

# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Special Meeting, Wednesday 25th February, 2015  
10.00 a.m. (Drawing Room)

### **A G E N D A**

#### **PART ONE**

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. **Admission of Public and Press**

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. **Declarations of Interest.**

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. Apologies for Absence/Attendance of Substitute Members.

#### **FOR DECISION**

##### **Senior Environmental Health Officer's Reports**

- (D) 6. Application for the adoption of a Special Cumulative Impact Policy.

## **Membership of Committee**

Callister (Chairman)  
Irwin (Vice Chairman)  
Biggins  
Derbyshire  
Graham  
W. McClure  
Maddox  
Opie  
Pemberton  
Roberts  
Seward  
Wall

### **For queries regarding this agenda, please contact:**

Sharron Rushton  
Democratic Services Officer  
Tel: 01229 876321  
Email: [srushton@barrowbc.gov.uk](mailto:srushton@barrowbc.gov.uk)

Published: 16th February, 2015

<b>SPECIAL LICENSING COMMITTEE</b>		<b>Part One (D) Agenda Item 6</b>
<b>Date of Meeting:</b>	<b>25th February, 2015</b>	
<b>Reporting Officer:</b>	<b>Senior Environmental Health Officer (Licensing)</b>	
<p><b>Title: Application for the adoption of a Special Cumulative Impact Policy</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report deals with an application by Cumbria Constabulary for the Licensing Authority to adopt a Special Cumulative Impact Policy for a defined area of Barrow Town Centre due to high levels of crime and disorder taking place. The adoption of any policy requires a change to the Council's Statement of Licensing Policy; therefore a three month period of consultation will be required.</p> <p><b>Recommendation:</b></p> <p>That Members:-</p> <ol style="list-style-type: none"> <li>a) Note the application from Cumbria Constabulary; and</li> <li>b) Consider undertaking a three month consultation period to collate views of interested parties on the adoption of a Special Cumulative Impact Policy for the area in question, the results of which will be brought back before the Committee at a later date.</li> </ol>		

### **Report**

- 1.1 An application has been made by Superintendent Mark Pannone of Cumbria Constabulary for Barrow Borough Council as the Licensing Authority to adopt a special policy in relation to cumulative impact within a defined area of Barrow Town Centre due to higher than average levels of alcohol related incidents taking place.
- 1.2 Superintendent Pannone has made this request as Cumbria Constabulary takes the view that the introduction of a Special Cumulative Impact Policy within Barrow Town Centre is essential and will minimise the increased levels of violence and disorder by limiting the possible extension of licensing hours and the increase in the number of licensed premises.
- 1.3 A copy of the application is attached at **Appendix 1**.

1.4 A map showing the licensed premises within the area covered by the application is attached at **Appendix 2**.

1.5 Paragraph 4.7.3 of the Barrow in Furness Statement of Licensing Policy states that:

‘Where representations are received from a responsible authority/interested party that an area has become saturated with premises, creating problems of disorder and nuisance over and above the impact from the individual premises, the authority will first consider whether the imposition of conditions is likely to address these problems and, if not, may consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives’.

The imposition of conditions on licences is unlikely to address problems on a wholesale basis; as such the adoption of a Special Cumulative Impact Policy may be more appropriate.

1.6 Additional information on cumulative impact in the Council’s Statement of Licensing Policy can be found in paragraphs 4.71 to 4.79 and is attached at **Appendix 3**.

1.7 National Guidance (October 2014 revision) issued under section 182 of the Licensing Act 2003 states that:

**‘Effect of special policies**

13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates, which are likely to add to the existing cumulative impact, will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

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

13.35 A special policy 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 special policy 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 of the licensing

objectives and that appropriate conditions would be ineffective in preventing the problems involved.'

- 1.8 Additional paragraphs in the National Guidance relating to Cumulative Impact (paragraphs 13.19 – 13.40) are attached at **Appendix 4** for Members' Information.
- 1.9 The adoption of any special policy requires changes to the Licensing Authority's Statement of Licensing Policy. Before any changes to this Policy can be made a 3 month consultation period involving all interested parties must be carried out.

The consultation responses would be brought back before the Committee at a later date. After considering all the evidence and the consultation responses, Members would then consider if they are satisfied that it's appropriate to include a special policy relating to cumulative impact in the Statement of Licensing Policy.

- 2.0 Recommendations to Members are as follows:
  - a) Note the application from Cumbria Police to adopt a special policy in relation to Cumulative Impact for the defined area in Barrow Town Centre; and
  - b) Consider undertaking a three month consultation period to collate views of all interested parties on the adoption of a Special Cumulative Impact Policy for the area in question, the results of which will be brought back before the Committee at a later date.

#### Background Papers

Nil.

Julie Sharpe  
Central Services Department  
Email: [julie.sharpe@cumbria.police.uk](mailto:julie.sharpe@cumbria.police.uk)  
Tel: 101, option 2, ext. 49348  
Fax:

Territorial Policing Commander  
T/ Chief Superintendent Sean Robinson

Territorial Policing Superintendent  
Mark Pannone

My Reference:  
Your Reference:

South Territorial Policing Area HQ  
Busher Walk  
Kendal  
LA9 4RJ



Chief Executive  
Borough of Barrow in Furness  
Town Hall  
Duke Street  
Barrow in Furness  
Cumbria  
LA12 2LD

26 January, 2015

Dear Mr Huck

On behalf of Cumbria Constabulary I submit the following documents and ask that Barrow in Furness Borough Council adopt a Special Cumulative Impact Policy for the area within Barrow in Furness Town Centre.

Cumbria Constabulary, as a responsible authority, has a duty to work with others to minimize alcohol related crime and disorder. Violence with injury offences linked to the Night Time Economy has been identified as a Force Priority for many years and we have worked to achieve this objective. Despite our actions Barrow in Furness continues to have higher than average levels of alcohol related incidents. We are now placed in a position that with dwindling resources and falling budgets the situation has reached saturation and we are on the edge of a tipping point.

The view of Cumbria Constabulary is that the introduction of a Special Cumulative Impact Policy within Barrow in Furness Town Centre is essential and will minimize the increased levels of violence and disorder by limiting the possible extension of licensing hours and the increase in the number of licensed premises.

Without such a policy a licencing applicant is only required to consider the four Licensing Objectives relating to their individual premises or it's very near vicinity. They are not currently required to consider the negative impact their businesses may have on the town. No consideration or responsibility has to be given to customer dispersal or any of the extra demands that would be placed on the limited resources or amenities in the area. Any responsibility or contribution ends at their front door.

We would seek to use the policy specifically in those areas of Barrow in Furness which suffer from alcohol related crime and disorder where the nature of the premise does, or is likely to contribute to crime and disorder. We support a mixed night-time economy and would only wish to invoke the policy where there are perceived or known issues.

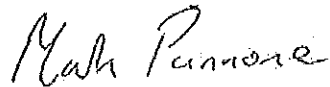
The geographic area of the policy should be extended beyond the immediate problem hotspots of alcohol related anti-social behaviour, and crime and disorder so preventing displacement of the problem. The area we would propose would be bounded by the following: The Craven Park side of Abbey Road from the junction of Abbey Road with Hindpool Road, Collingwood Street, Dryden Street, the railway side of Rawlinson Street, Ramsden Street, The Strand, Hindpool Road back to the junction of Abbey Road with Hindpool Road.

We recognize that licensed premises contribute to the Barrow in Furness economy. However, the situation has reached such a stage that the cumulative impact from their activities is disproportionately affecting the rest of the Borough of Barrow in Furness. The Barrow in Furness Night Time Economy draws valuable resources into the Town Centre at key periods. This means those in genuine need of the Police, Ambulance or Health Care are likely to get a delayed service due to their resources being challenged by drunken violent people.

The Night Time Economy of Barrow in Furness has a direct cost to ALL members of the Borough of Barrow in Furness who pay for the excesses of a minority.

We believe that the adoption of a Special Cumulative Impact Policy would provide a positive message to those running and using the Night Time Economy and show that Cumbria Police and Barrow in Furness Borough Council are serious about keeping people safe and reducing the harm caused by alcohol.

Yours sincerely

A handwritten signature in black ink that reads "Mark Pannone". The signature is written in a cursive style with a large initial 'M'.

Mark Pannone  
Superintendent



# BARROW BOROUGH EVIDENCE IN SUPPORT OF A SPECIAL CUMULATIVE IMPACT POLICY

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## Handling Instructions

- *This report may not be disseminated further without the prior agreement of the originator.*
- *This cover sheet must not be detached from the report to which it refers*

**Author** – Catherine Cooke on behalf of Superintendent Mark Pannone  
**Time Period Covered** – 1<sup>st</sup> November 2013- 31<sup>st</sup> October 2014.



**Report Contents: -**

- 1) Purpose of Report
- 2) Background
- 3) The Licensing Act 2003
  - a. Special Cumulative Impact Police and Licensing
  - b. Effect of a Special Policy
  - c. Home Office Guidelines. Steps to be taken
- 4) Identification of concerns with regard to Crime & Disorder
  - a. Problem Identification
  - b. Areas to be covered
    - i. Barrow town centre
- 5) Consultation with other relevant bodies
- 6) Intelligence Unit Report
  - a. Barrow town centre
- 7) Maps of the defined areas
  - a. Barrow town centre

### 1) Purpose of Report

The purpose of this report is to request that defined areas of Barrow town centre be included within a new special cumulative impact policy. This report is intended to provide evidence and information to the Licensing Committee and Full Council to support this request by providing relevant crime and disorder statistics.

### 2) Background

Under the Licensing Act 2003, there is a presumption to grant all licensing applications. Should any individual premises be identified as being poorly managed then action can be taken to review that licence, based on evidence being presented. There is an expectation that the review of a licence should only take place once all other options have been explored. The Act does not in ordinary circumstances address Crime and Disorder issues which cannot be tied to any individual licensed premises.

Where a specific defined areas has so many licensed premises that it becomes impossible to identify where incidents of crime and disorder originated, then the area may be defined as saturated and a special cumulative impact policy may be included in the Council's Licensing Policy to address the problems.

This report highlights the crime and disorder issues and demand the police and other services associated with the night-time economy within Barrow town centre.

### 3) The Licensing Act 2003.

#### a. Special Policy and Licensing Policy.

A Special Cumulative Impact Policy (SCIP) is not absolute. Each licence application will still be considered on its own merits. Those applications where it can be shown do not have an adverse impact on crime and disorder within the stress area and are unlikely to add to the cumulative impact on the licensing objectives will be considered.

The statement of policy says that Licensing Law is not the primary mechanism for the general control of anti-social behaviour and nuisance by individuals once they are away from the licensed premises and beyond the direct control of the respective business or club holding the licence, certificate or authorisation. Nevertheless, it is a key aspect of such control, and the licensing law will continue to be an integral part of the overall management of the evening and night-time economy in Barrow town.

#### b. Effect of a Special Cumulative Impact Policy

The effect of adopting a SCIP will be to create a rebuttable presumption that an application for a new premises licence, club premises certificate, a variation application or Temporary Event Notice will normally be refused. This special policy will come into effect once a representation has been submitted by a relevant authority or interested party. Whilst such a policy is in place any applicant would have to clearly demonstrate why the operation of those premises would not add to the cumulative impact already being experienced.

#### c. Home Office Guidelines: Steps to be taken.

Guidelines state that certain steps need to be taken when considering whether to adopt a SCIP within the statement of Licensing Policy: -

- Identification of concern about Crime and Disorder or Public Nuisance.
  - Consideration of whether it can be demonstrated that the Crime and Disorder and Public Nuisance are occurring and are caused by customers of licensed premises. If so, then identifying the area or areas from which those problems are arising and the boundaries of the area or areas, or that the risk factors are such that the area or areas are reaching such a point that cumulative impact is imminent.
  - Consultation with other relevant bodies. Subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from within that area or areas within the terms of this guidance in the statement of Licensing Policy; resulting in,
  - The Publication of the SCIP as part of the statement of the Licensing policy.
- 4) Identification of concern with regards to Crime and Disorder Problem Identification.
- a. Problem Identification

In considering whether a SCIP is appropriate for Barrow town centre it needs to be shown that the Crime and Disorder problems are caused by the patrons of a number of premises rather than one individual premise. This includes both the concentration of licensed premises in the affected areas, AND the total impact of these combined licensed premises on Crime and Disorder.

Within Barrow town centre, the majority of the Crime and Disorder problems occur close to licensed premises, but because of their proximity it is not always possible to attribute incidents to the customers from any particular premises. As many of the premises in the town centre are close together and there is a culture of circuit drinking, it is almost impossible to identify which premises may have been visited by one patron during the course of the evening.

Although the current legislation allows the Police to deal with individual premises which may be poorly managed, it does not allow the Police to manage multiple premise or deal with the larger problem of the total impact of having too many licensed premises concentrated into small areas, hence the need for a SCIP.

The area defined for inclusion in a SCIP has been identified through the use of crime analysis figures as having Crime and Disorder issues. The geographical analysis clearly shows a pattern of reported Crime and Disorder in the defined area:

b. Areas to be covered

The attached map (Appendix B) delineates the proposed areas.

Barrow town centre

The town centre, with its large number of licensed premises has high crime and disorder figures and is a heavy drain on police resources. Within the defined stress area there are currently 34 Pubs/bars and nightclubs and 17 late night refreshment premises.

Many of the bars are similar in what they provide, with very little in the way of differentiation. The only way that they can compete is being open later than their competitors. We have found that premises are submitting variation applications and TEN's to extend their hours in an attempt to capture a larger share of the customer base. The

police have been able to object successfully to such applications. This success has been based on both the number of incidents that had occurred at individual venues and the current cumulative impact of incidents in those areas. It has been proven by analysis that if venues remain open longer; the spread of incidents becomes difficult to manage with incidents of violence occurring in to the early hours of the morning.

An additional problem is the number of licensed late night refreshment premises which have proved to be a flash-point for crime and disorder. These premises rely on the custom of patrons from the bars to provide the majority of their customer base. There are growing numbers of these premises which then in turn causes further disturbances as well as litter and individuals vomiting.

Experience has shown that customers are arriving in the town centre much later than pre-Licensing Act 2003, with many of the bars being virtually empty until 11pm. Customers then drink both heavily and quickly and in most cases will have already preloaded at home. Once patrons leave these pubs/clubs they tend to hang around in the town centre even in poor weather conditions, required policing of the area to continue well past the time that many of the bars have closed.

5) Consultation with relevant other bodies.

Section 13 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 and Section 4.7 Barrow Borough Council's Licensing Policy says that before determining that a Special Cumulative Impact Policy is appropriate and necessary, the Local Authority must consult with specific persons and relevant bodies as outlined in the documents.

Prepared by: Catherine Cooke, Area Intelligence Analyst  
Owner: Superintendent Pannone  
Version No: 1  
Date Last Updated: 05/12/2014

## APPENDIX A

*This product has been prepared from police data to show evidence of the Cumulative Impact that the Night Time Economy is having on Barrow town centre. It contains information in an abridged format. The GPMS is 'Not Protectively Marked.'*

### Aim and Purpose

Since 2013, Violent Crime and ASB (Anti-Social Behaviour) has begun to increase in the Barrow area with monthly figures often rising significantly above the three year average. The hot spot area for these crimes/ incidents in Barrow have historically been beats S02, S03 and west end of S04 (Salthouse) - all within the town centre and concentrated around the night time economy. Consequently the aim is to consider if there is evidence to obtain a Special Cumulative Impact Policy (SCIP) to tackle these issues.

The purpose of this document is to identify if Violent Crime and Anti- Social Behaviour is still a problem in Barrow town centre and where/ when the bulk of the crimes/incidents are occurring in order to provide evidence to support the SCIP application and ultimately reduce alcohol related violence and ASB in Barrow.

### Methodology

All crime and incident data has been extracted from SLEUTH crimes using the Area Analyst Extract V1.2 Access Database for the time period 1<sup>st</sup> November 2013 to 31<sup>st</sup> October 2014. The beat codes analysed were S02 to S11 which are the beats in Barrow and the categories were Offences against the person, Sexual Offences and Robbery.

The data for ASB incidents has been extracted from Sleuth Command and Control System with the same parameters. The data has been mapped using Northgate XD software and also formatted within Microsoft Excel for analysis purposes.

Finally Section 27 and now Section 34/35 notices have been extracted from the Section 27 Register 2014 and Section 35 spreadsheet held by Central Services.

### Scope

It is proposed that the SCIP should be that as outlined on the map. For analysis purposes this will be classed as beats S02, S03 and part of S04. It is noted that only the West end of the S04 fits into the proposed area however this is where a large majority of incidents have occurred within that beat area.

### Key Points and Evidence

#### Barrow Borough

- 29.5% of all crime in Barrow Borough were offences against the person
- 37.2% of all crime in Barrow occurred within the proposed SCIP area.

- 39% of all offences against the person in Barrow took place within the proposed SCIP area
- 43.8% of all ASB incidents took place within the proposed SCIP area.

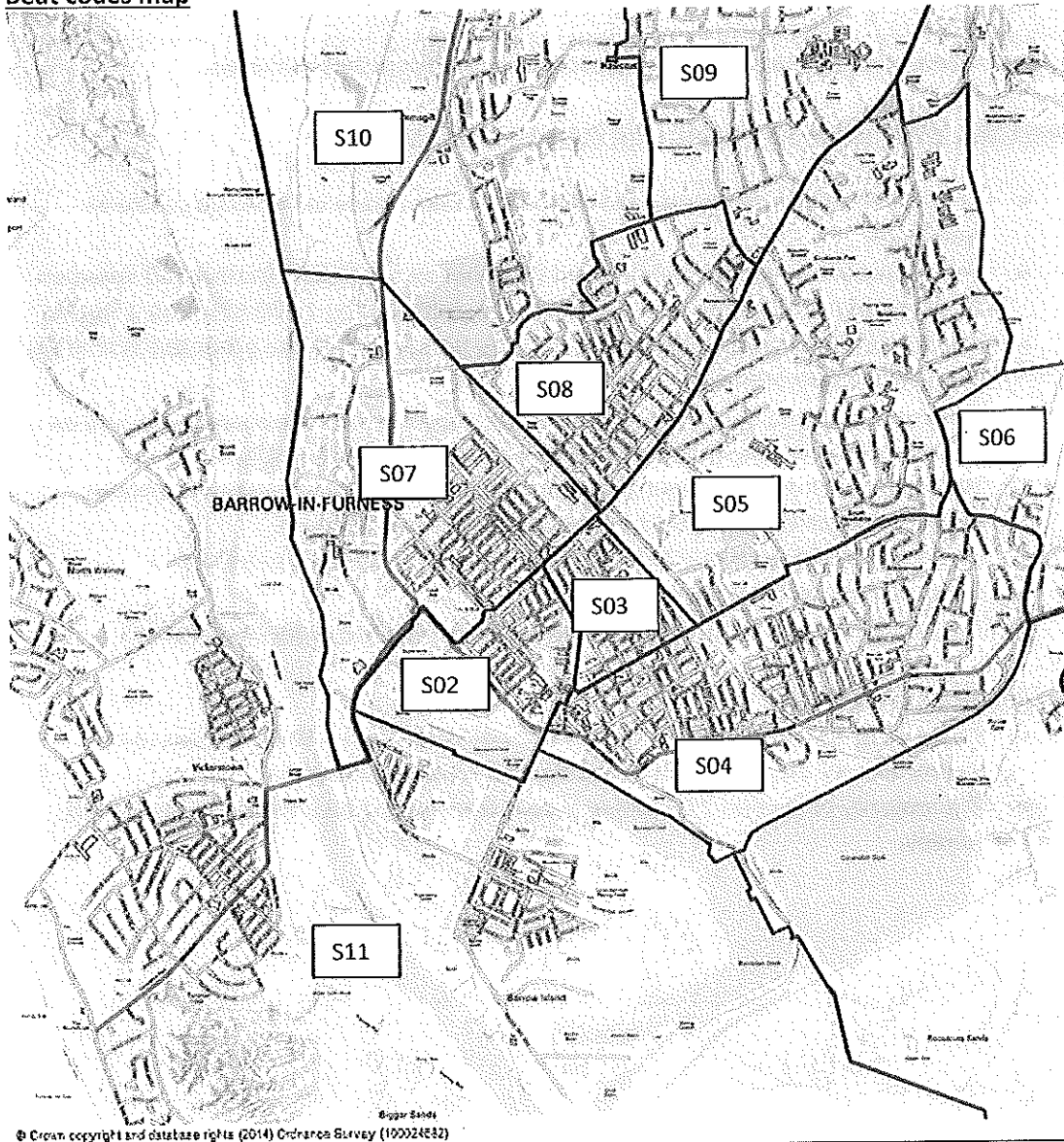
**Beats S02, S03 and S04 (west end) - The Proposed SCIP Area.**

- Nearly 40% of all offences against the person takes place in the town centre at weekends.
- Peak times are between 20:00hrs and 03:00hrs on a Friday/ Saturday and between 21:00hrs and 02:00hrs on a Saturday evening followed by 23:00 hours on a Sunday
- The top 10 premises for offences against the person within the proposed SCIP area were all licensed premises
- The top ten streets for offences against the person within the proposed SCIP area are all in close vicinity of the night time economy establishments.
- The majority of offences against the person were assault with/ assault without injury, however there were 13 Grievous Bodily Harm offences.
- 69.9% of alcohol related Anti-Social Behaviour were licensed premises, supermarkets and fast food outlets.
- The top 10 streets for ASB were all within the night time economy locations.

**Section 27 Banning Orders**

- 90.3% of all Section 27 Banning Orders were issued within Barrow town centre, mainly around the night time economy and licensed premises
- The majority of Section 27 Banning orders were issued on a Friday, Saturday and Sunday.

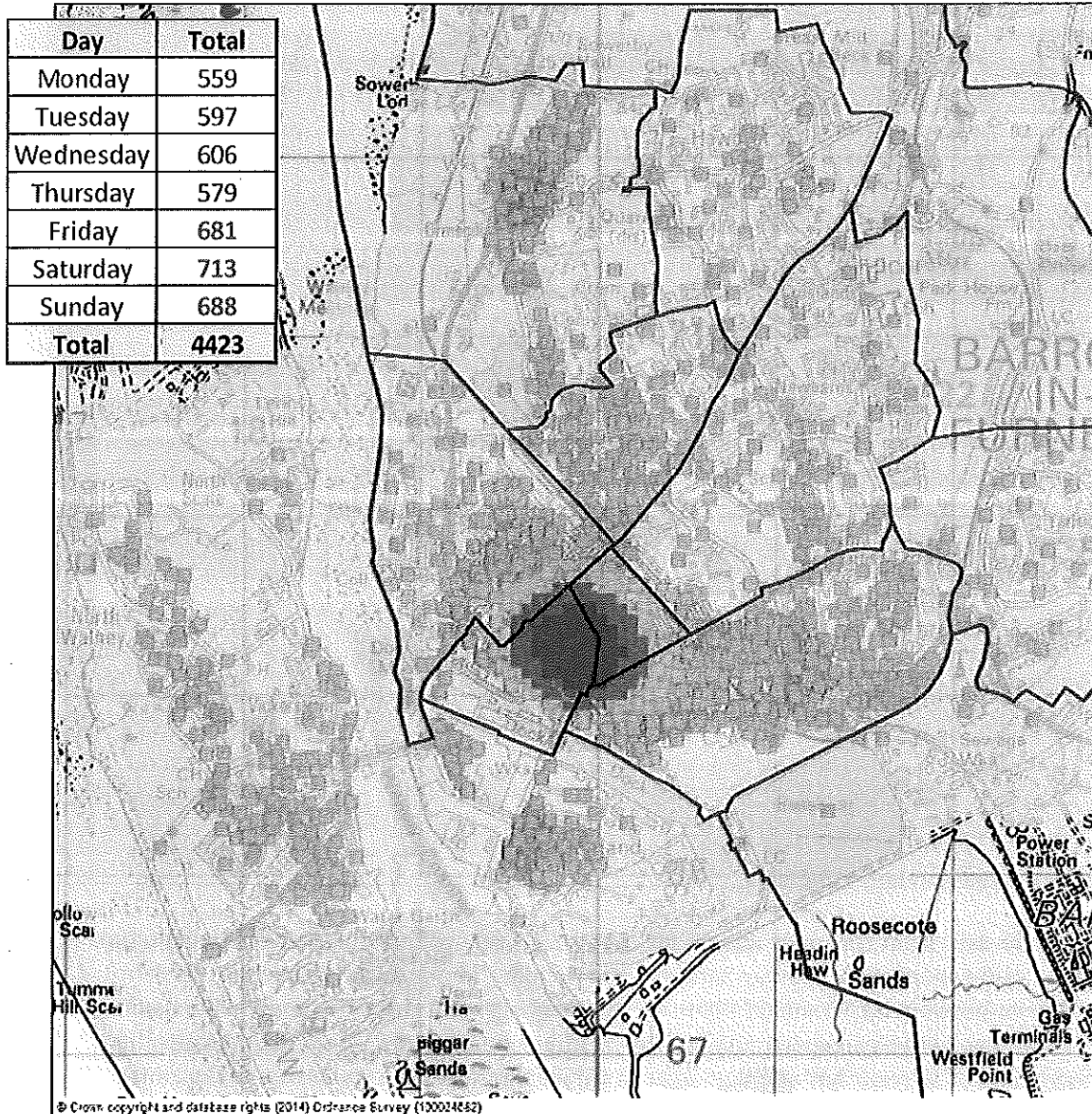
**Beat codes map**



**Key Points and Evidence**

**All Crime – Barrow Borough Beats- S02, S03, S04, S05, S06, S07, S08, S09, S10, S11, S12, S13, S17 and S22.**

Between the 1<sup>st</sup> November 2013 and 31<sup>st</sup> October 2014, there were 4423 crimes recorded in Barrow Borough. This includes all aspects of crime. A total of 1648 or 37.2% of these offences took place within the town beats of S02, S03 and part of S04. This is illustrated on the hot spot map below.



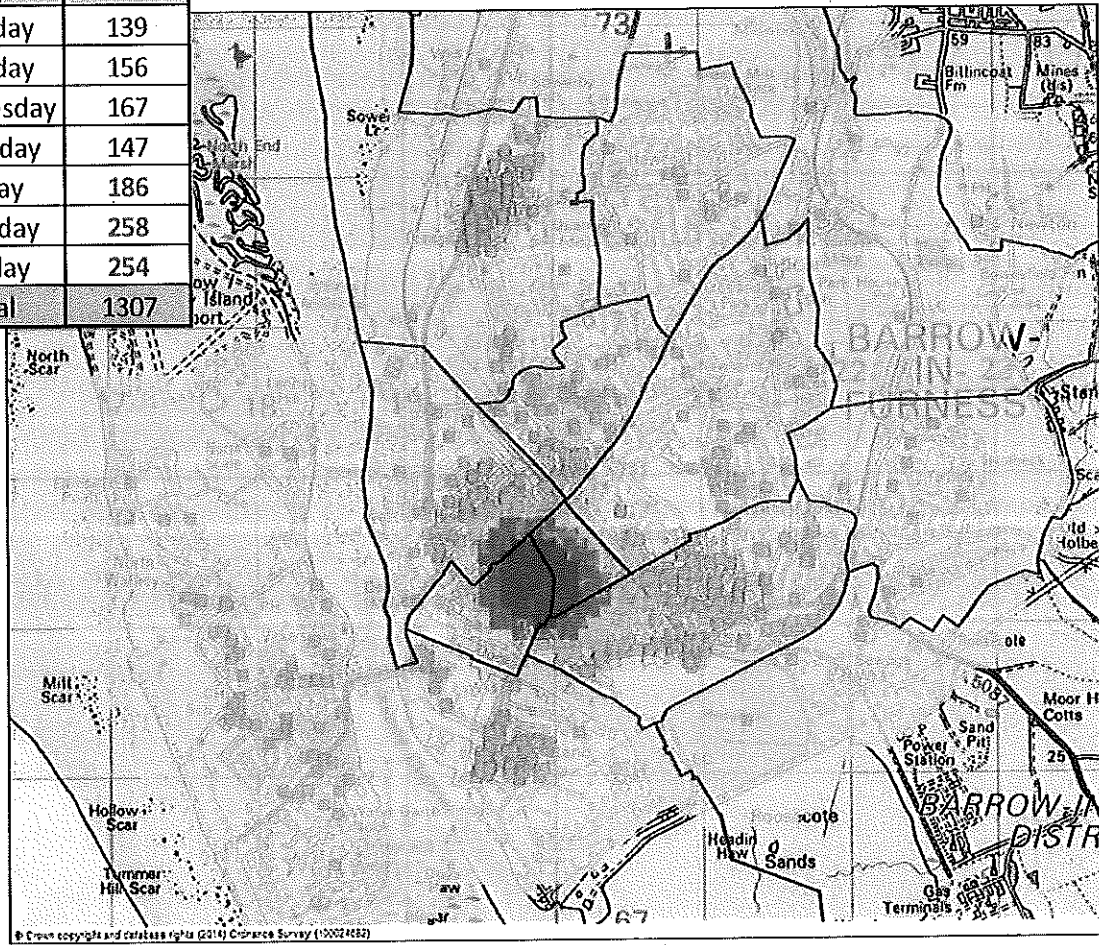
The table above shows the crimes per day based upon the 'Earliest Date Reported' and shows that 2082 or 47% of offences have occurred on Friday, Saturday and Sunday. When the timings of the offences taking place are examined, it can be seen that the busiest days/times are Friday/ Saturday 20:00 to 03:00 hours and Saturday/ Sunday from 21:00hrs to 02:00hrs. These peaks are likely to be as a result of the concentration of violence in the town centre.

**Offences Against The Person- Barrow Borough Beats, S02, S03, S04, S05, S06, S07, S08, S09, S10, S11, S12, S13, S17 and S22.**

A total of 1307 or 29.5% of the crimes recorded between 1<sup>st</sup> November 2013 and 31<sup>st</sup> October 2014 were offences against the person. A total of 511 or 39% of these crimes took place in the town centre beats of S02, S03 and S04 (west end of Salthouse). The hot spot areas are illustrated on the map below:



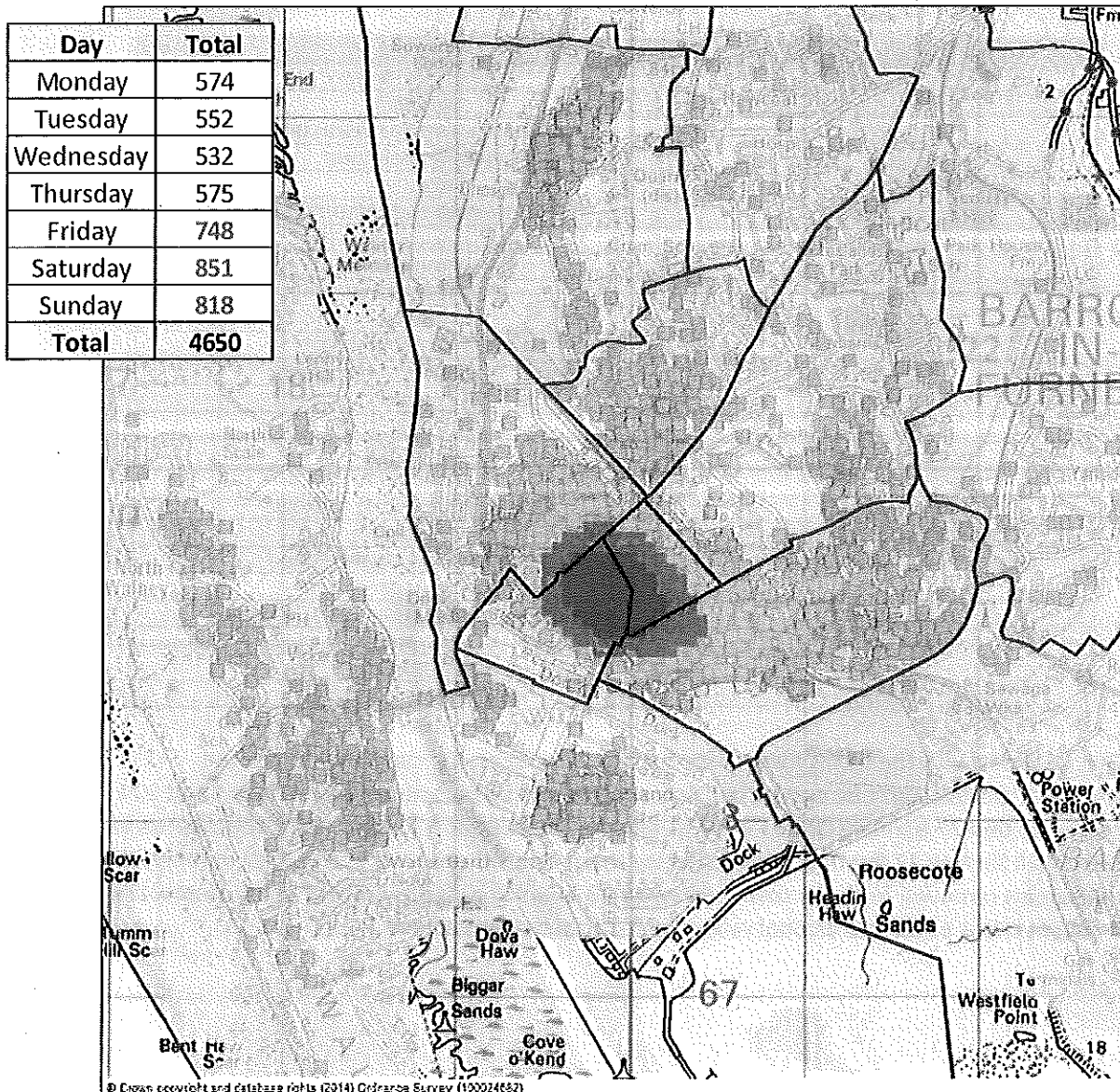
Day	Total
Monday	139
Tuesday	156
Wednesday	167
Thursday	147
Friday	186
Saturday	258
Sunday	254
<b>Total</b>	<b>1307</b>



It can be seen from the table above that 698 or 53.4% of offences against the person took place at the weekend on Friday, Saturday and Sunday. Temporal analysis shows peak in offences between 22:00 and 01:00hrs on a Friday/ Saturday and between 21:00hrs and 02:00hrs on Saturday-evening followed by 22:00hrs on a Sunday. This data indicates that nearly half of all recorded offences against the person take place in Barrow town centre, mainly at the weekends.

**Anti-Social Behaviour- Barrow Borough Beats, S02, S03, S04, S05, S06, S07, S08, S09, S10, S11, S12, S13, S17 and S22.**

The number of ASB incidents were analysed for the same time period and a total of 4650 incidents were recorded. Some 2037 or 43.8% of incidents were recorded as taking place in beats S02, S03 and the west end of S04 (Salthouse). This is illustrated as a hot spot on the map below.



Overall, 967 ASB incidents were marked as alcohol related which contributes to 20.7% of all ASB incidents. A total of 676 incidents or 69.9% of the alcohol related incidents took place in the S02, S03 and the west end of S04. These markers should be used as guidance only as they are under used – the actual figure is likely to be higher.

Temporal analysis shows that incidents of ASB are most prevalent on Friday, Saturday and Sunday with times of incidents peaking between 20:00hrs and 00:00hrs on a Friday/Saturday as well as between 21:00hrs and 02:00hrs on a Saturday/Sunday. Again, this indicates that there is a strong link between the town centre disorder and anti-social behaviour.

**Section 27 Banning Orders**

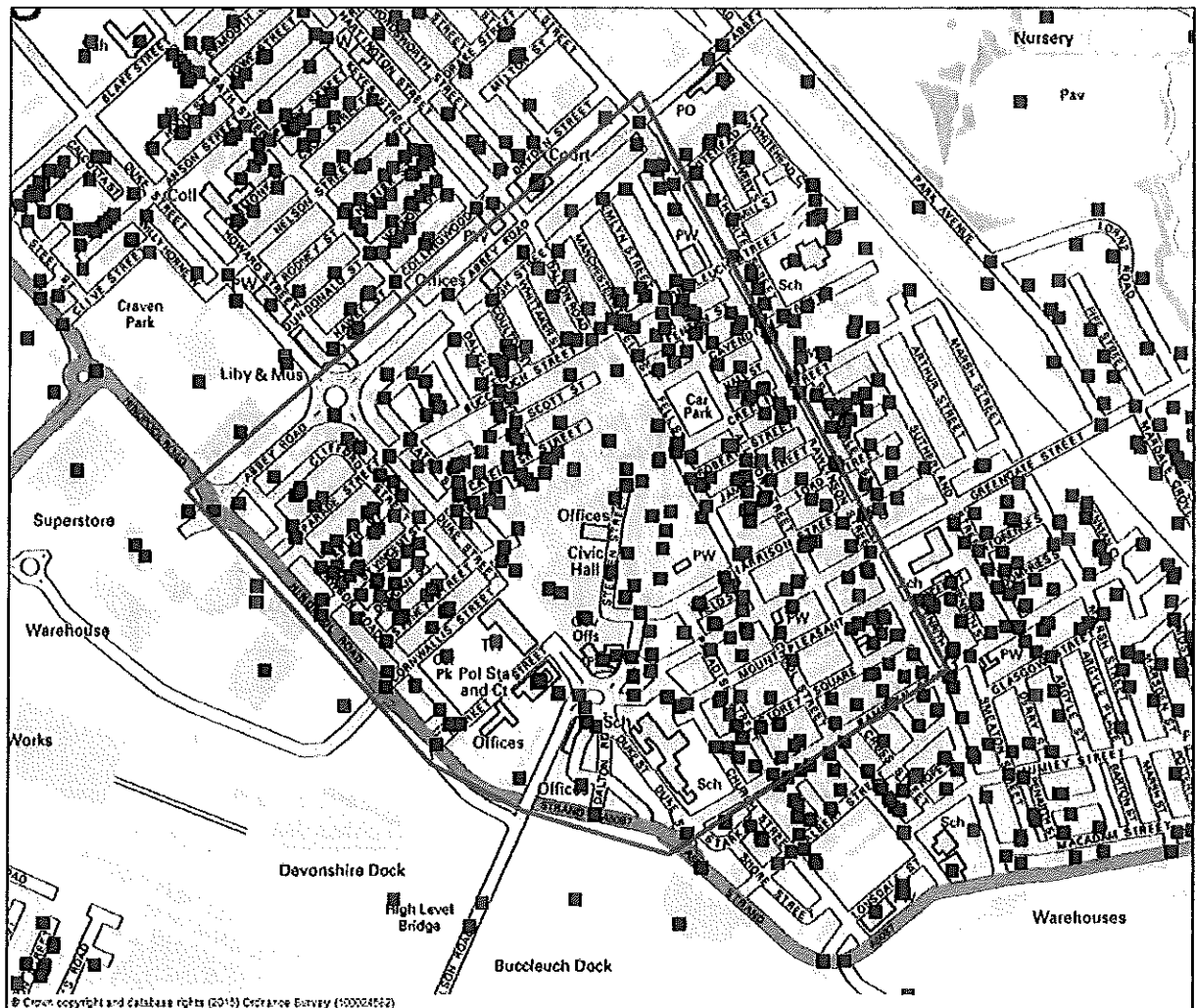
Between 1<sup>st</sup> November 2013 and 19<sup>th</sup> October 2014 (when Section 27 orders were repealed) there have been 280 Section 27 Banning Orders issued in Barrow Borough. A total of 253 or 90.3% of these were issued within the town centre and the table below shows the majority of them were issued in or around licensed premises or the main area of the night time economy.

LOCATION	COUNT	LOCATION	COUNT
CAVENDISH ST	124	THE FURNESS RAILWAY	2
CORNWALLIS ST	23	WILLIAM ST	2
DALKEITH ST	16	YUNGNEN HOUSE, CAVENDISH STREET	2
DUKE ST	9	ANGLE MEADOW LANE	1
ABBAY ROAD	5	ARGYLE ST	1
CROSS KEYS	4	BARROW ARMS, CAVENDISH STREET	1
KINGS ARMS	4	BARROW RAILWAY STATION	1
PRESTON STREET	4	CAVENDISH DOCK ROAD	1
AMBROSE HOTEL	3	CLARENCE HOUSE	1
DALTON ROAD	3	CLUB M	1
LAWSON ST	3	CROSS KEYS, WILLIAM ST	1
MARKET ST	3	FLAT 64, IDENTITY, CAVENDISH ST	1
SLATER STREET	3	LONGWAY	1
ALBION HOTEL	2	NINES, 5 DALKEITH ST,	1
BARROW TOWN	2	NORTH ROW	1
BUCCLEUCH STREET	2	PENRITH ST	1
HOLBECK PARK AVE	2	SOPHIAS, DALTON ROAD, BARROW	1
HORSE AND JOCKEY	2	TAY COURT	1
MANHATTANS, CAVENDISH STREET	2	THE DERBY HOTEL, DALTON ROAD	1
RAILWAY PUB	2	THE KNIGHTS, 2 DALKEITH ST	1
RAMSDEN ST	2	THEATRE HOTEL, CAVENDISH STREET, BARROW	1
RAWLINSON ST	2	TWEED RISE	1
SCOTT ST	2	WELLINGTON HOTEL	1
SKINT, LAWSON STREET	2	WEST SHORE BOWLING CLUB	1

Due to issues with the forms filled in for Section 27 notices, the capability to analyse temporal analysis can't be completed. Day analysis can be completed which shows that 224 of the Section 27 Banning Orders were given on a Saturday and Sunday which contributes to 80% of all Section 27 Banning Orders. During these times there have been a high number of individuals removed from the town centre for 48 hours in order to prevent them committing a violent crime or further alcohol related anti-social behaviour.

**Proposed SCIP Area.**

The map below shows the proposed Special Cumulative Impact Policy Area along with the offences against the person shown by red squares and ASB shown by blue squares. Analysis indicates that this proposed area would capture the part of Barrow town centre where the highest levels of violent crime and ASB are occurring.



**Offences Against The Person – Barrow beats S02, S03 and west end of S04**

Top 10 Premises	
Premise	Count
MANHATTANS	12
BARROW ARMS	12
CLUB M	11
CENTRAL WORKING MENS CLUB	7
THE KNIGHTS	7
BAR FIVE & THE NINES	6
WASHINGTON HOTEL	6
CROSS KEYS	5
KAVANNAS	5
BROADWAY	4

Top 10 Streets	
Premise	Count
CAVENDISH STREET	46
DALTON ROAD	32
MARKET STREET	21
DALKEITH STREET	20
CORNWALLIS STREET	19
LONGWAY	18
MARDALE GROVE	15
GREENGATE STREET	13
DUKE STREET	13
FENTON STREET	12

**ASB- Barrow beats S02, S03 and west end of S04**

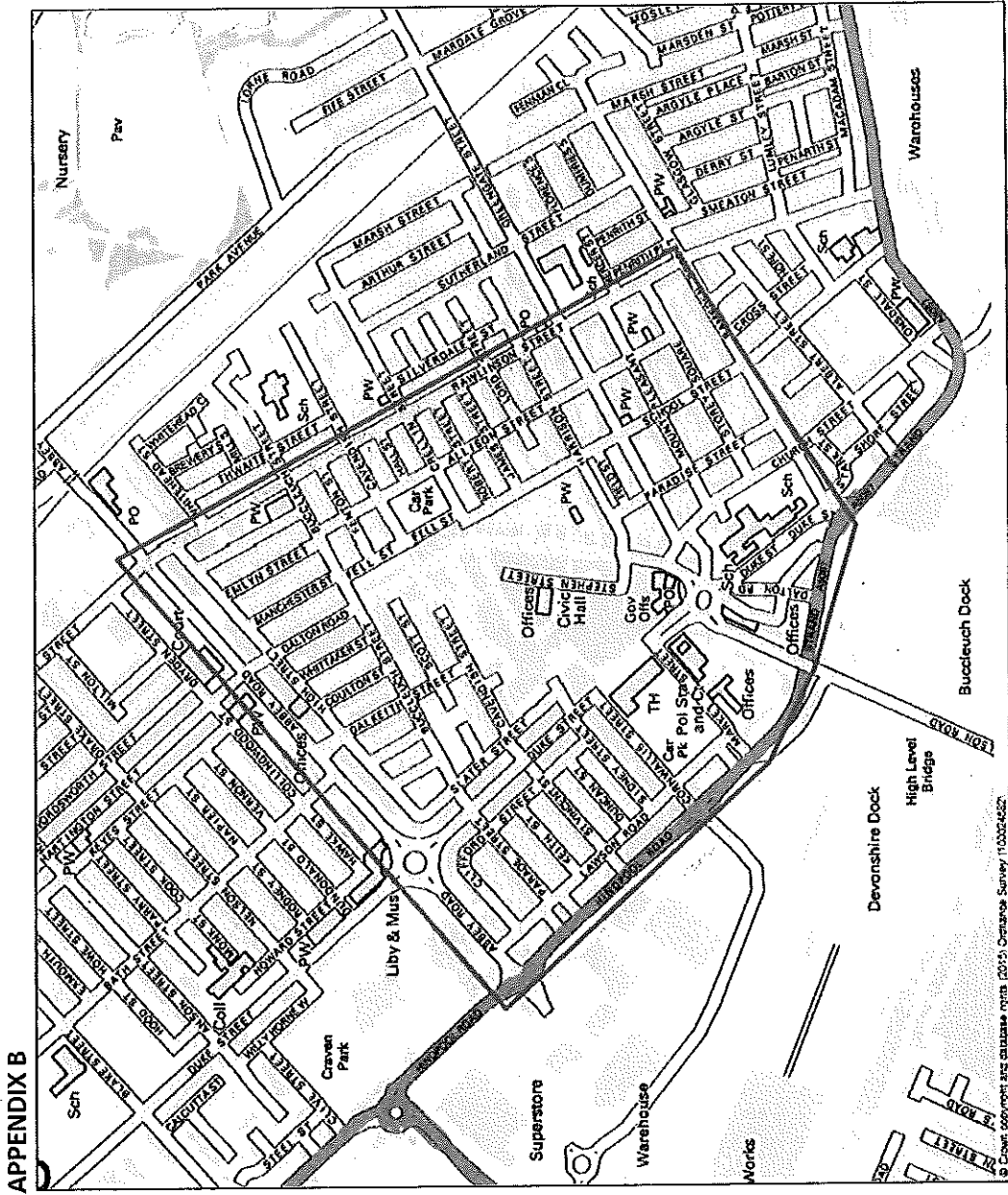
TOP 10 PREMISES	
PREMISE	COUNT
BARROW ARMS	22
MANHATTANS	21
MCDONALDS	21
TESCO STORES LTD	17
ST GEORGES HOUSE	14
CLUB M	13
CENTRAL CARS	11
STEELWORKS HOTEL	10
KINGS ARMS HOTEL	10
THEATRE HOTEL	9

TOP 10 PREMISES	
STREET	COUNT
CAVENDISH ST	305
DALTON RD	103
DUKE ST	41
DALKEITH ST	28
MARKET ST	26
SALHOUSE RD	26
CORNWALLIS ST	26
HINDPOOL RD	24
ABBAY RD	20
PORTLAND WALK	18

**Hourly breakdown of offences**

Hour	Total offences
0	234
1	67
2	35
3	17
4	8
5	7
6	2
7	2
8	4
9	6
10	5
11	7
12	3
13	3
14	4
15	11
16	9
17	15
18	12
19	17
20	21
21	21
22	26
23	75
Total	611

Not Protectively Marked



APPENDIX B

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Not Protectively Marked

**Recommendations:**

- To reduce the risk of a potential rise in the number of violent offences and disorder within Barrow town centre it is strongly recommended that the 'selected' area of Barrow (Map – Appendix B) becomes a Special Cumulative Impact Area in an area already saturated with pubs and clubs and late night refreshment premises.

**For awareness:**

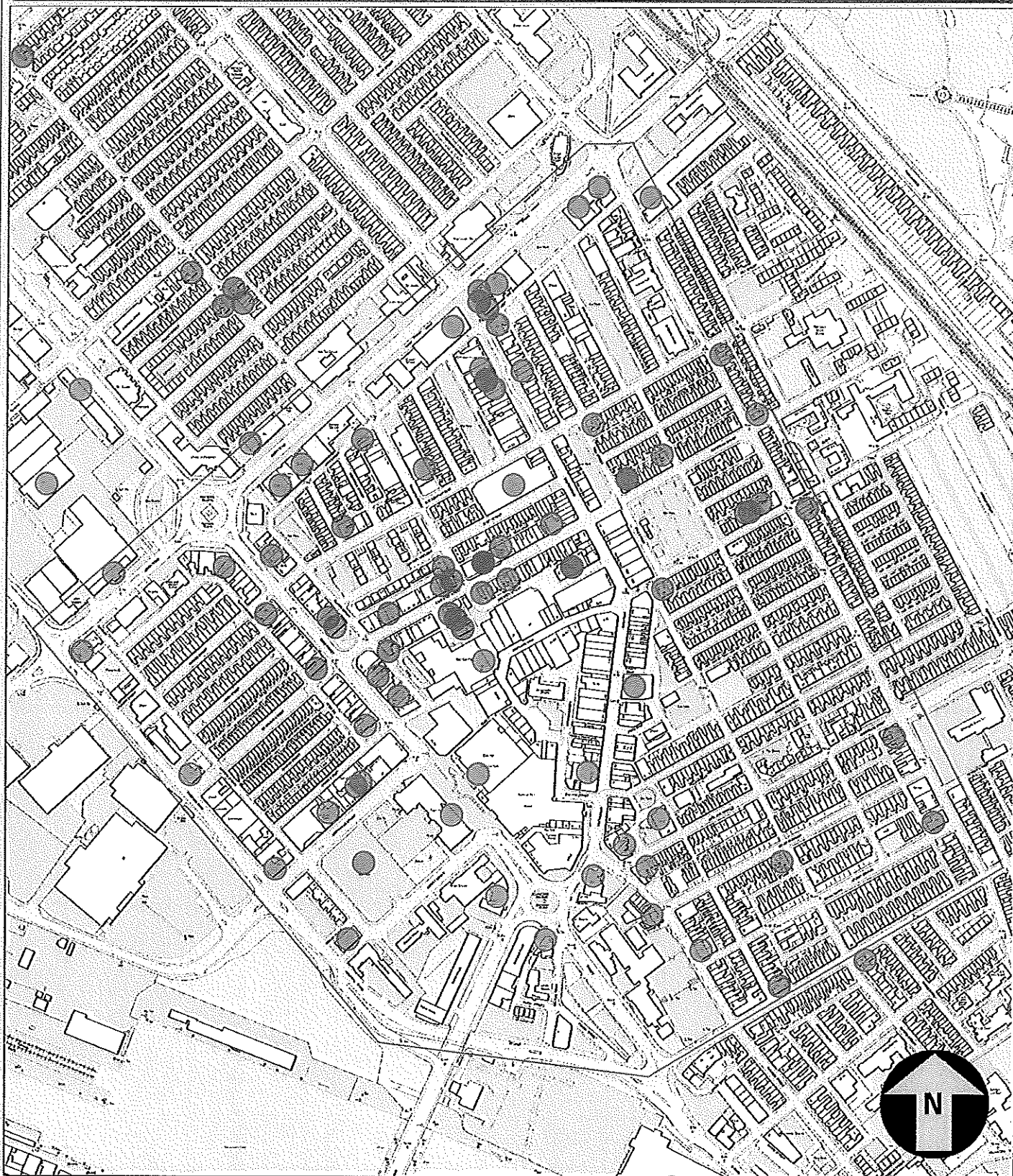
This application will not seek to impact on minor variations to premise licenses; changes to designated premise supervisors; or off licence applications.





# Licensed Premises

## Town Centre

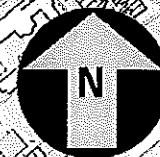


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Scale 1:5000.0

Created 23.01.2015





## APPENDIX 3

### Extract from Barrow Council's Statement of Licensing Policy

- 4.7.1 Where the authority receives representations from a responsible authority or an interested party that the cumulative effect of licensed premises is leading to an area becoming saturated with premises the Authority will consider whether or not the granting of additional licences might lead to one or more of the Licensing Objectives being undermined.
- 4.7.2 The authority recognises that the cumulative impact of a number, type and density of licensed premises in a given area, may lead to serious problems of public nuisance and crime & disorder outside and some distance from the premises.
- 4.7.3 Where representations are received from a responsible authority/interested party that an area has become saturated with premises, creating problems of disorder and nuisance over and above the impact from the individual premises, the authority will first consider whether the imposition of conditions is likely to address these problems and, if not, may consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.
- 4.7.4 The authority will take the following steps when considering whether to adopt a special saturation policy:
- identify serious and chronic concerns from a responsible authority or representatives of residents about nuisance and disorder
  - where it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area
  - assessing the causes
  - adopting a policy about future licence applications from that area
- 4.7.5 A saturation policy will only be adopted where there is clear evidence to support any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.
- 4.7.6 The authority recognises the diversity of licensed premises and will have full regard to those differences and the differing impact each has on the local community.
- 4.7.7 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.
- 4.7.8 Evidence of demand or need (or lack of the same) will not be considered.

#### 4.7.9 Other mechanisms for controlling cumulative impact include:

- 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, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

These may be supplemented by other local initiatives that similarly address these problems.

#### Reason

It is not the policy of the Authority to seek to limit the number of licensed premises, which will be permitted because there are already enough licensed premises to satisfy the demand. That is not a matter for the Authority.

The 'cumulative impact' of the granting of an additional licence on the promotion of the Licensing Objectives is, however, a proper matter for the authority to consider under this policy and the authority may adopt a Special Saturation Policy.

The impact from licensed premises increases considerably in areas where there are concentrations of such premises. The adverse effects from licensed uses are particularly acute in some areas of the District both in and around town centres and elsewhere.

## APPENDIX 4

### Extract from National Guidance

13.19 “Cumulative impact” is not mentioned specifically in the 2003 Act. In this Guidance, it means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. Cumulative impact policies 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 fast food outlets which are not licensed to sell alcohol.

13.20 In some areas, where the number, type or density of premises selling alcohol or providing late night refreshment is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to 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. Licensing authorities should consider whether the number of fast food outlets or off licences in an area contribute to these problems, and may choose to include them in their cumulative impact policy.

13.21 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, 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.

13.22 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 still 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. Evidence of cumulative impact.

13.23 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform licensing authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives 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 councillors; and
- evidence obtained through local consultation.

13.24 The licensing authority may consider this evidence, alongside its own evidence as to 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.

13.25 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.

13.26 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.

13.27 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 include an approach to cumulative impact in its licensing policy statement. The special policy 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 13.39. When the licensing authority decides to introduce an approach to cumulative impact, it may decide it is appropriate to indicate in its statement that it is adopting a special policy whereby, when it receives relevant representations, there is a rebuttable presumption that, for example, applications or variation applications which seek to extend the sale or apply of alcohol or provision of late night refreshment are refused or subject to certain limitations.

### **Steps to a special policy**

13.28 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below.

- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- 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 such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of 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, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

### **Effect of special policies**

13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

13.30 However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the statement of licensing policy should be amended.

13.32 The absence of a special policy 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.

13.33 Special policies 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 introducing a special policy, 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 special policy.

13.34 It is recommended that licensing authorities should publish contact points in their statements of licensing policy where members of public can obtain advice about whether or not activities should be licensed.

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

13.35 A special policy 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 special policy 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 of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

13.36 Special policies 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 16). The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple 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. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.

13.37 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly appropriate for the promotion of the licensing objectives.

13.38 Every application should still be considered individually. Therefore, special policies must not restrict such consideration by imposing quotas – based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned.

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

13.39 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. 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;
- 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; and
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate.
- Raising a contribution to policing the late night economy through the Late Night Levy.
- Early Morning Alcohol Restriction Orders (see Chapter 16).

13.40 As part of its licensing policy, the licensing authority may also wish to consider the use of alternative measures such as fixed closing times, staggered closing times and zoning within its area, providing such mechanisms are justified on the basis of the licensing objectives and are only presumptive, with final decisions continuing to be made in relation to individual premises on a case by case basis in accordance with what is appropriate to promote the licensing objectives. The licensing authority would be expected to include its intention to use such measures in its statement of licensing policy and justify doing so in order to orchestrate closing times so as to manage problems in the night-time economy based on the promotion of the licensing objectives. As with the creation of a CIP, the use of such mechanisms would create a rebuttable presumption and would apply in the event of representations being received.