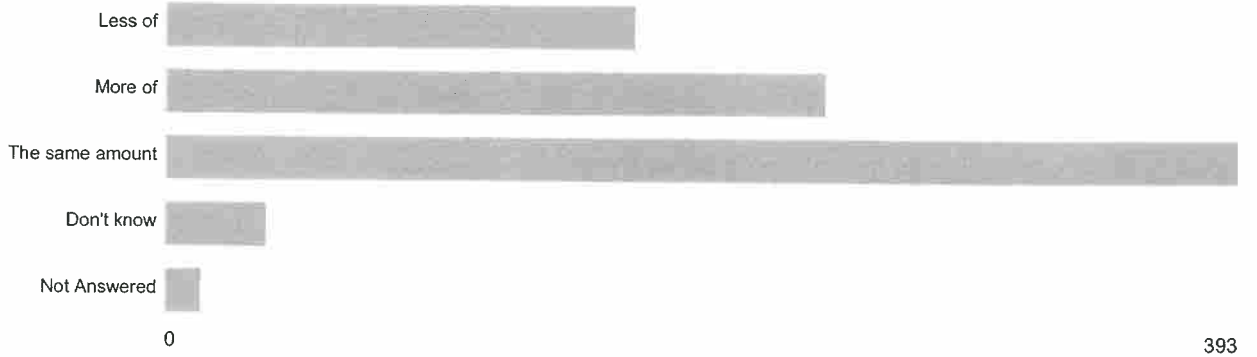
Option	Total	Percent
Less of	74	8.63%
More of	546	63.71%
The same amount	182	21.24%
Don't know	45	5.25%
Not Answered	10	1.17%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Bars**



Option	Total	Percent
Less of	221	25.79%
More of	223	26.02%
The same amount	382	44.57%
Don't know	20	2.33%
Not Answered	11	1.28%

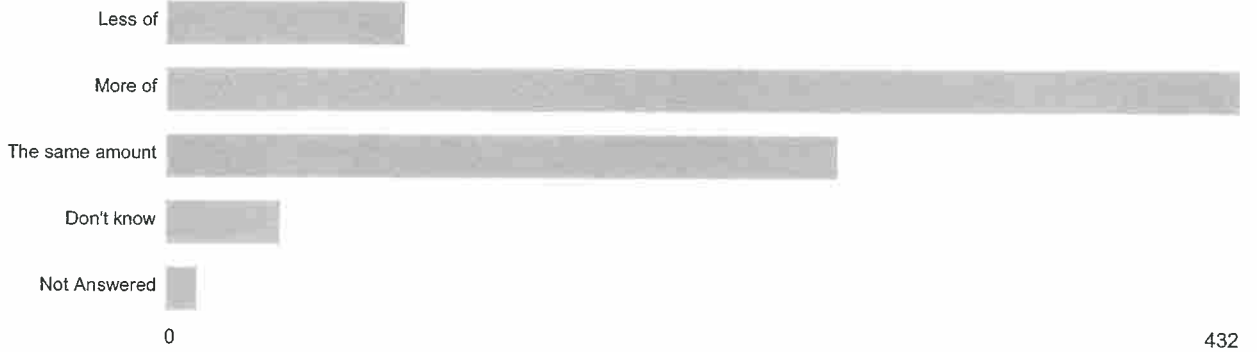
**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Public Houses**





Option	Total	Percent
Less of	172	20.07%
More of	242	28.24%
The same amount	393	45.86%
Don't know	37	4.32%
Not Answered	13	1.52%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Licensed coffee shops**



Option	Total	Percent
Less of	96	11.20%
More of	432	50.41%
The same amount	270	31.51%
Don't know	46	5.37%
Not Answered	13	1.52%

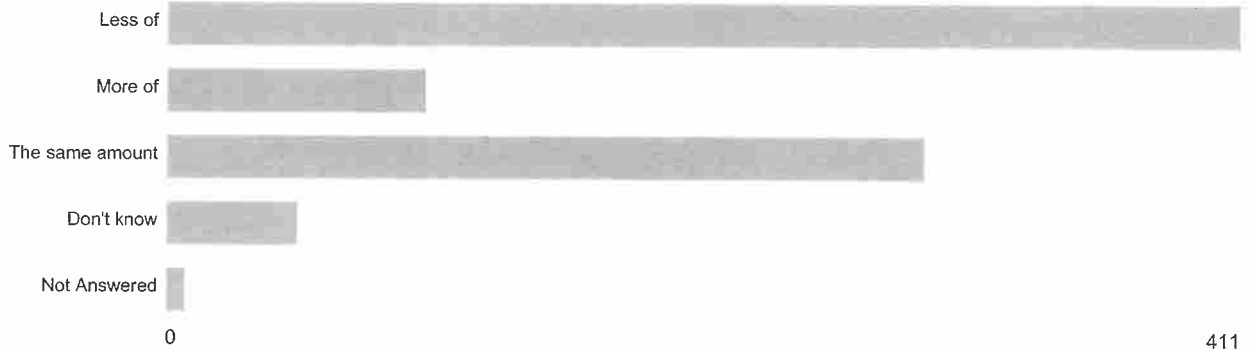
**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Family friendly/family orientated licensed venues**





Option	Total	Percent
Less of	89	10.39%
More of	531	61.96%
The same amount	184	21.47%
Don't know	45	5.25%
Not Answered	8	0.93%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Night clubs**



Option	Total	Percent
Less of	411	47.96%
More of	99	11.55%
The same amount	290	33.84%
Don't know	50	5.83%
Not Answered	7	0.82%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Live music venues**





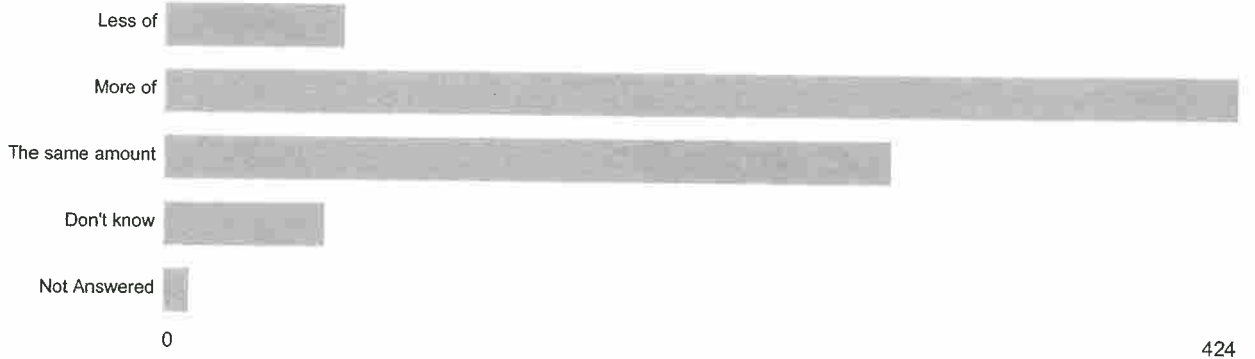
Option	Total	Percent
Less of	113	13.19%
More of	467	54.49%
The same amount	234	27.30%
Don't know	34	3.97%
Not Answered	9	1.05%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Adult entertainment venues**



Option	Total	Percent
Less of	500	58.34%
More of	60	7.00%
The same amount	155	18.09%
Don't know	134	15.64%
Not Answered	8	0.93%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Seated licensed venues with a hot food offer**

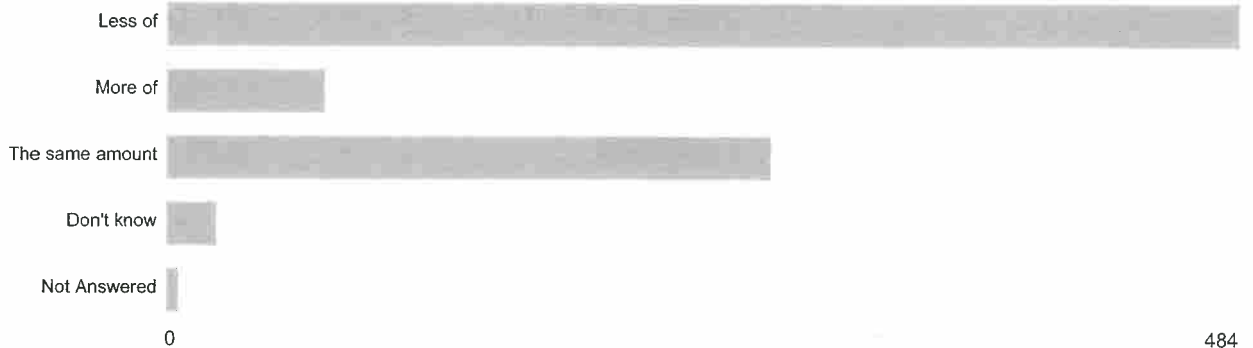






Option	Total	Percent
Less of	71	8.28%
More of	424	49.47%
The same amount	288	33.61%
Don't know	64	7.47%
Not Answered	10	1.17%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Fast food outlets/takeaways (licensed)**



Option	Total	Percent
Less of	484	56.48%
More of	71	8.28%
The same amount	273	31.86%
Don't know	23	2.68%
Not Answered	6	0.70%

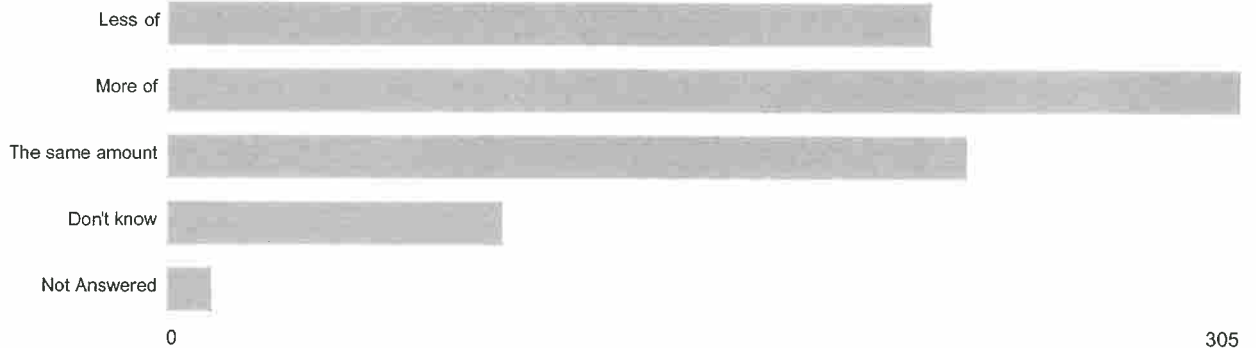
**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Off licenses**





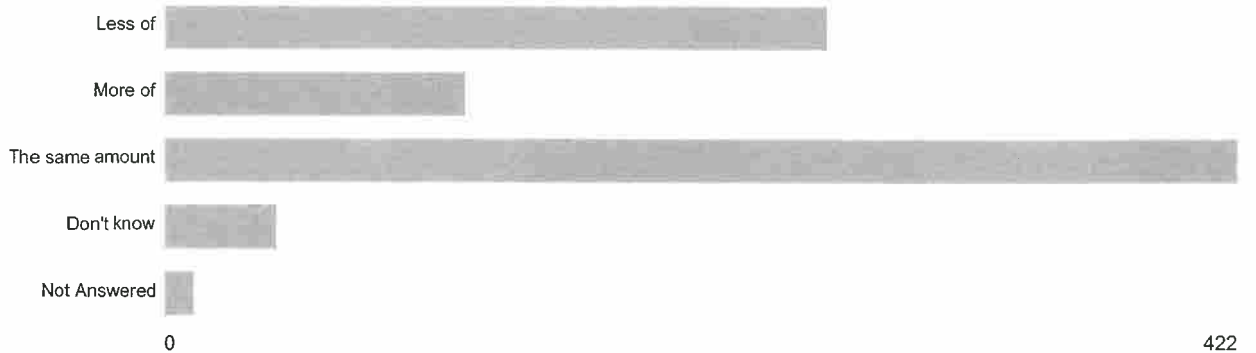
Option	Total	Percent
Less of	635	74.10%
More of	23	2.68%
The same amount	167	19.49%
Don't know	23	2.68%
Not Answered	9	1.05%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Specialist wine, craft beer and cider tasting & off license retailers**



Option	Total	Percent
Less of	217	25.32%
More of	305	35.59%
The same amount	227	26.49%
Don't know	95	11.09%
Not Answered	13	1.52%

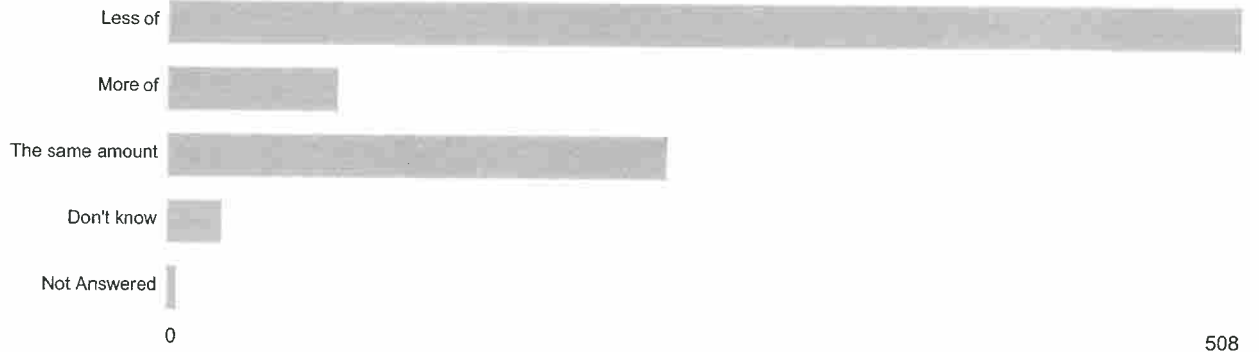
**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Licensed supermarkets/food stores**





Option	Total	Percent
Less of	261	30.46%
More of	118	13.77%
The same amount	422	49.24%
Don't know	44	5.13%
Not Answered	12	1.40%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Student orientated venues i.e cheap drinks offers, student nights**



Option	Total	Percent
Less of	508	59.28%
More of	81	9.45%
The same amount	236	27.54%
Don't know	27	3.15%
Not Answered	5	0.58%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Licensed venues with outdoor seating areas**





Option	Total	Percent
Less of	115	13.42%
More of	504	58.81%
The same amount	189	22.05%
Don't know	43	5.02%
Not Answered	6	0.70%

**What would you like to see, in terms of licensed premises, in the West St, Devonshire Green area? - Licensed casinos**



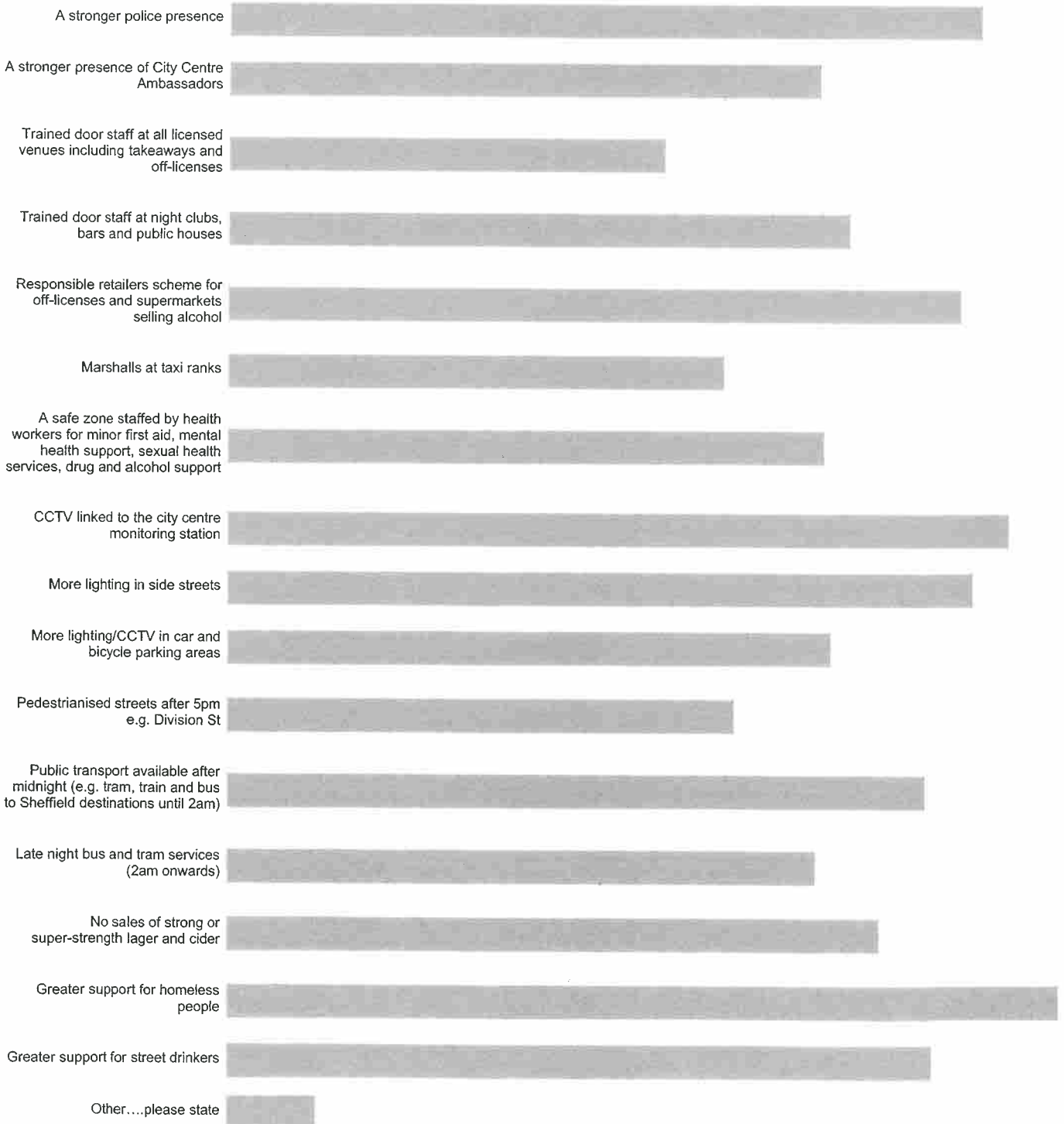
552




Option	Total	Percent
Less of	552	64.41%
More of	54	6.30%
The same amount	158	18.44%
Don't know	85	9.92%
Not Answered	8	0.93%

**Question 12: Please select the measures below, that you would like to see implemented instead of or alongside a Cumulative Impact Policy, to benefit the area (select as many as apply).**

*Please select, which of the measures listed below, you think would benefit the West St/Devonshire Green area:*





Not Answered

0

661

Option	Total	Percent
A stronger police presence	598	69.78%
A stronger presence of City Centre Ambassadors	470	54.84%
Trained door staff at all licensed venues including takeaways and off-licenses	345	40.26%
Trained door staff at night clubs, bars and public houses	495	57.76%
Responsible retailers scheme for off-licenses and supermarkets selling alcohol	583	68.03%
Marshalls at taxi ranks	393	45.86%
A safe zone staffed by health workers for minor first aid, mental health support, sexual health services, drug and alcohol support	475	55.43%
CCTV linked to the city centre monitoring station	621	72.46%
More lighting in side streets	593	69.19%
More lighting/CCTV in car and bicycle parking areas	480	56.01%
Pedestrianised streets after 5pm e.g. Division St	403	47.02%
Public transport available after midnight (e.g. tram, train and bus to Sheffield destinations until 2am)	557	64.99%
Late night bus and tram services (2am onwards)	469	54.73%
No sales of strong or super-strength lager and cider	520	60.68%
Greater support for homeless people	661	77.13%
Greater support for street drinkers	562	65.58%
Other...please state	71	8.28%
Not Answered	1	0.12%

***If other, please state***

There were **156** responses to this part of the question.

# Appendix E

## Cumulative Impact Policy (West St/Devonshire Green area)

### Summary of findings from public consultation

Presentation: Magdalena Boo, Health Improvement Principal, Office of the Director of Public Health, 11<sup>th</sup> January 2018  
With thanks to Annemarie Johnston & Beth Illerim, Business Strategy Place for data analysis, all errors are my own

### Key Messages

- The findings from this survey alone are not enough to make a decision CIP/no CIP but will be combined with other evidence collected e.g. Police, ASB and submitted to Licensing Committee.
- There is strong evidence of "street behaviours" in the area that need to be addressed to make the area more welcoming, with most people having seen begging and street drinking. Most respondents were concerned for people involved and wanted to help (52%) but it did affect enjoyment of the area.
- During the daytime the area is an enjoyable place to be, but after 6pm more people are dissatisfied with the area.
- CIP is a "place shaping" tool and can be used to decide what type of licensed premises should be encouraged – the survey evidence suggests more high quality, independent and boutique, seated and food led venues are wanted and fewer off-licenses and student-oriented venues.
- 56% of those who responded to the question, "Would you recommend a visit to West St/Devonshire Green" said YES.
- The TOP 5 interventions to improve the area were:
  - Greater support for homeless people
  - CCTV linked to the City Centre monitoring station
  - A stronger police presence
  - More lighting in side streets
  - Responsible retailers scheme for off-licenses and supermarkets selling alcohol

### Sheffield City Council asked people whether Cumulative Impact Policy should be used for the West St/Devonshire Green area...



816  
people  
responded

**Clear Goal**  
To determine whether the public support the use of CIP in the West St/Devonshire Green area and what interventions they would like to see implemented to improve the area.

**Survey Period**  
11<sup>th</sup> January 2018 to 19<sup>th</sup> February 2018

**Survey Method**  
Online survey via SurveyMonkey

**Survey Results**  
816 people responded to the survey. 56% of respondents (459) said they would recommend a visit to the area. 42% of respondents (343) said they would not recommend a visit to the area.


**Survey Findings**  
The survey found that the majority of respondents (78%) agreed or strongly agreed that the area was an enjoyable place to be during the day. However, 40% of respondents (327) disagreed or strongly disagreed that the area was an enjoyable place to be after 6pm.

**Survey Interventions**  
The top 5 interventions to improve the area were: Greater support for homeless people, CCTV linked to the City Centre monitoring station, A stronger police presence, More lighting in side streets, and Responsible retailers scheme for off-licenses and supermarkets selling alcohol.

8 week  
Public  
consultation

### Most of the people who responded to the survey visited the area for leisure

Data on 111 go to the West Street and Devonshire Green area because (please tick all that apply)  
Go to the West St/Devonshire Green area because (please tick all that apply)



Reason	Percentage
To relax	35%
Shopping	25%
Work	15%
Exercise	10%
Other	15%

## Demographics

**Survey Respondents**

- Most respondents were White UK (86.9%)
- Most respondents were "working age" 26-39 years (40%) 40-64 years (37.22%)
- female respondents (55%) were over-represented compared to male (44%)

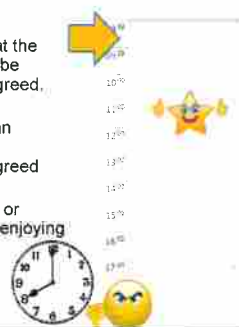
**The Sheffield population are:**

- % White: 85.5%
- % Female: 50.3%
- % Male: 49.7%
- % 26 – 39 years: 18.7%
- % 40 – 64 years: 28.7%

This means the survey respondents were broadly representative of Sheffield, however working age groups are "over" represented which reflects the nature of the survey regarding licensed premises.

### An enjoyable place to be on weekdays?

- weekdays 7am-5pm**  
51% agreed/strongly agreed that the area was an enjoyable place to be  
22% disagreed or strongly disagreed.
- weekdays 5pm-8pm**  
42% agreed that the area was an enjoyable place to be  
31% disagreed or strongly disagreed
- weekdays 8pm-11pm**  
More people strongly disagreed or disagreed (40%) with only 29% enjoying the area at these times





### An enjoyable place to be on weekends?

- weekends 7am-5pm**  
56% of respondents agreed/strongly  
17% disagreed/strongly disagreed
- weekends 5pm-8pm**  
46% agreed/strongly agreed  
29% disagreed/strongly disagreed
- weekends 11pm – 7am**  
36% *did not* enjoy being in the area at these times (disagreed or strongly disagreed) but many (31%) *did not* visit during these times

### Street behaviours *always or often* seen in the area in last 12 months

- Begging (84%)
- Street drinking (81%)
- Rough sleeping (74%)
- Shouting (73%)
- Obscene language (63%)
- Littering with dangerous litter (55%)

(Numbers less than 50% not shown)

Picture credits: independent.co.uk, bbc.co.uk, The Superspade wordpress.com

### Street behaviours *never or rarely* seen in the area in the last 12 months

- Sex acts (88%)
- Underage drinking (65%)
- Damage to property (63%)
- Physical abuse (57%)

(Numbers less than 50% not shown)

### Impacts of street behaviours on those visiting the West St/Devonshire Green area

- Feel unsafe/intimidated visiting the area (59%)
- Hard to relax, enjoy myself in the area (58%)
- Concerned for people involved in street behaviours and want to help (52%)

(Numbers less than 50% not shown)

### Would you recommend a visit to West St/Devonshire Green area to a visitor?

**YES! 56% (n=213)**      **NO! 42% (n=160)**

Picture credits: Wikipedia, Sounds from the Steel, Alamy, Y&R

### What respondents would like to see *“more of”* in West St/Devonshire Green area

- Boutique and independent shops (87%)
- High quality restaurants (75%)
- Non food/drink retail (66%)
- High quality artisan beer and cider retailers (63%)
- Family friendly/family oriented licensed venues (61%)
- Licensed venues with outdoor seating areas (58%)
- High quality wine bars (58%)
- Live music venues (54%)
- Licensed coffee shops (50%)

**What respondents would like to see “less of” of in West St/Devonshire Green area**

- Off licenses (74%)
- Licensed casinos (64%)
- Student oriented venues (59%)
- Adult entertainment venues (58%)
- Fast food outlets/takeaways (56%)



(Image credits: tes.com, yell.com)



**What measures, alongside or instead of CIP, would benefit the area?**

Measures you would like to see implemented instead of or alongside a Cumulative Impact Policy to benefit the area (select as many as apply)	Number of responders
Greater support for homeless people	65
CCTV linked to the City Centre monitoring station	62
A stronger police presence	59
More lighting in side streets	58
Responsible retailers (banning off-licenses) and supermarkets selling alcohol	58
Greater support for street drinkers	54
Public transport available after midnight	52
No sales of strong or super strength lager and cider	52
Trained door staff at night clubs, bars and public houses	49
More lighting/CCTV in car and bicycle parking areas	48
A safe zone staffed by health workers for minor first aid, mental health support, sexual health services, drug and alcohol	47
A stronger presence of City Centre Ambassadors	47
Late night bus and tram services (2am onwards)	46

Responses with less than 408 votes (50%) not shown. 544 is a 2/3 majority and these are shown in green highlight.

**Next Steps**

- Share findings internally to SCC officers responsible for Licensing, Drugs & Alcohol Services, Homelessness and Rough Sleeping, Anti-social behaviour, City Centre Management, Planning (Regeneration).
- Share findings with elected members for the Ward and those responsible for licensing and homelessness.
- Share findings with Cumulative Impact Policy Task Group, Alcohol Strategy Implementation Group and Licensing Committee.
- Consider whether this provides sufficient evidence and steer for Cumulative Impact Policy to be applied to the area and what the CIP should cover.

# Appendix F

## Force Intelligence Analyst Unit

Sheffield CIP Analysis Update			
<b>Compiled by</b>	Adele Walker	<b>Owner</b>	Force Analysts
<b>EXT</b>	713117	<b>Ref</b>	AN17NOV19
<b>Data Period</b>	01-Apr-17 – 23-Nov-17.	<b>Protective Marking &amp; Handling Instructions</b>	<b>Official</b>
<b>Aim &amp; Purpose</b>	To provide an update of crime and ASB occurring within the NTE in the CIP area.		
<b>Sources &amp; Parameters</b>	Crime data is extracted from CMS using statistics date and ASB data is extracted from Procad based on all incidents closed as ASB.		
<b>Limitations</b>	<p>Due to the methods of data extraction and anomalies with the geocoding of data, any figures provided within this report should be treated as unaudited.</p> <p>The force has a clear policy on the issuing of unaudited data externally and should you wish to share this data externally you take full responsibility for doing so.</p> <p>All the maps within this document, original representations or otherwise, are reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. SYP Licence No. PA 0103. Geocoding is not always accurate and as such, there may be anomalies in the data. This report is the position of the South Yorkshire Police as of 14<sup>th</sup> December 2015. The data used within this report was sourced from CMS and ProCAD and extracted on 11<sup>th</sup> December 2015. Any changes to the data used following this date will not be captured within the report. Therefore if the data held within the report is required for use elsewhere in the future due to the Retain, Review, Delete requirements of MOPI additional checks may be required to ensure accuracy of the information.</p>		

Due to the methods of data extraction and anomalies with the geo-coding of data, any figures provided within this report should be treated as unaudited. The force has a clear policy on the issuing of unaudited data externally and should you wish to share this data externally you take full responsibility for doing so. This report is the position of the South Yorkshire Police as of 23<sup>rd</sup> November 2017. The data used within this report was sourced from CMS and Procad and extracted on 23<sup>rd</sup> November 2017. Any changes to the data used following this date will not be captured within the report. Therefore if the data held within the report is required for use elsewhere in the future due to the Retain, Review, Delete requirements of MOPI additional checks may be required to ensure accuracy of the information.

## Methodology

Crime data is extracted from CMS using statistics date and ASB data is extracted from Procad based on all incidents closed as ASB, for the current period of 1<sup>st</sup> April 2017 – 23<sup>rd</sup> November 2017.

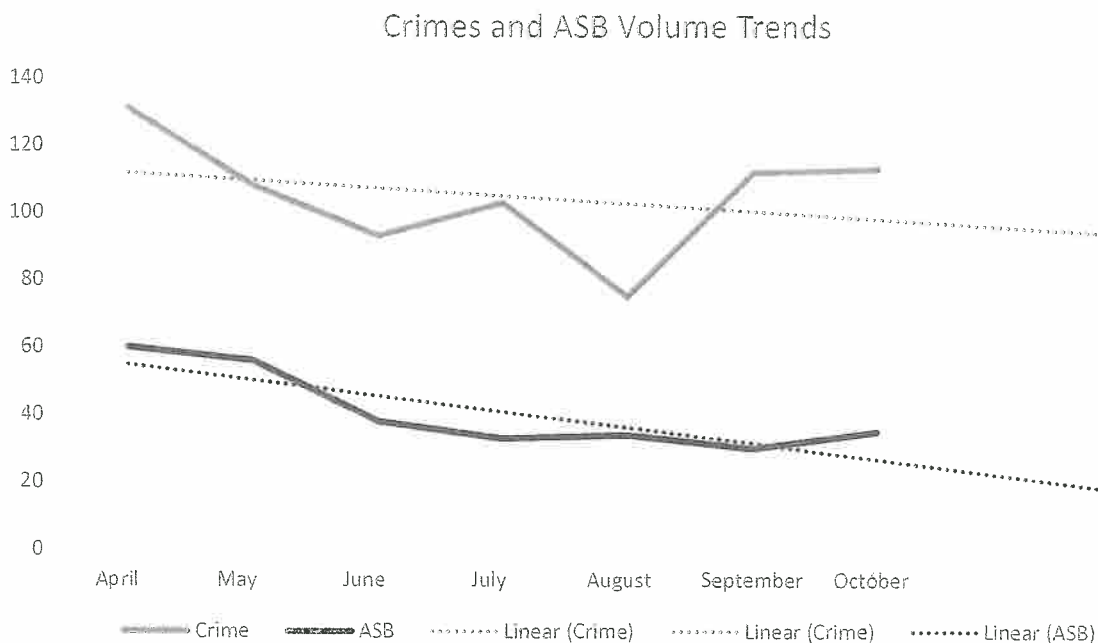
When 'crime' is referred to, it relates to offences included in the following Home Office Groups:

- Criminal Damage (all)
- Drugs
- Other Notifiable Offences
- Robbery (all)
- Sexual Offences
- Theft and Handling Stolen Goods
- Violence against the Person.

Analysis includes all offences that occurred within the hours of the Night Time Economy (NTE) – 19:00 – 07:00.

## Analysis

NTE Offences and Incidents 1/4/17 – 23/11/17	
ASB	Crime
314	805

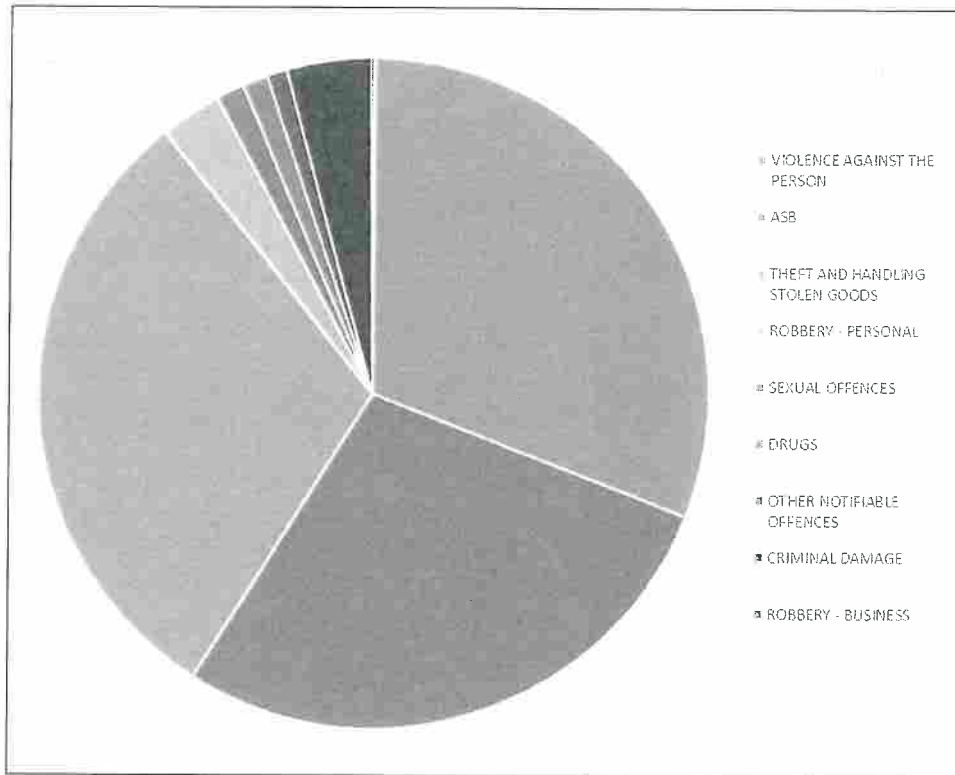


Volumes of crime and ASB have shown a slight downward trend since April 2017. Based on recorded volumes this trend is forecast to continue decreasing however, factors such as the forthcoming festive period are likely to drive a continuation or increase in current volumes. (Please note that November is not a full month of data therefore is not included on the graph).

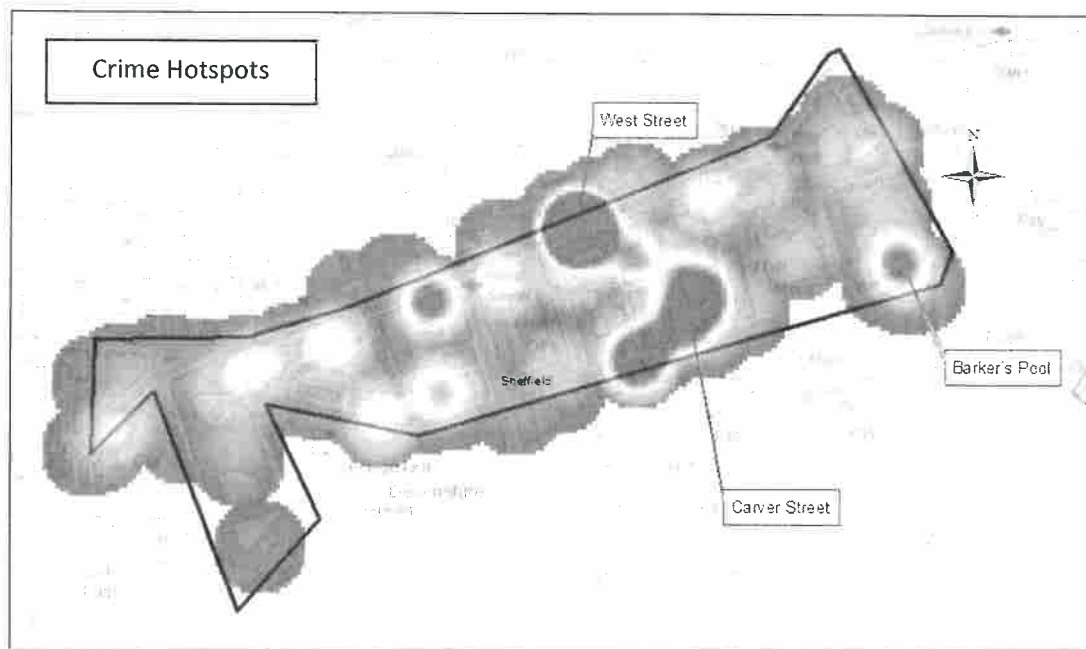


Home Office Group	Count	% of Total
VIOLENCE AGAINST THE PERSON	346	43.0%
THEFT AND HANDLING STOLEN GOODS	338	42.0%
ROBBERY - PERSONAL	33	4.1%
CRIMINAL DAMAGE - MOTOR VEHICLE	20	2.5%
SEXUAL OFFENCES	15	1.9%
DRUGS	14	1.7%
OTHER NOTIFIABLE OFFENCES	11	1.4%
CRIMINAL DAMAGE - OTHER BUILDING	10	1.2%
CRIMINAL DAMAGE - DWELLING	9	1.1%
CRIMINAL DAMAGE - OTHER	4	0.5%
CRIMINAL DAMAGE - ARSON / THREAT / EQUIP	3	0.4%
ROBBERY - BUSINESS	2	0.2%
<b>Grand Total</b>	<b>805</b>	<b>100.0%</b>

ASB Type	Count	% of Total
ROWDY/INCONSID	152	48.4%
BEGGING/VAGRANCY	68	21.7%
DISTURBANCE/FIGHTING	17	5.4%
STREET DRINKING	15	4.8%
NOISE	9	2.9%
ASSAULT	8	2.5%
CONCERN	7	2.2%
RACIAL/HATE ABUSE	5	1.6%
THREAT BEHAVIOUR	5	1.6%
VEH NUIS/INAP USE	3	1.0%
ABND VEH NOT STLN	2	0.6%
OTHER SUSP INC	2	0.6%
NUISANCE NEIGHBOUR	2	0.6%
PERSON KNIFE/WEAPON	2	0.6%
ATTEMPT DAMAGE	2	0.6%
ABANDONED CALL	2	0.6%
LITTER/DRUG TRAPPINGS	2	0.6%
BURGLARY PROGRESS	1	0.3%
DRUGS - DEALING	1	0.3%
THREATS TO KILL	1	0.3%
FIREWORKS	1	0.3%
THEFT	1	0.3%
ANIMAL PROBLEM	1	0.3%
THREATS RECD	1	0.3%
CRIMINAL DAMAGE	1	0.3%
DOMESTIC	1	0.3%
SUICIDAL PERSON	1	0.3%
SUSP PERSON	1	0.3%
<b>Grand Total</b>	<b>314</b>	<b>100.0%</b>



Violence against the person, handling stolen goods, rowdy/inconsiderate behaviour and begging/vagrancy account for the majority of crimes and incidents in the area. High-risk crime locations include Carver Street and West Street (namely j/w Rockingham Street, Rockingham Lane and Bailey Lane). Barker's Pool records high volumes due to Theft offences at Holland Barratt. These areas record largely similar volumes to the previous period.

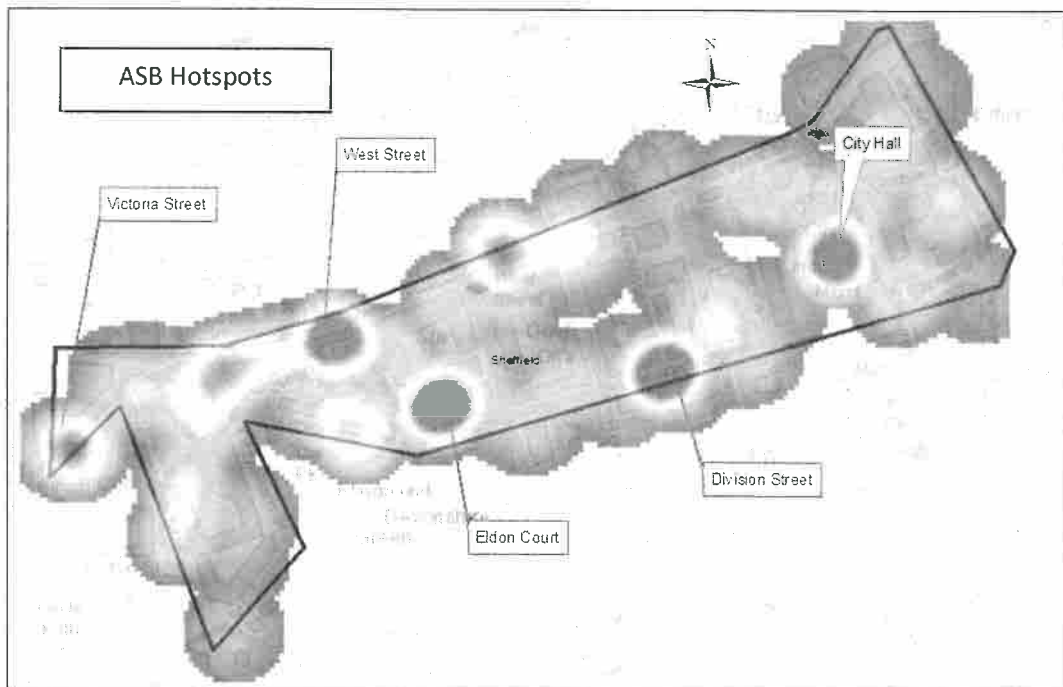




High-risk ASB locations include:

Street	Majority ASB Type	Count
City Hall	Begging/Vagrancy	23
Division Street	Noise/Rowdy/Inconsiderate Behaviour	32
Eldon Court	Rowdy/Inconsiderate Behaviour	31
West Street	Begging/Vagrancy outside several premises including Tesco and takeaways.	51
Victoria Street	Rowdy/Inconsiderate Behaviour	17

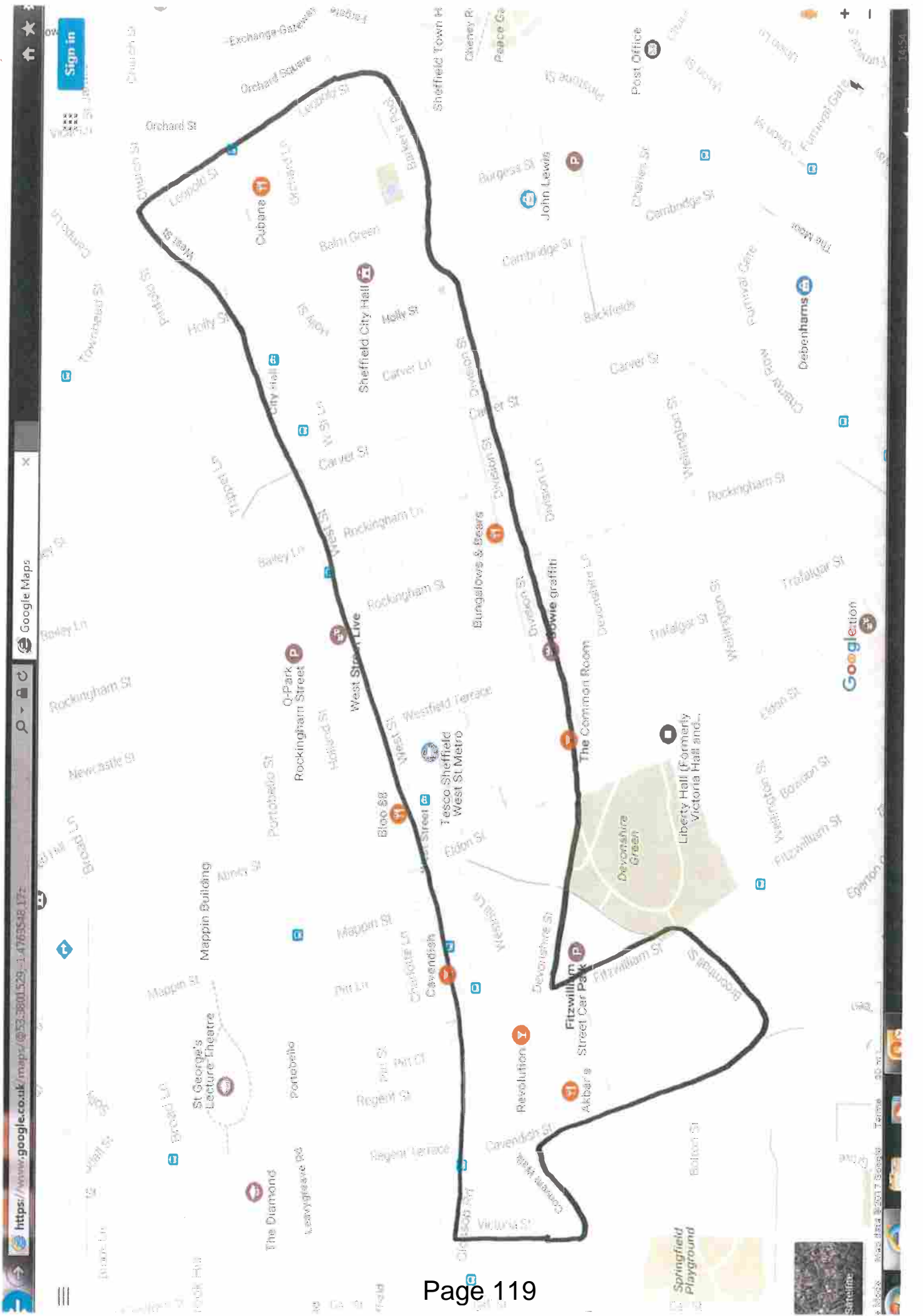
These areas record largely similar volumes to the previous period.







# Appendix G



Google Maps

https://www.google.co.uk/maps/@53.3801525,-1.4763548,17z

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