



Derby City Council

CUMULATIVE IMPACT ASSESSMENT

EFFECTIVE 1 APRIL 2023

DRAFT

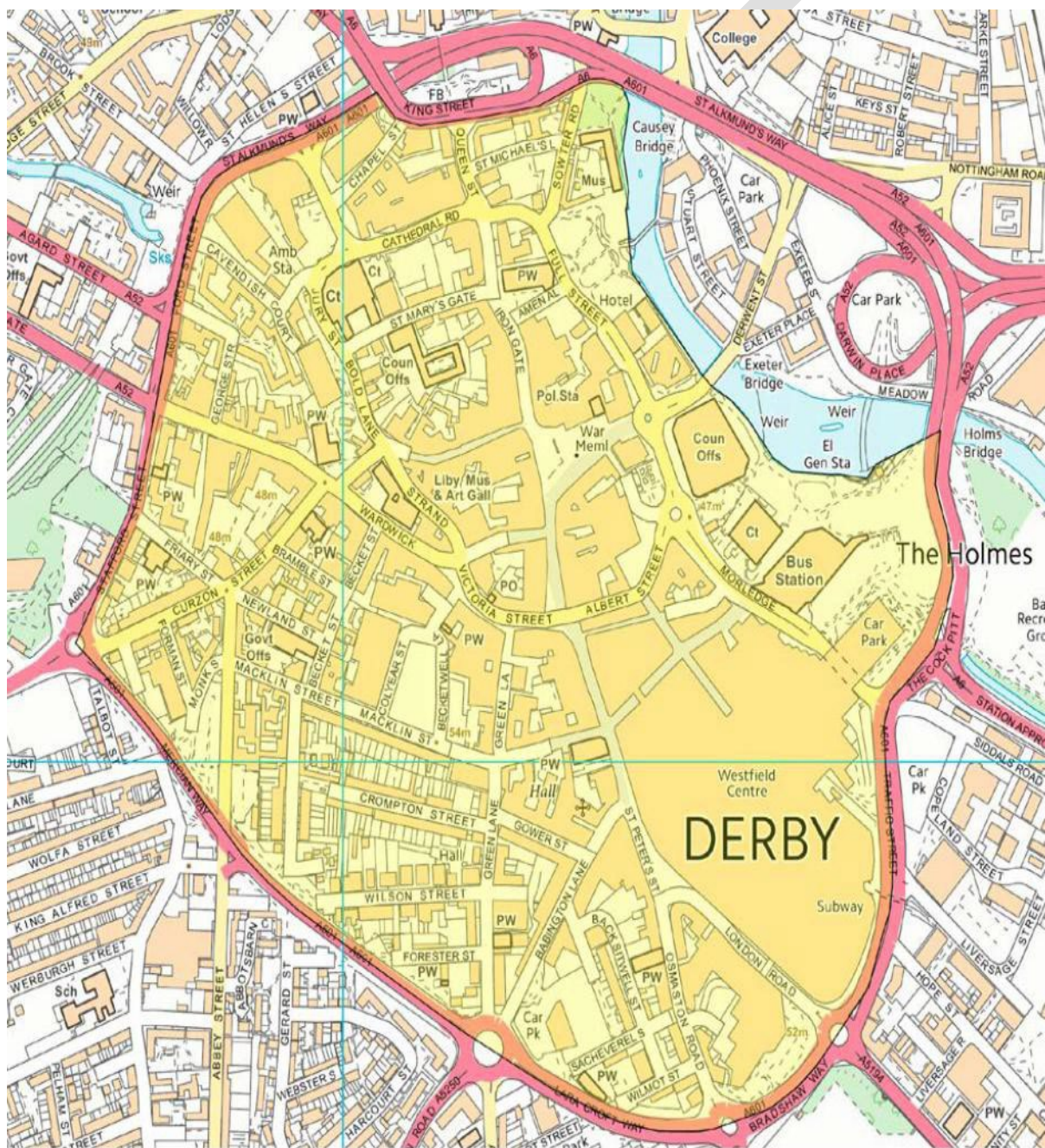
1 BACKGROUND

- 1.1 Derby City Council, as the Licensing Authority, has a duty to comply with its obligations under Section 17 of the Crime and Disorder Act 1998 in respect of crime and disorder and to promote the four licensing objectives of the Licensing Act 2003.

The four licensing objectives are:

- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance, and
 - The protection of children from harm.
- 1.2 This Cumulative Impact Assessment is written in accordance with the the Licensing Act 2003 (the Act) as amended by the Policing & Crime Act 2017 and the s182 guidance issued under the Act..
- 1.3 A Licensing Authority may, in appropriate circumstances, publish a Cumulative Impact Assessment (CIA) to help 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.
- 1.4 The Licensing Authority is aware of problems that can be created when longer trading hours, large numbers, or the density of premises offering licensable activities are located in close proximity to one another, or where the premises are out of character with the surrounding social infrastructure.
- 1.5 Derbyshire Constabulary provided evidence to support the retention of a Cumulative Impact Policy in 2022 within the area shaded yellow on the attached plan. The evidence showed a correlation between an increase in alcohol fuelled crime and disorder in the city centre area and the number and density of licensed premises within the identified area.
- 1.6 The statistics showed an increase in crime and disorder offences throughout the evening, starting around 9pm to 4am with increased activity from 11pm to 4am. Numbers of crimes were higher on Saturday and Sunday nights.
- 1.7 The area most significantly affected by the cumulative impact of licensed premises are generally contained within the city centre, which represents 1% of the total area of the city of Derby, yet accommodates 24% (253) of all licensed premises within the city.

- 1.8 Supporting evidence was also provided by Ann Walker on behalf of the Licensing Authority (Appendix 2) and Helen Faulconbridge as City Centre Neighbourhood Manager for Derby City Council (Appendix 3)
- 1.9 The Licensing Authority accepts that the grant of new premises licences or club certificates, or the positive variation of existing licences or certificates within this area would undermine the crime prevention objective, and add to the existing cumulative impact of the existing licensed premises.
- 1.10 The Council adopted a cumulative impact policy for the area contained within the city's inner ring road, shown on the plan set out below which has been regularly reviewed and retained since its' inception in 2011.



2 EFFECTS OF THE POLICY

- 2.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 2.2 The creation of this CIA does not prevent any person from making an application for a Relevant Authorisation and each application will continue to be dealt with on its own merits having regard to the contents of this document. It is not the purpose of such assessments to act as a total ban on growth or the licensing of premises which will not add to concerns around cumulative impact. The Authority recognises that the operating and business style of a premises affects the impact it may have. The onus therefore falls on applicants to demonstrate this in their operating schedules.
- 2.3 A Relevant Authorisation means a Premises Licence or a Club Premises Certificate under the Act. Variation applications of the same are covered under this policy but not minor variations.
- 2.4 The policy will only be triggered where relevant representations from responsible authorities or interested parties are received in relation to a specific application. If no representations are received, the Licensing Authority must grant the premises licence or club certificate.
- 2.5 The policy cannot be absolute and the Licensing Authority recognises this and will consider each application on its own merits. Premises with different operating and/or business styles or characteristics may have different cumulative impacts. Applications relating to premises where the evidence demonstrates that a grant would be unlikely to add to the cumulative impact will be granted.
- 2.6 The policy will not be used to:
- revoke a licence that is being reviewed following representations received about problems with an existing licensed premises,
 - adopt quotas or set terminal hours in a particular area.
- 2.7 Conditions will not be imposed on premises licences or club certificates for premises within the cumulative impact zone by the Licensing Authority, unless relevant representations from a responsible authority or interested party have been received.

3 REVIEW

- 3.1 The cumulative impact assessment will be reviewed on a regular basis, this will usually be at least every three years.
- 3.2 A review may involve the boundaries of the existing cumulative impact area being revised, subject to available evidence existing at the time to justify the revision. It may also assess whether the policy is still needed.

- 3.3 The latest review was 2022 following which consultation took place between 27 January 2023 and 20 March 2003.
- 3.4 ** LA statement if appropriate **

APPENDICES

- 1. Evidence of Derbyshire Police**
- 2. Evidence of Ann Walker on behalf of the Licensing Authority**
- 3. Evidence of Helen Faulconbridge, City Centre Neighbourhood Manager**

DRAFT

FROM Daniel Handley-Farrell
Licensing Sergeant
Derbyshire Constabulary

OUR REF

YOUR REF

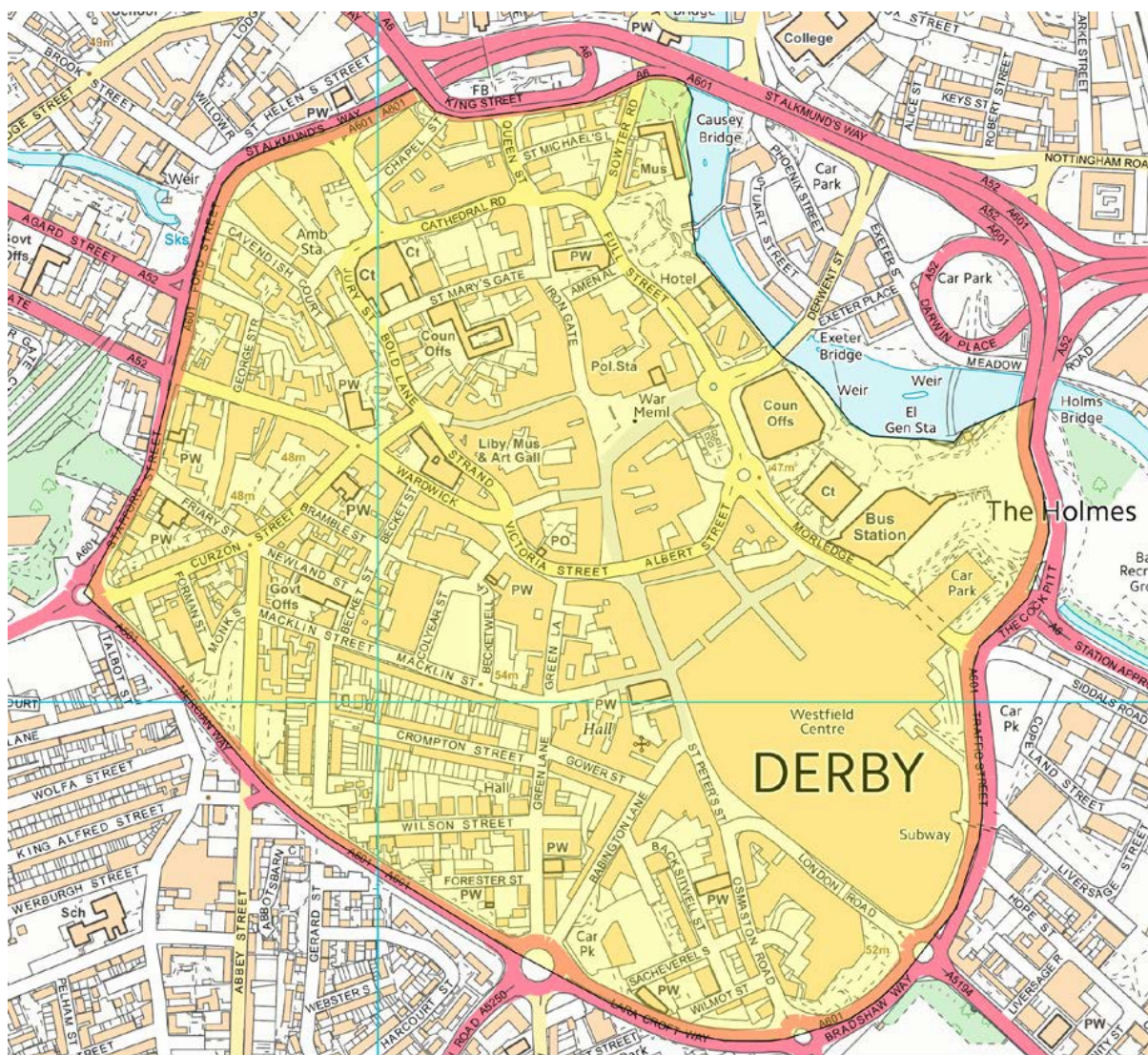
TO Angela Rawson
Licensing
Derby City Council

TEL NO

DATE 29/11/2022

SUBJECT Review of Cumulative Impact Zone- 2022

Derby City Council currently has a Cumulative Impact Zone in place covering Derby City Centre. The CIZ is defined in the below map.



The Cumulative Impact Policy is reviewed on a regular basis, and this will usually be every three years.

COPY TO

SUBJECT Review of Cumulative Impact Zone- 2022

A review has taken place to establish the frequency of Police incidents and reported crimes, that could be attributed to alcohol and the night time economy since the last review of the CIZ area. The fully report is located at appendix A Cumulative Impact Zone- Spatial Analysis Report.

The initial tasking for this report came from the Community Safety Safeguarding team, to help inform a review of the CIZ Cumulative Impact Zone (under Section 182 of the Licensing Act 2003) within Derby city centre. The report includes licensed premises, crime and anti-social behaviour information specifically for Derby City.

Data for licensed premises was extracted from the InnKeeper system, including licensed premises with status: LIVE as at 07-11-2022, with a sales type of late night refreshment, off licence, on licence and both (on and off licence).

The crime and ASB data covers the period 1st March 2020 to 31st October 2022. – for the time range 21:00 hours to 03:59 hours only (night-time economy). – including comparisons between; 12 months ending Feb 2021, 12 months ending Feb 2022, 8 months ending Oct 2022 (also including 12 month estimates ending to Feb 2023).

It should be noted that the crime and ASB figures for the timeframe March 2020 to September 2021 within the dataset, may have been affected by the impact of the Covid-19 pandemic and this should be considered when reviewing any trends, especially when comparing year on year from the dataset. This may also have an impact when considering potential future trends as well. Crime and ASB data was extracted utilising the NTE dashboard within Power BI using the filters to exclude the types of crime and incidents not considered to have a causal relationship with the number of licensed premises within the CIZ.

From a Policing perspective the CIZ is having a positive effect in helping to effectively manage and control the level of crime and disorder within the City Centre.

Derbyshire Police acting as a “responsible authority” deem it necessary to request that the Licensing Authority retain a Cumulative Impact Policy within its statement of Licensing Policy.

COPY TO

Derbyshire Constabulary – Appendix A

Licensed Premises in Derby City Cumulative Impact Zone (CIZ) Spatial Analysis Report



Author: Dawn Bennett, 5738
Date: November 2022

The initial tasking for this report came from the Community Safety Safeguarding team, to help inform a review of the CIZ Cumulative Impact Zone (under Section 182 of the Licensing Act 2003) within Derby city centre.

The report includes licensed premises, crime and anti-social behaviour information specifically for Derby City.

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- for the time range 21:00 hours to 03:59 hours only (night-time economy).
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It should be noted that the crime and ASB figures for the timeframe March 2020 to September 2021 within the dataset, may have been affected by the impact of the Covid-19 pandemic and this should be considered when reviewing any trends, especially when comparing year on year from the dataset. This may also have an impact when considering potential future trends as well.

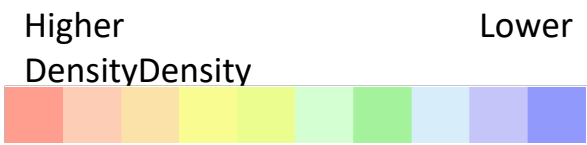
Crime and ASB data was extracted utilising the NTE dashboard within Power BI using the filters to exclude the types of crime and incidents not considered to have a causal relationship with the number of licensed premises within the CIZ.

[Introduction and methodology \(continued\)](#)

Crime and incident types included within the report (and excluded) are as listed below;

<u>Crime Categories Included:</u>	<u>Crime Categories Excluded:</u>	<u>Incident Categories Included:</u>
ALL OTHER THEFT OFFENCES CRIMINAL DAMAGE DRUG POSSESSION OTHER SEXUAL OFFENCES POSS. OF WEAPON OFFENCES PUBLIC DISORDER RAPE ROBBERY OF BUSINESS PROPERTY ROBBERY OF PERSONAL PROPERTY THEFT FROM THE PERSON VIOLENCE WITH INJURY VIOLENCE WITHOUT INJURY	ARSON BICYCLE THEFT BURGLARY DRUG TRAFFICKING MISC. CRIMES AGAINST SOCIETY SHOPLIFTING VEHICLE CRIME	ANTI-SOCIAL BEHAVIOUR (inc. environmental, nuisance, personal) Note: All other incident types have been excluded.

Licensed premises –
locations and density within Derby City Unitary Authority area



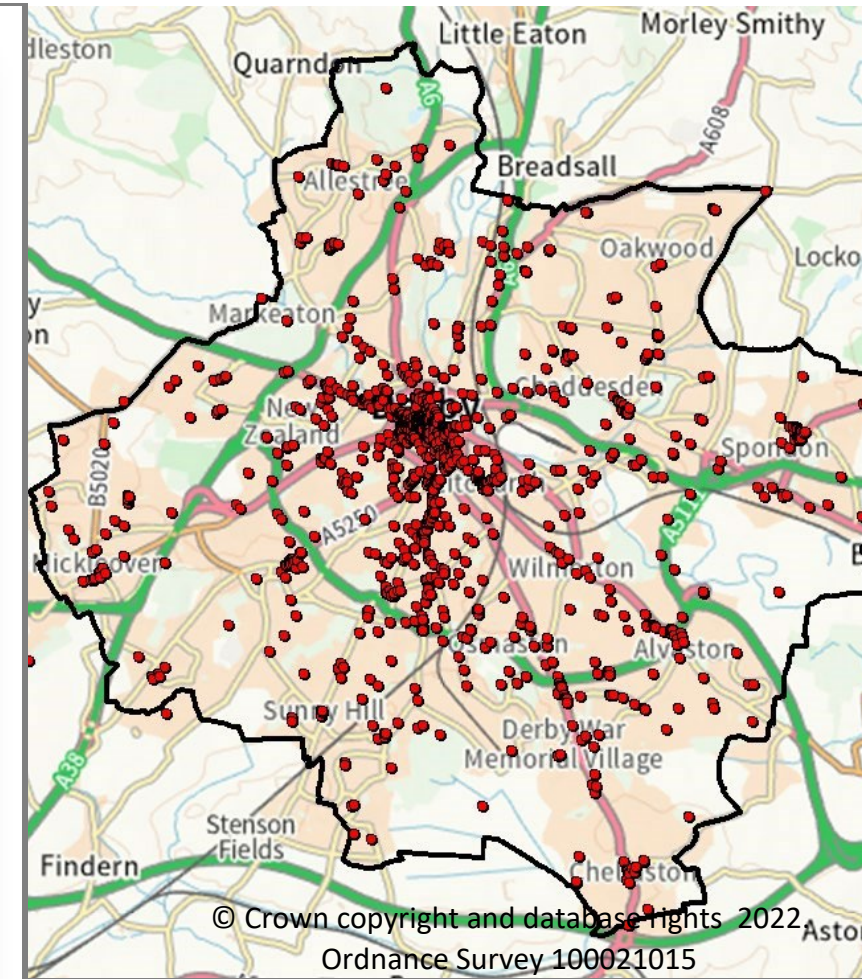
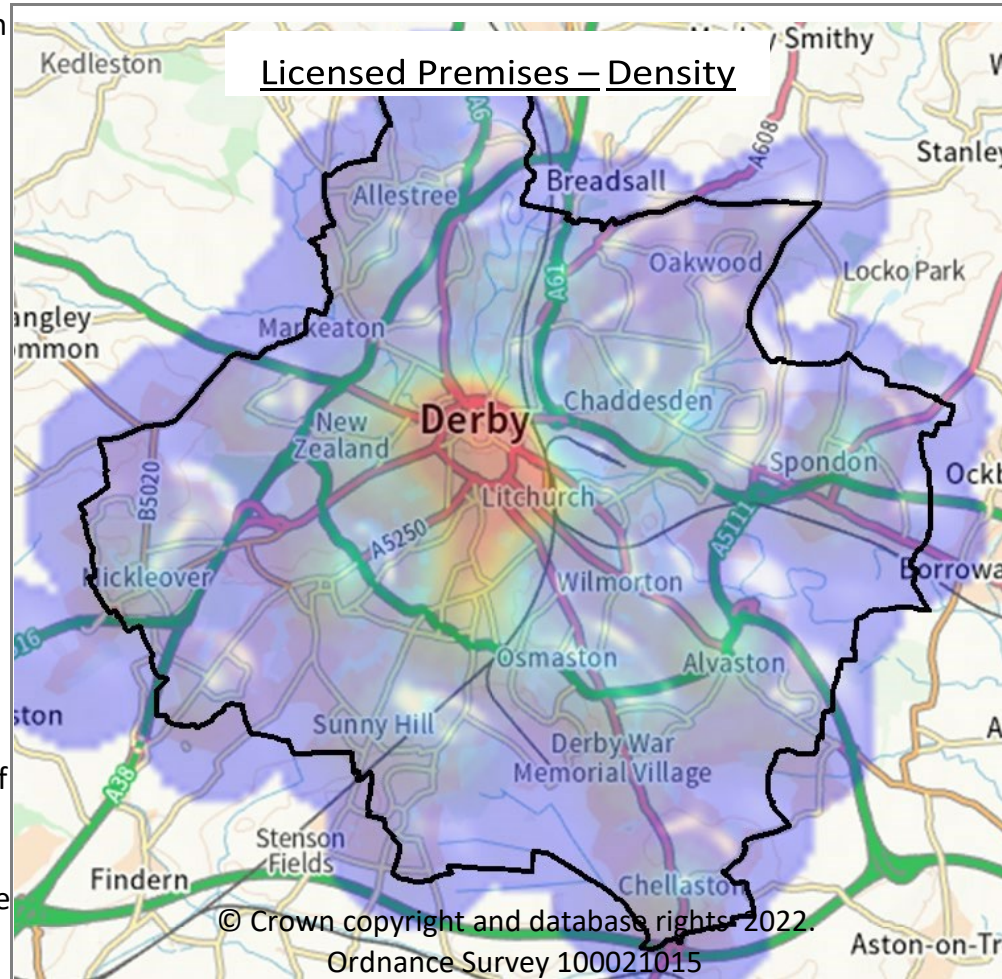
Licensed Premises – Locations

Licensed premises –

There are 1,064 licensed premises within Derby City Unitary Authority area.

The maps show the density of licensed premises is heavily concentrated within the ring road (city centre) area of Derby City Unitary Authority – coloured red in the centre of the map. There are 253 (24%) licensed premises within the city centre in an area covering 0.3 square miles.

811 (76%) of licensed premises within Derby City Unitary Authority area are located outside the ring road - an area of 29.8 square miles. This equates to 8 licensed premises per 0.3 sq mile outside the city centre, compared to 253 in the 0.3 sq mile area within the city centre.



Area Coverage:

City centre area within ring road: 0.3 square miles

Area outside the city centre ring road: 29.8 square miles

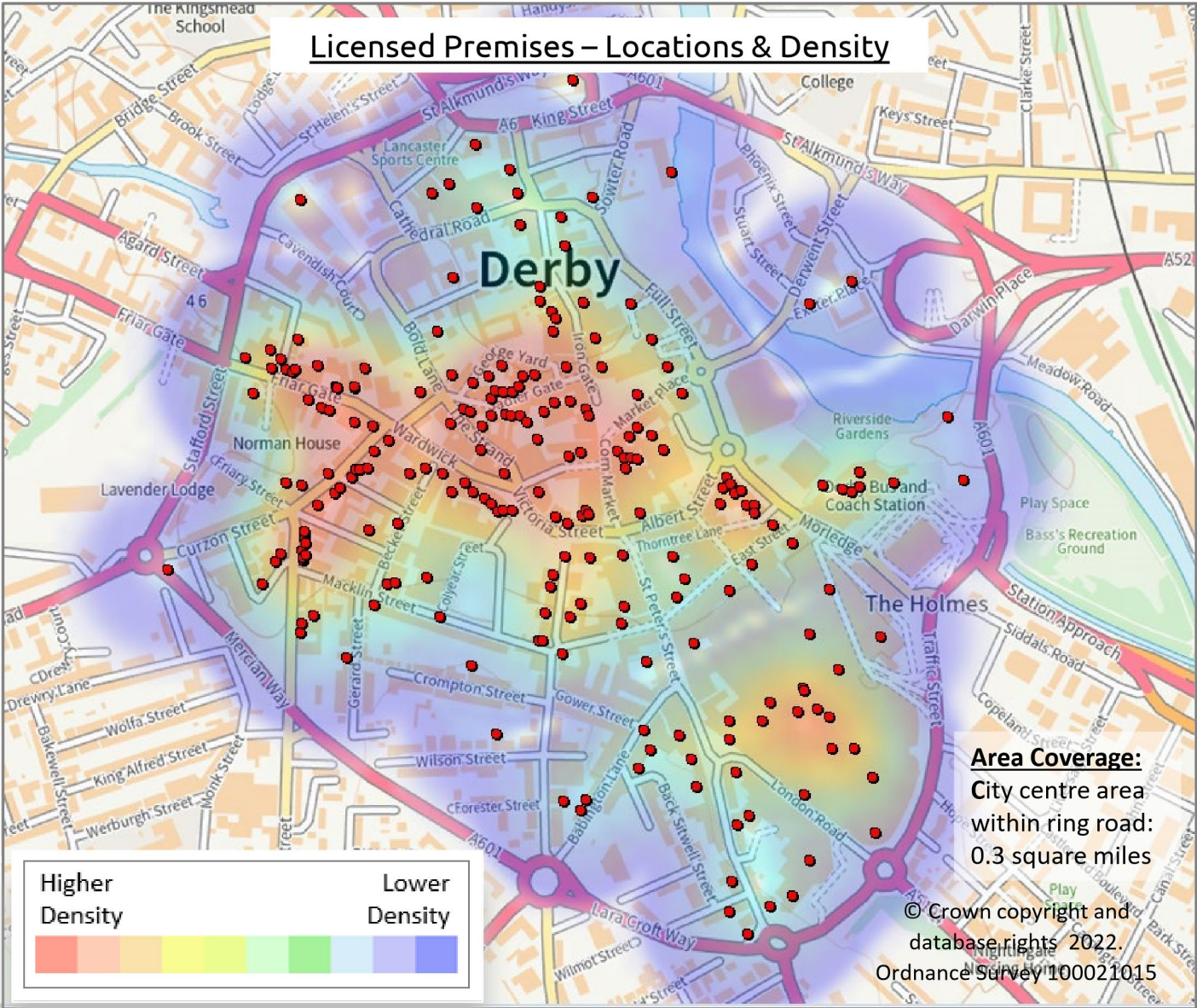
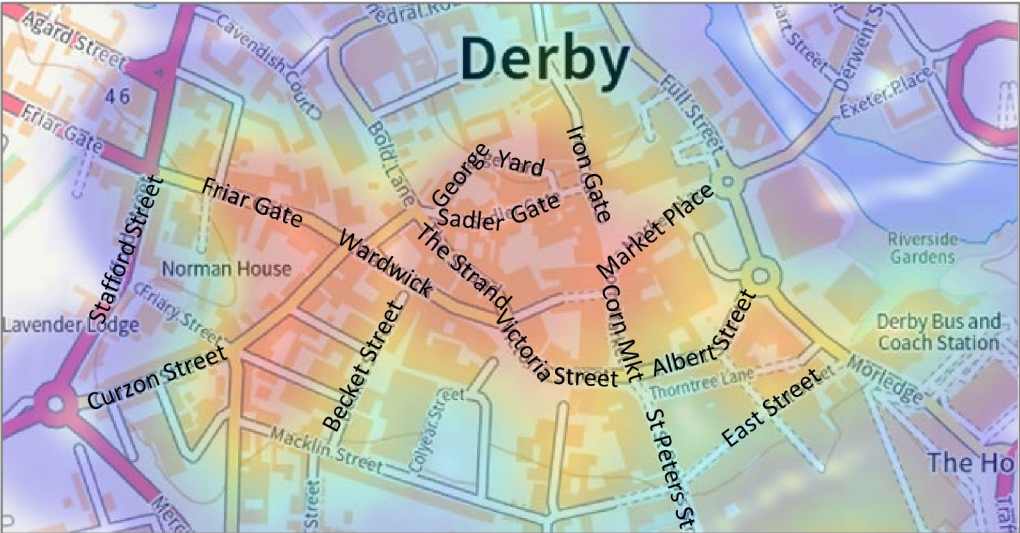
Licensed premises –
locations and density (city centre)

Licensed premises –

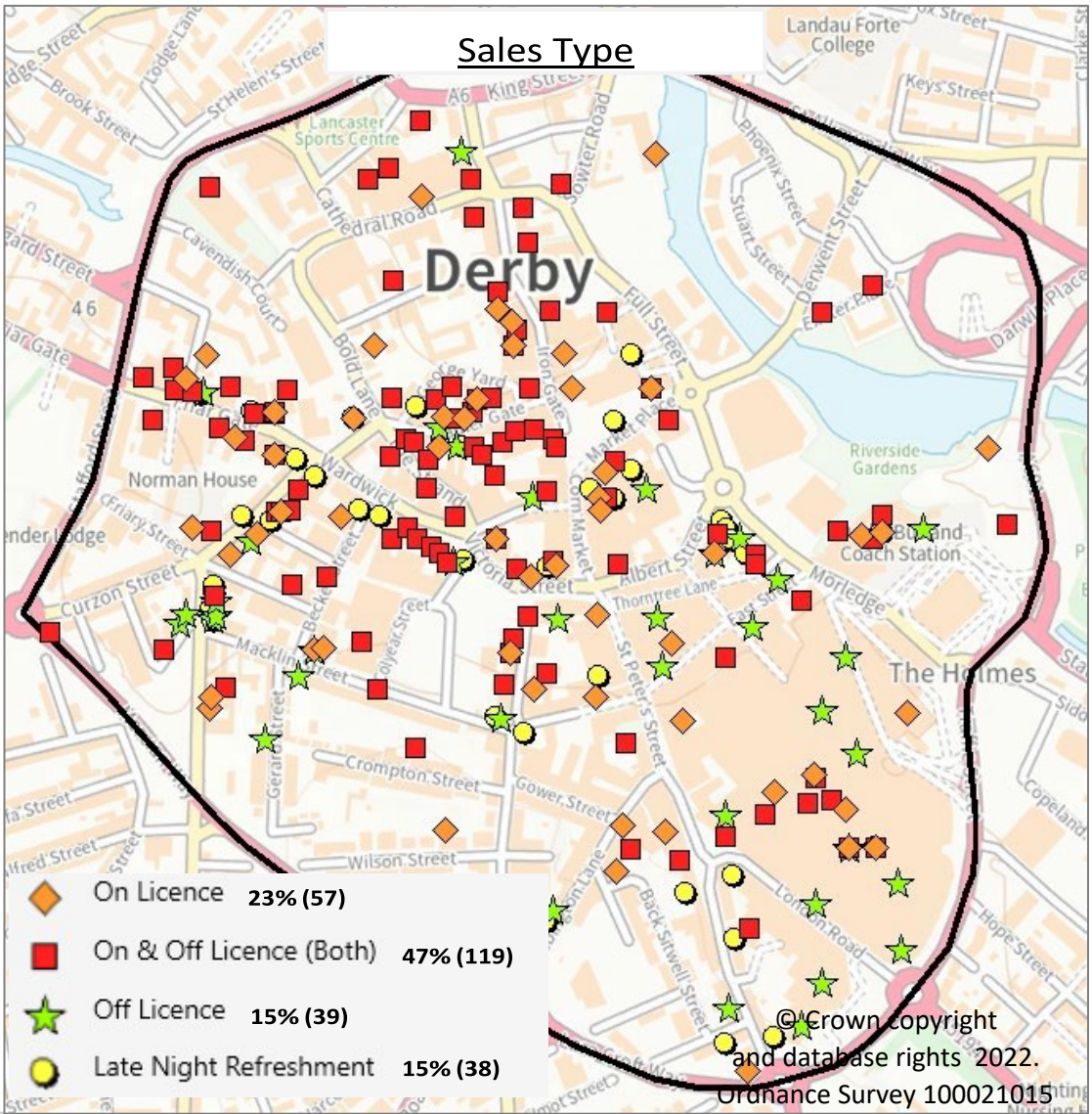
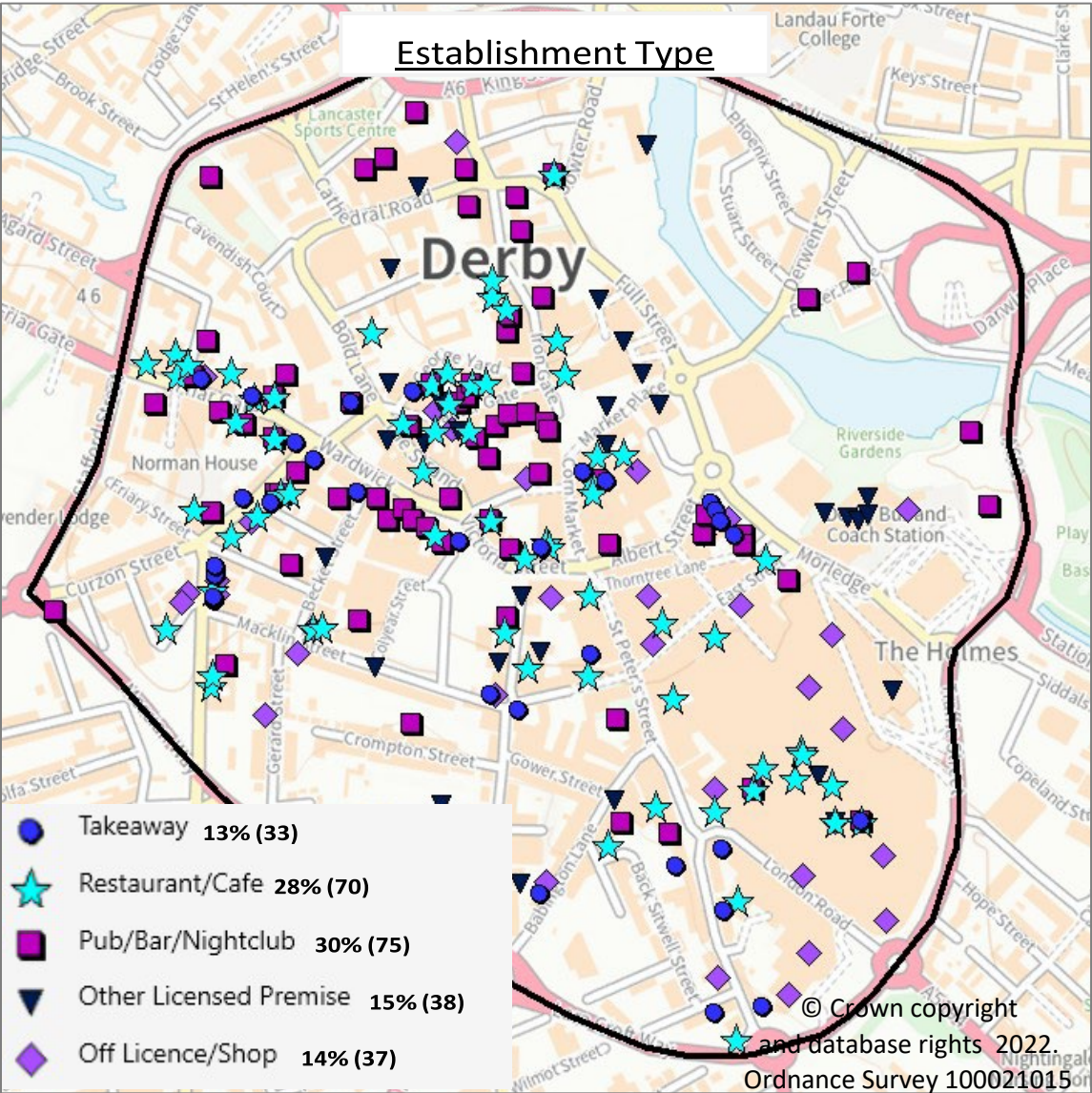
There are 253 licensed premises within the city ring road.

The map shows the density of licensed premises is heavily concentrated within the city centre area.

There is also a higher density cluster of licensed premises located within the Intu Shopping Centre (aka Westfield / Derbion).

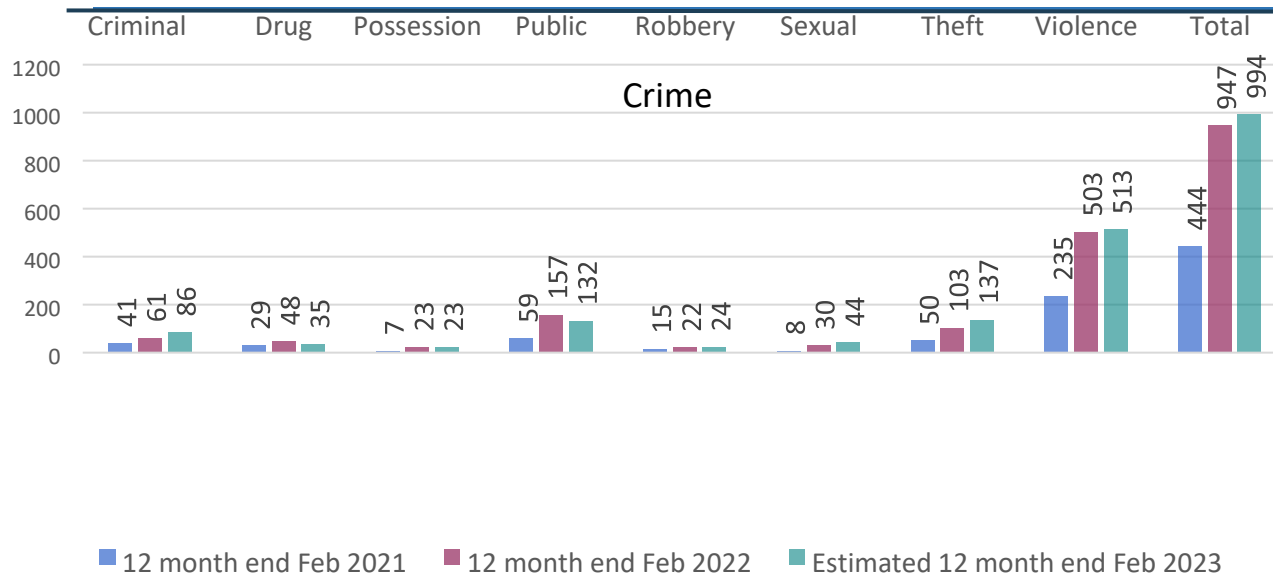


Licensed premises –
establishment types and sales types (city centre)

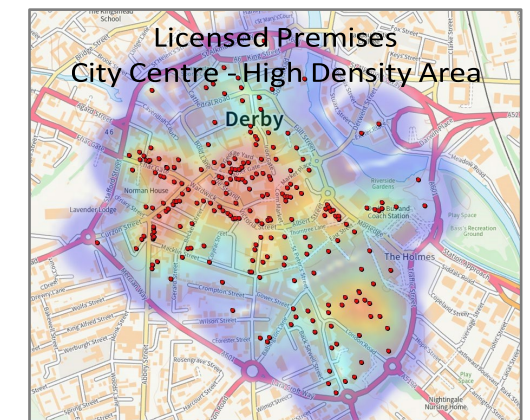
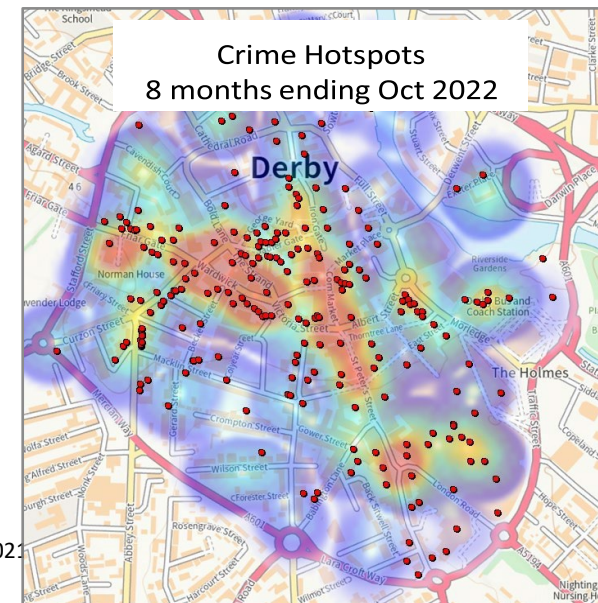
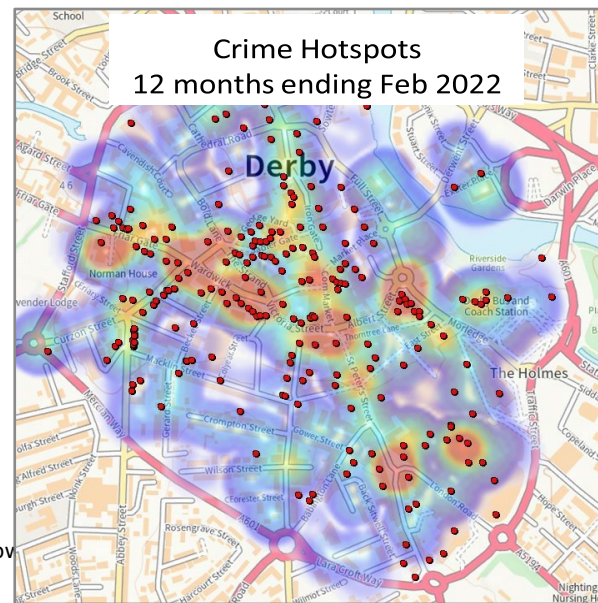
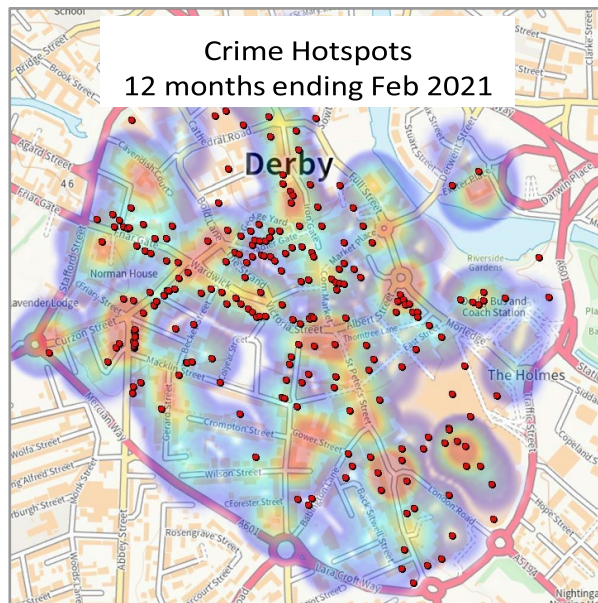


Crime Grid – trends and density hotspots with licensed premises overlaid (city centre)

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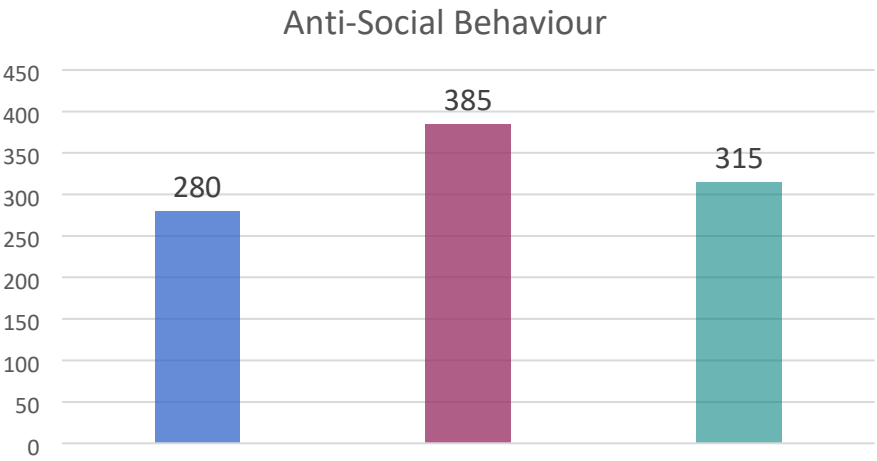


Crime committed in Derby city centre during the night-time economy hours of 9 p.m. to 4 a.m., for crime types considered to have a causal relationship with the number of licensed premises within the city centre, has increased by 113% for the 12 months ending Feb 2022 compared to the previous 12 months. Although it is recognised the Covid-19 pandemic may have affected this, based on the last 8 month period ending Oct 2022 (659 offences), it is estimated that there will be a further increase during the next 12 months (ending Feb 2023) of approx. 5%.



Damage & Offences Of Disorder Offences Offences Against
Arson Weapons The Person
Offences

ASB Grid – trends and density hotspots with licensed premises overlaid (city centre)



Anti-social behaviour offences committed within the city during the night-time economy hours of 9 p.m. to 4 a.m., peaked during the 12 months ending Feb 2022 with a 38% increase compared to the previous 12 month period.

Although based on the last 8 month period ending Oct 2022 (210 offences), it is estimated that there may be a slight decline overall during the next 12 months (ending Feb 2023), as estimated. Disuals show higher concentrations of ASB offences are now being committed

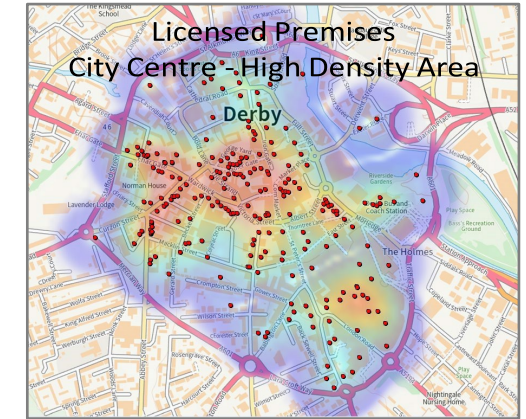
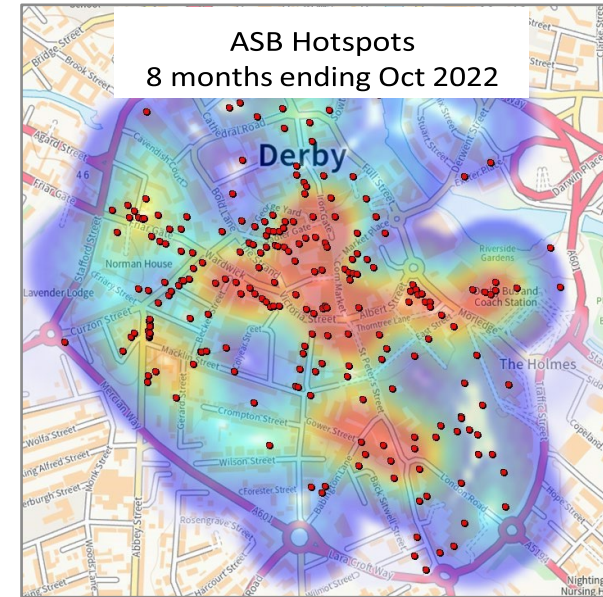
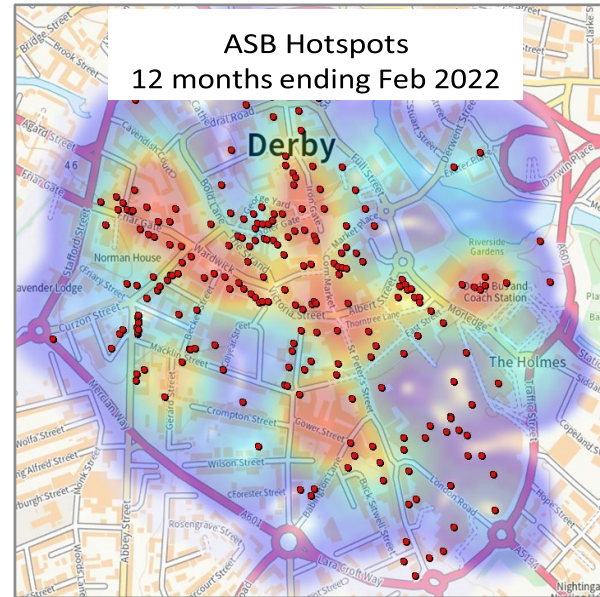
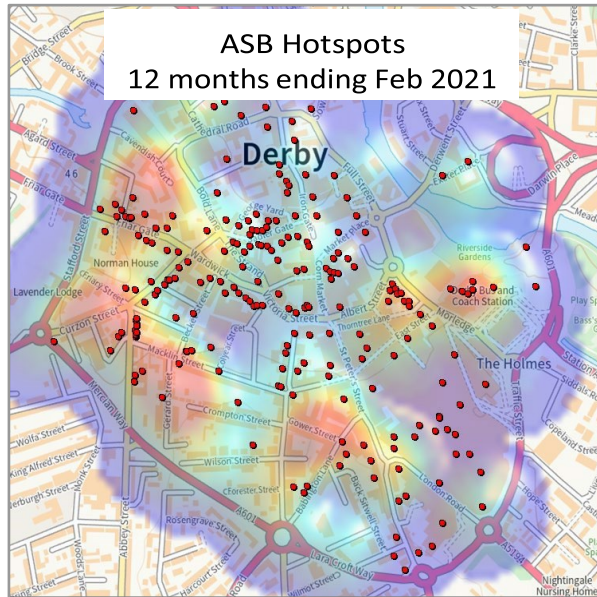
within the heart of the city centre area compared to being committed on the outskirts of

12 month end Feb
2021

12 month end Feb
2022

Estimated 12 month
end Feb 2023

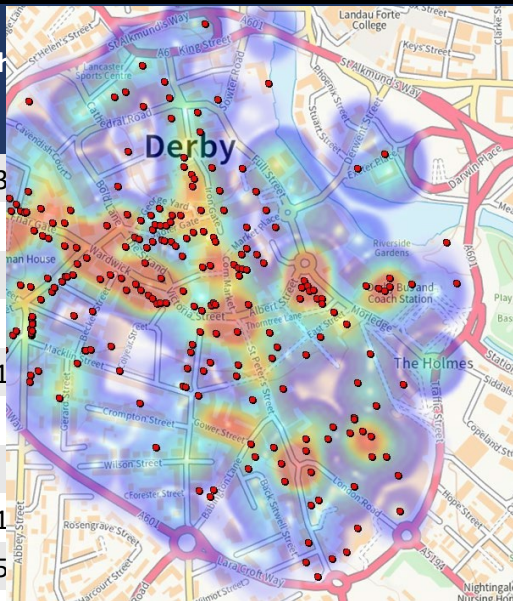
the city centre during the Covid-19 pandemic.



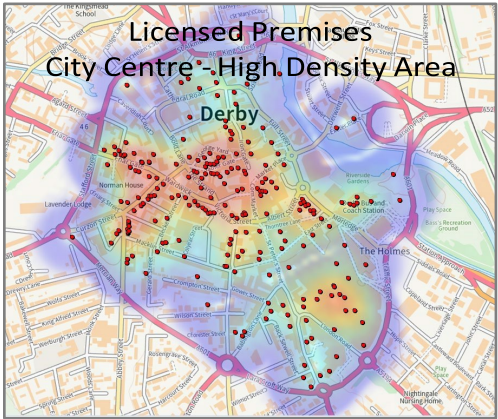
Crime & ASB Grid – trends and density hotspots with licensed premises overlaid (city centre)

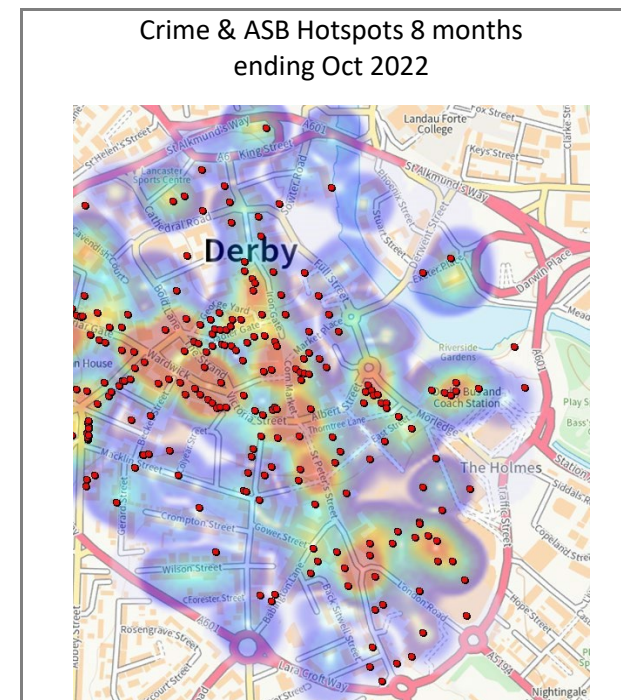
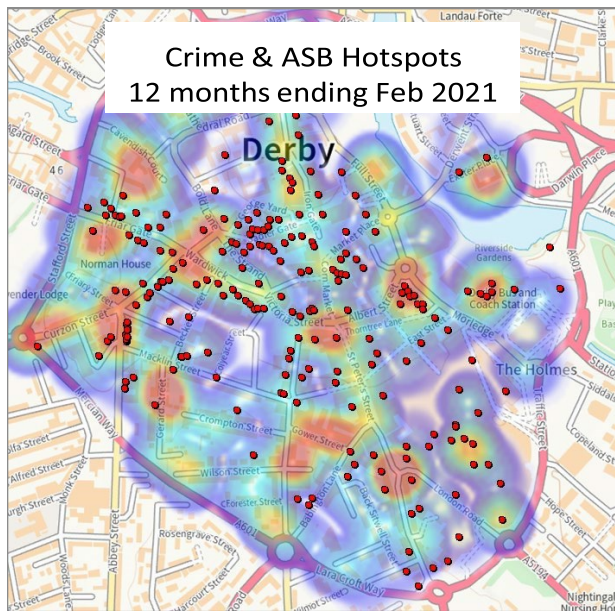
Crime & ASB Hotspots 12 months
ending Feb 2022

Crime & ASB	12 month Feb 2021	12 month end Feb 2022	
Anti-Social Behaviour	280	3	
Criminal Damage	41		
Drug Offences	29		
Possession Of Weapons Offences	7		
Public Disorder	59	1	
Robbery	15		
Sexual Offences	8		
Theft Offences	50	1	
Violence Against The Person	235	5	
Total	724	1332	↑ 84%



Crime and ASB offences committed within the city centre during the night-time economy hours of 9 p.m. to 4 a.m., has increased by 84% for the 12 months ending Feb 2022 compared to the previous 12 months. Although it is recognised the Covid-19 pandemic may have affected this, based on the last 8 month period ending Oct 2022 (869 offences), it is estimated that there will be a further increases in some offences during the next 12 months (ending Feb 2023), including; sexual offences (+47%), criminal damage (+41%), theft (33%), robbery (+9%), violence against the person (+2%).





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Temporal grid – crime and ASB for 8 months ending Oct 2022 (city centre)

The temporal grids show that crime and ASB offences committed in the city centre during the last 8 month period ending Oct 2022 - are at their peak;

- over the weekend
- between 11 p.m. and 4 a.m.

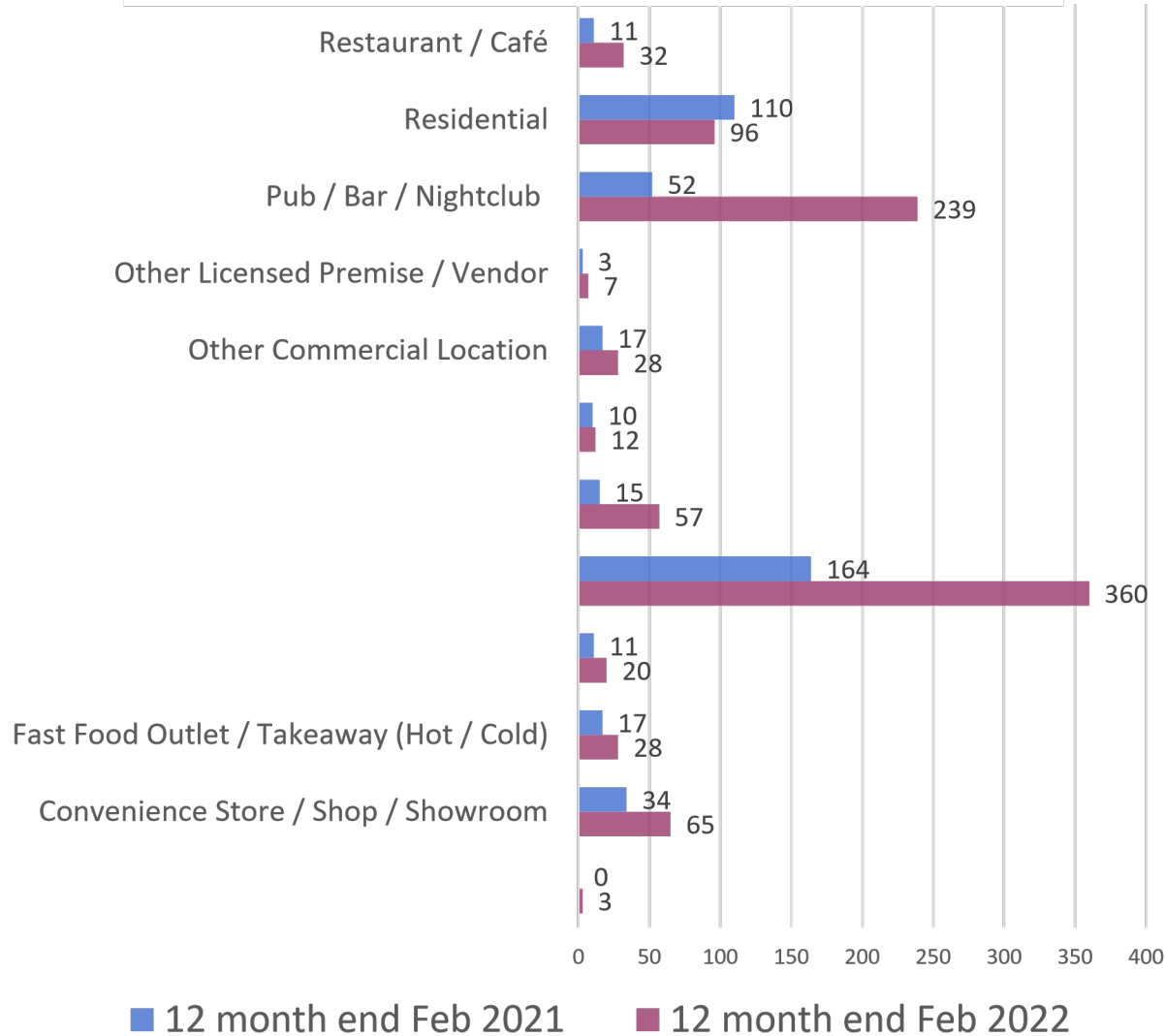
% CRIME - Time & Day of Week		21:00-21:59	22:00-22:59	23:00-23:59	0:00-0:59	1:00-1:59	2:00-2:59	3:00-3:59	Total
Monday		2%	2%	1%	1%	1%	2%	2%	12%
Tuesday		1%	3%	2%	0%	1%	1%	1%	9%
Wednesday		1%	2%	2%	1%	1%	1%	1%	10%
Thursday		2%	2%	3%	1%	1%	1%	2%	11%
Friday		3%	1%	2%	1%	1%	2%	1%	11%
Saturday		2%	2%	3%	3%	4%	5%	4%	24%
Sunday		2%	3%	2%	3%	3%	7%	5%	
Total		12%	15%	14%	12%	13%	18%	16%	100%
% ASB - Time & Day of Week		21:00-21:59	22:00-22:59	23:00-23:59	0:00-0:59	1:00-1:59	2:00-2:59	3:00-3:59	Total
Monday		1%	0%	0%	0%	2%	3%	0%	8%
Tuesday		4%	3%	3%	1%	0%	0%	0%	12%
Wednesday		1%	1%	2%	1%	0%	0%	1%	8%
Thursday		2%	3%	2%	2%	0%	1%	1%	12%
Friday		3%	1%	4%	3%	2%	0%	1%	15%
Saturday		2%	2%	4%	5%	5%	4%	3%	26%
Sunday		1%	1%	2%	4%	3%	2%	6%	20%
Total		14%	12%	19%	18%	12%	11%	13%	100%
% CRIME & ASB - Time & Day of Week		21:00-21:59	22:00-22:59	23:00-23:59	0:00-0:59	1:00-1:59	2:00-2:59	3:00-3:59	Total
Monday		2%	2%	1%	1%	1%	2%	1%	11%

Tuesday	2%	3%	2%	1%	1%	1%	1%	10%
Wednesday	1%	2%	2%	1%	1%	1%	1%	9%
Thursday	2%	3%	3%	1%	1%	1%	2%	11%
Friday	3%	1%	2%	2%	1%	2%	1%	12%
Saturday	2%	2%	4%	4%	4%	5%	3%	24%
Sunday	2%	3%	2%	3%	3%	5%	5%	23%
Total	13%	14%	15%	13%	13%	16%	15%	100%

Crime locations – types of addresses where crime is being committed (city centre)

Not Identified

Crime Location Types (No.) - 2 Year Comparison

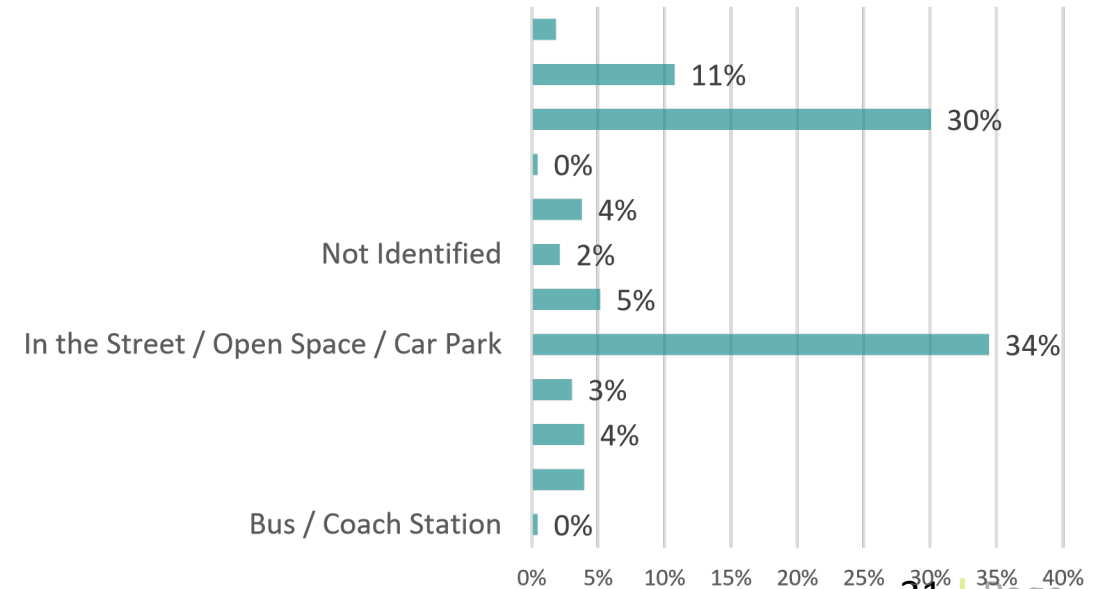


Official

Crime Location Types (Proportion) – 8 months ending Oct 22

During the 8 months ending Oct 22:

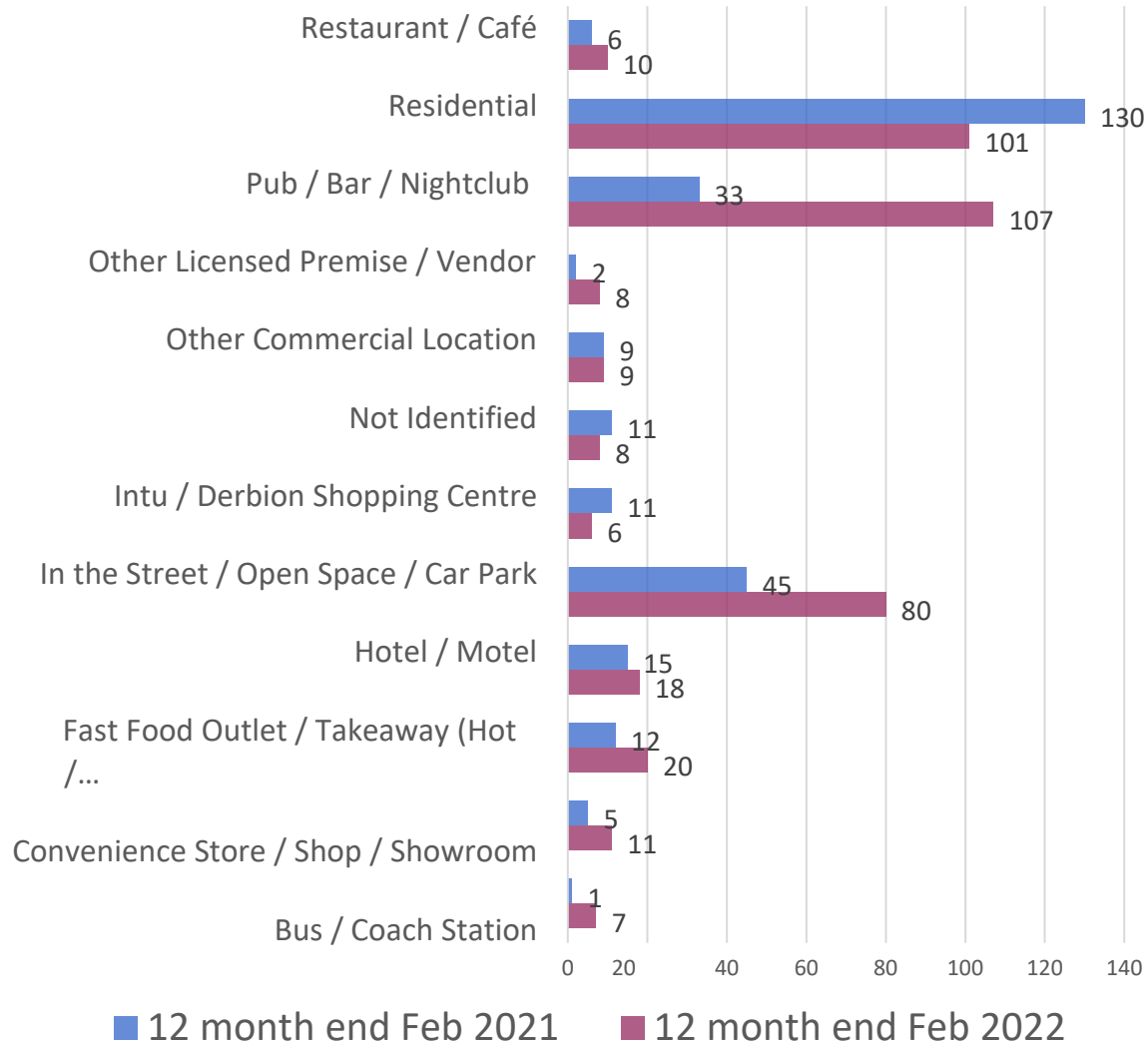
- 34% of crimes committed within the city centre during the night-time economy hours of 9 p.m. to 4 a.m., occurred in the street or other open space.
- 30% were committed in a pub /bar / nightclub.
- See below for further breakdown



Intu / Derbion Shopping Centre	Restaurant / Café	2%
In the Street / Open Space / Car Park	Residential	
	Pub / Bar / Nightclub	
Hotel / Motel	Other Licensed Premise / Vendor	
	Other Commercial Location	
	Intu / Derbion Shopping Centre	
	Hotel / Motel	
Bus / Coach Station	Fast Food Outlet / Takeaway (Hot / ...	
	Convenience Store / Shop / Showroom	4%

ASB locations – types of addresses where crime is being committed (city centre)

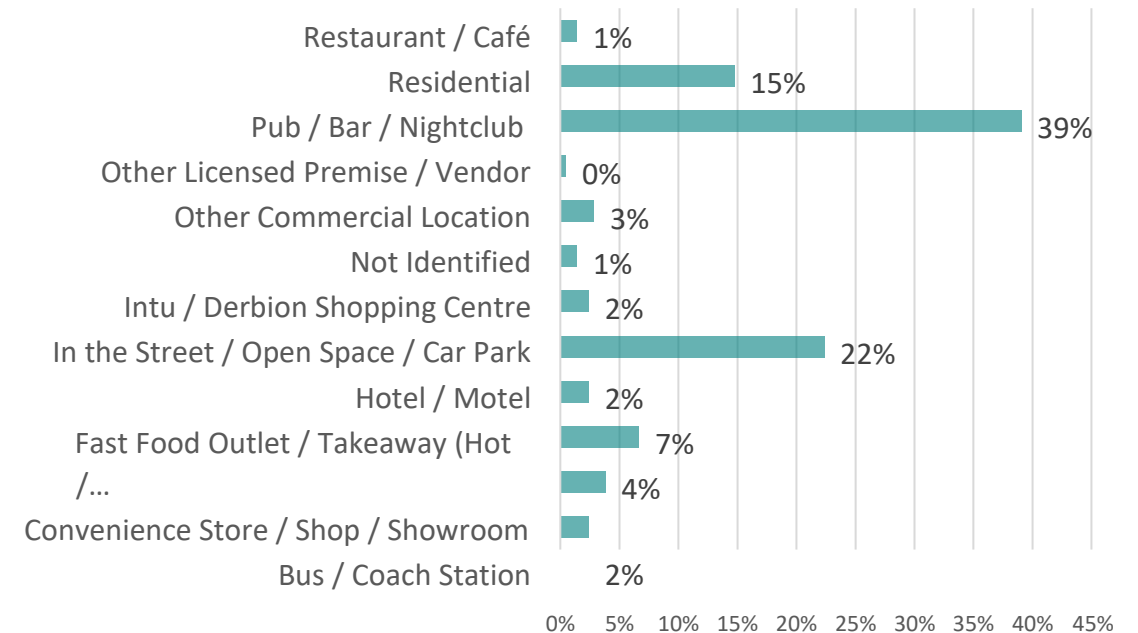
ASB Location Types (No.) - 2 Year Comparison



(Proportion) – 8 months ending Oct 22

During the 8 months ending Oct 22:

- 39% of ASB committed within the city centre during the night-time economy hours of 9 p.m. to 4 a.m., occurred in a pub / bar / nightclub.
- 22% was committed in the street or other open space.
- See below for further breakdown.



-

-

StreetSafe reports (city centre)

StreetSafe is a pilot service for anyone to anonymously tell us about public places where they feel vulnerable / at risk.

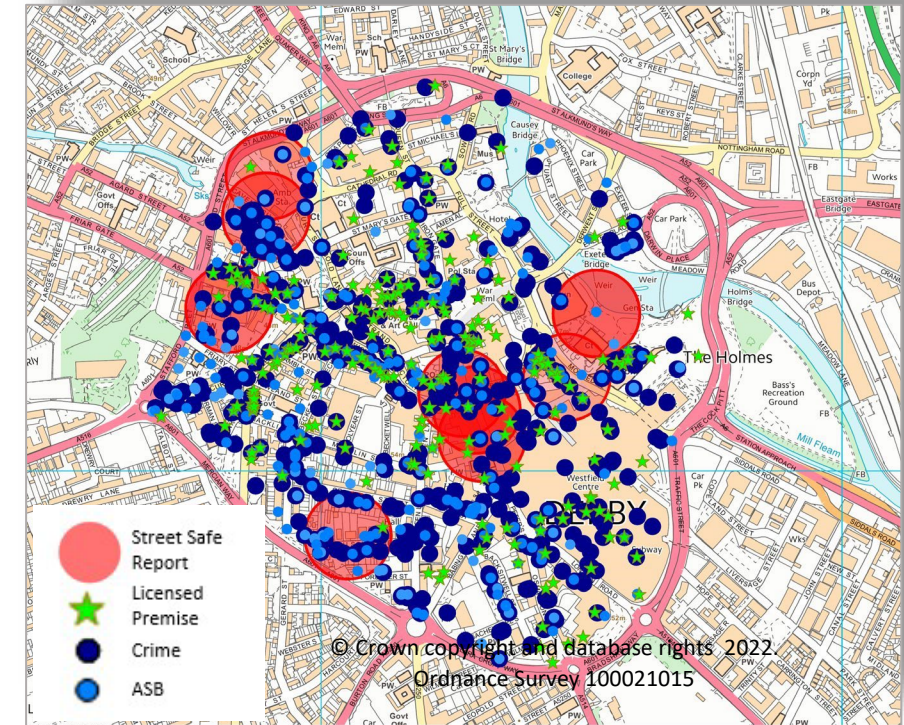
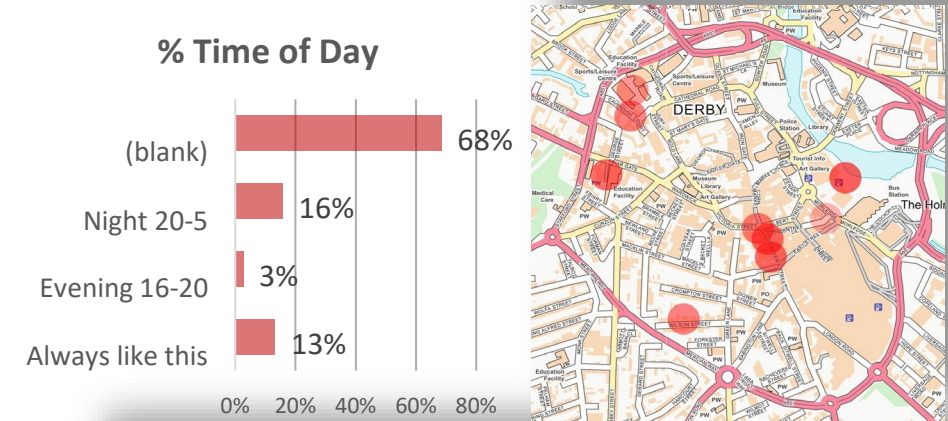
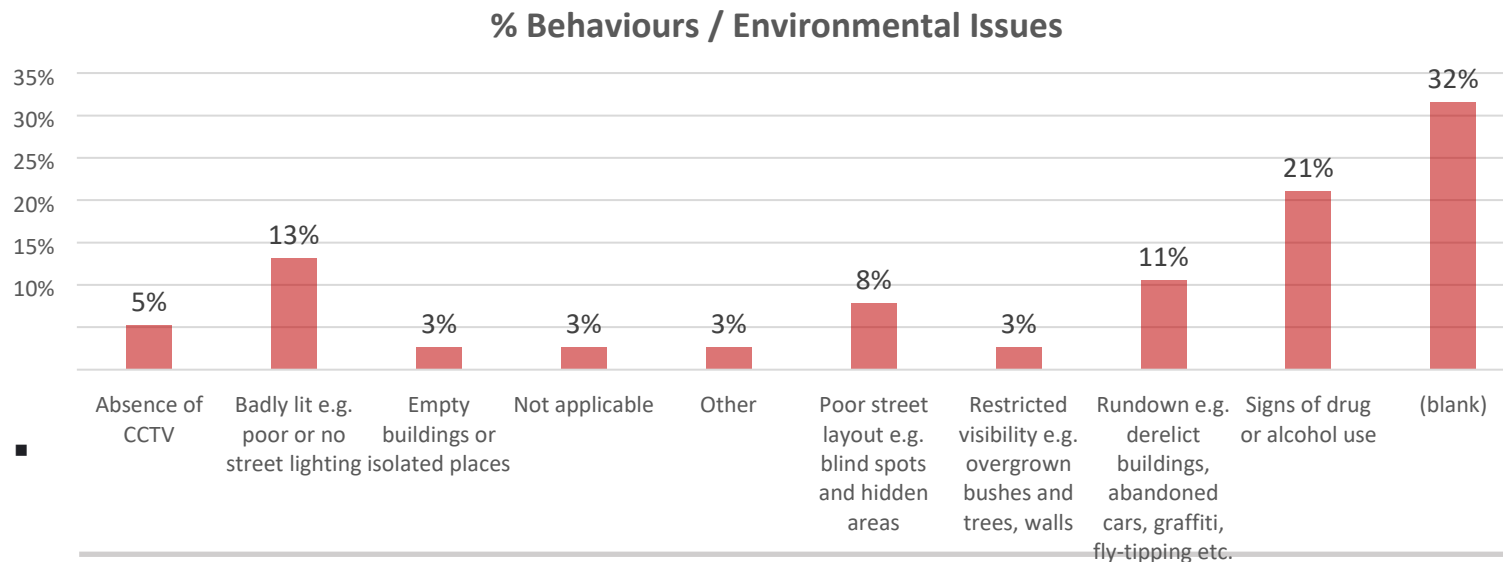
The red zones on the map highlight areas within Derby city centre where members of the public have reported they have felt or feel unsafe because of the behaviours and / or environmental issues detailed below.

The highest proportions include;

21% signs of alcohol or drug use

16% during night-time hours (8 p.m. to 5 a.m.)

See below for further breakdown



5%
0%

Review of the impact of the Cumulative Impact Zone

What is the ‘cumulative impact zone’?

Under the Licensing Act 2003 and the current version of the Section 18 guidance issued under the Licensing Act 2003 states:

‘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’ (Para14.24 December 2022)

In October 2011, a CIA, (formerly called a Cumulative Impact Policy) was first included as part of Derby City Council’s second statement of Licensing Policy and has been included in subsequent statements. This has been applied to an area known as a cumulative impact zone (CIZ) within the city centre – an area defined within the Inner Ring Road coloured yellow (see Chart 1).

This area was identified following a review in 2019/2020 of alcohol fuelled crime and antisocial behaviour related to the night-time economy and unsurprisingly the city centre which has the highest proliferation of bars, restaurants and licensed premises was the key area of concern for emergency services.

What does this mean for the licensed premises in this area?

The evidence that underpins the CIA, should generally be suitable as the basis to refuse a new or full variation application, or impose suitable conditions. It does not create a blanket ban on such applications, as the fundamental way that decisions are made under the Licensing Act 2003 is not changed. Each decision within the area covered by the CIA will be determined on a case-by-case basis, with a view to promoting the licensing objectives.

A CIA, therefore, does not remove the Licensing Authority’s discretion to grant new licences or to vary existing licences.

How has the current Cumulative Impact Policy affected the granting of licences in the defined area?

During the time period 01/03/2020 and 11/11/2022, 21 new premises licence applications were received that were located within the Council’s Cumulative Impact Zone. Of these 19 were granted and 2 were refused. During the same time period 14 full variation applications were received and all were granted. See Table 1

Table 2 outlines how the applications were granted. Of the 33 applications granted, 13 were granted as per the application received, 18 were granted with modified conditions, by agreement with the applicant and the relevant responsible authority. The remaining 2 applications were presented to the Licensing Sub-Committee and were granted with modified conditions.

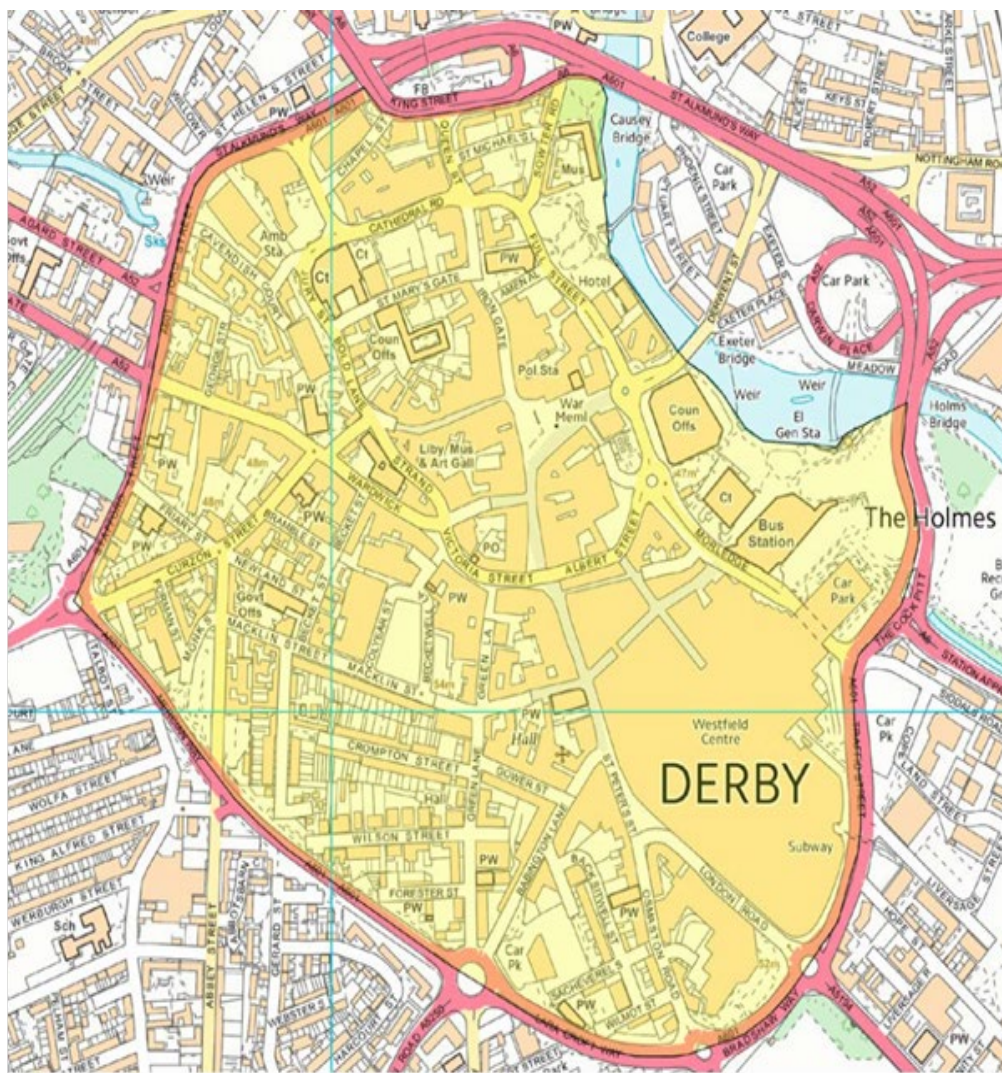


Chart 1 Map of Existing Cumulative Impact Zone (in yellow)

Table 3 outlines the main licensable activity for the premises that applications were granted. The majority, 18, the main activity of the new premise licences covered the sale of alcohol, with only 1 being for late night refreshment. For the variation applications 1 premises had the main activity of entertainment only, with the other 13 involving the sale of alcohol.

Finally, Table 4 indicates the main activity of those premises whose applications were refused, both being for late night refreshment only.

Licence Applications between 01/03/2020 and 11/11/2022 located within the existing Cumulative Impact Zone

Table 1 – Type of Application (Processed)

Type	Granted	Refused
New Premises Licence	19	2
Full Variation	14	0

Table 2 – Outcome of Application

Type	Granted as per Application	Granted with Modified Conditions	Modified Conditions (via Committee)
New Premises Licence	5	12	2
Full Variation	8	6	0

Table 3 – Main Activity of Granted Applications

Type	On & Off Licence	On Licence	Off Licence	Late Night Refreshment only	Entertainment only
New Premises Licence	10	5	3	1	0
Full Variation	12	1	0	0	1

Table 4 – Main Activity of Applications Refused

Type	On & Off Licence	On Licence	Off Licence	Late Night Refreshment only	Entertainment only
New Premises Licence	0	0	0	2	0
Full Variation	0	0	0	0	0

Submission by Ann Walker (acting on behalf of the Licensing Authority, as a Responsible Authority under the Licensing Act 2003)

From: Helen Faulconbridge <Helen.Faulconbridge@derbyhomes.org>

Sent: 21 December 2022 11:02

To: Angela Rawson <Angela.Rawson@derby.gov.uk>

Subject: RE: Review of Cumulative Impact Policy

Historically, in Derby the early evening and night time economy was dominated by venues which to become profitable were required to sell copious amounts of alcohol. This led to high levels of alcohol related crime and disorder and little diversity.

The introduction of the CIZ was a significant factor in resolving this problem, and improving the city in both in perception and reality with respect to safety and a place to visit.

The effect of the Policy has been to improve the quality of the night time economy provision in the city centre, by encouraging a more diverse range of licensed premises to open in the city. This demonstrates that rather than being prohibitive, the CIZ has enabled Derby to develop a night time economy offer beyond that of 'vertical drinking establishments' or bars. This diversification has assisted Derby City Council and its partners to secure the prestigious "Purple Flag" status by showcasing the vibrant and thriving night time economy offer and making Derby a great place to live and work.

The Purple Flag renewal for Derby is subject to a KPI of complaints of anti-social behaviour. Safety is a key theme with recorded crime a key measure. Derby without a CIZ could put its Purple Flag Status at risk.

Having the CIZ is a critical policy which is making a significant impact in keeping alcohol related crime down. It is an immensely valuable lever available to responsible authorities helping to promote competently well managed premises offering something different to operate across the city.

Every city across the country has to deal with the effects of large scale alcohol consumption in the night time economy. This is a resource intensive and costly exercise on our already stretched emergency services. Police, EMAS, street pastors and taxi marshals all work together to support vulnerable people who have drunk to excess or have become a victim of alcohol related violent crime. The CIZ helps keep this to manageable levels but without the CIZ there would undoubtedly be increases in both reported and unreported crime.

As the City Centre Manager at Derby City Council it is my professional opinion that the CIZ should remain in place for the benefit of Derby City.

Kind regards

Helen

Helen Faulconbridge | City Centre Neighbourhood Manager | Community Safety & Partnerships | Communities & Place | Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS | www.derby.gov.uk