

27<sup>th</sup> March 2023

Dear licensing Authority,

**Derbyshire Police Response to representations from Derby City Pub watch  
Against the Renewal of the Cumulative Impact Policy 2023**

The Police are sympathetic to the struggles faced by the Licensing Trade, and the numerous factors at play regarding the current financial climate. The Police also acknowledge the difficult circumstances facing the premises upon reopening after the Covid-19 pandemic, however the fact remains that the Derby City Centre area is already densely populated by licensed Premises.

Whilst it is accepted that other areas have allowed their CIP to lapse or be removed, Derby is its own entity and on a much smaller scale than other City Centres in the Midlands. Derby does however already have many well known licensed retailers, whilst being host to some very popular independently run premises.

The fact that existing operators would not invest in their own premises if the CIP were renewed seems unlikely. There have been numerous premises carrying out improvements and refurbishment in recent years regardless of the CIP being in place. They have been trying to diversify utilising outside spaces to offer more variety for customers.

To quote the 182 guidance *"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"*

It is a well-known fact that late night, 'vertical drinking' leads to increased crime and disorder and of course this will always have the biggest impact on the licensing objectives. However, the social climate is constantly evolving, and in the night-time economy there is always scope for the granting of new licences particularly if they are introducing culture in the form of the arts, food or entertainment or providing premises for the members of the community who are underrepresented in Derby's diverse landscape.

We work closely with our partner agencies and rely heavily on fantastic work carried out by the Street Pastors on a weekly basis who assist with intoxicated people in the City Centre. Without their dedicated work, this would absolutely require a call for service from either the Police or Ambulance Service. Whilst crime and disorder is the main focus as part of the CIP, the impact of the level of intoxication is far reaching and cannot always be attributed to a single premises. It is accepted that public health is not a specific licensing objective, however the figures of alcohol related harm in Derby City, unfortunately make for bleak reading. Derby City is 37% higher than the England average for admissions for alcohol-specific admissions.

There have been premises of concern in Derby City Centre since the pandemic and they have been addressed by the Licensing Team. This has been done through action plans, requested removal of Designated Premises Supervisors or supporting the premises in other ways. On multiple occasions reviews have been considered and should issues have persisted this would have been utilised. The Licensing act provides numerous ways to deal with premises of concern, prosecutions and reviews under section 51 and 53a, are a last resort.

It should also be pointed out that as part of this application Derbyshire Police are not directing the source of such crime and disorder at any specific licensed premises, it is in fact the “cumulative impact”. Many of the incidents occurring have been happening in a street location and cannot be directly attributed to any specific premises but are happening due to the amount of premises in one particular area.

The clarify also, the data was obtained from the ‘Innkeeper’ system to collate the number of Licensed Premises in the City Centre only and the crime and ASB data using the Power BI dashboard. This was done specifically to prevent the possibility of inflating crime and incident numbers.

With regards to Temporary Event Notices, as it is pointed out they are not included in the Cumulative Impact Policy and therefore, unless it can be evidenced that on its merits that TEN will adversely impact the Licensing Objectives, the Police are not in a position to object. This again comes down to the original point that is not aimed at an individual premises but a culmination of all the premises together.

For specific ‘temporary events’ there must be a degree of fairness in allowing the premises to utilise TEN’s for one off events. Single events are not likely to consistently impact the cumulative impact, and should there be issues at an event, then any future events can be considered appropriately.

There are vacant licences already available in the City Centre which are not currently active, and premises that have been closed for many years, re-opening utilising existing licences.

The perception that there are fewer officers patrolling the night-time economy, is not accurate and the Police have been providing enhanced staffing levels every weekend since September 2022. In the past, enhanced staffing was utilised on pay day weekends or dates of particular significance, however it is now always utilised to address the crime and disorder taking place.

The Section 35 power is constantly assessed to ensure that the Police are not utilising powers unnecessarily. It has been deemed necessary to re-authorise the power every weekend for at least the past 6 months. Therefore, the assumption it is seldom authorised is inaccurate. The use of dispersal from this power is used regularly in the night-time economy to deal with disorderly people prior to them committing a crime.

Derbyshire Police would still maintain that there is a requirement for the Cumulative Impact Policy to be renewed.

Yours faithfully

*G. Williamson*

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