

**APPENDIX 2**



**LICENSING ACT 2003**

**CUMULATIVE IMPACT ASSESSMENT**

**APRIL 2021**

Comments are invited on this document to:

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## **Cumulative Impact Assessment**

The concept of cumulative impact has been described within the guidance issued by the Government under section 182 of the Licensing Act 2003 ('the s182 Guidance') since the commencement of the Licensing Act 2003 ('the Act'). Watford Borough Council, as a licensing authority, has had a special policy in place since the commencement of the Act in 2005 relating to the town centre, which has been referred to as a cumulative impact policy.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to place cumulative impact policies on a statutory footing by introducing section 5A of the Act. The amended legislation came into force in April 2018

This cumulative impact assessment is being published under these provisions of the Act. The assessment is required to be reviewed every three years from the date it came into force. The Act sets out which parties must be consulted on the assessment.

The term 'cumulative impact' is described within the s182 Guidance as:

"the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area"

The s182 Guidance goes on to state that if the type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high, then problems of nuisance and disorder may arise, as well as from concentrating a large number of drinkers in a particular area when leaving a particular area.

## **Covid-19 Statement**

This assessment is being compiled using data collated up to and including October 2020. It is recognised by the licensing authority that the Covid-19 pandemic will have influenced data collection over the period of March to October 2020, due to the effect that the national lockdown had on the Borough and the country as a whole, with all but essential services being required to shut and people being encouraged to stay at home. This will have an effect on the analysis of the data. Data from this period is included for transparency and openness, but it does need to be considered against the wider national picture. Any long-term effects of the pandemic upon public and business behaviour are likely to be established over the forthcoming months and years.

## **Findings of the Cumulative Impact Assessment**

In studying the data obtained, provided in this assessment, the licensing authority does consider that the number of alcohol-licensed premises within the High Street and The Parade is such that it is likely that granting further authorisations which allow the consumption of alcohol on the premises (whether this is for consumption only on the premises, or both on and off the premises) would be inconsistent with the licensing authority's duty to promote the licensing

objectives, specifically the licensing objective of the prevention of crime and disorder. The crime statistics provided by the police show that the High Street and The Parade have significantly higher crime statistics, particularly for alcohol-related crime, than other areas of the borough. The peak time for these offences occurring is during the night-time economy. Therefore, the council has adopted a cumulative impact policy for the High Street and The Parade.

The cumulative impact policy shall apply to any application for a new premises licence or club premises certificate. The policy cannot be retroactively applied to existing licensed premises, but may be taken into consideration for any variations of existing authorisations, with special consideration given where there are representations concerning the licensing objective of crime and disorder, or any application to increase the capacity of a premises or the availability of alcohol sold at the relevant premises.

The policy does not apply to temporary event notices, although the s182 Guidance does state that it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within this assessment when objecting to a notice.

The policy does not change the fundamental way in which decisions are made under the Act. Each application is required to be considered upon its own merits and goes through a public consultation. Should there be relevant representations submitted against an application, which are not withdrawn, and the matter is brought before a licensing sub-committee for determination, it will be for the committee to decide if the policy should be engaged and applied. It is possible for the licensing sub-committee to make an exception to policy where they consider it appropriate to do so. Where no representations are received against an application, even for an application within the policy area, the Act requires that the application be granted. It will still remain the responsibility of the licensing sub-committee 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.

The cumulative impact policy shall not apply to the following premises:

- 1) where the supply of alcohol shall only be ancillary to a substantial table meal
- 2) where the supply of alcohol shall only by waiter/waitress service only to seated customers
- 3) where the supply of alcohol does not extend past 10pm on any day

In any other case where an applicant wishes to be considered as an exception to the policy, the responsibility is with them to show why they should be considered and not on the licensing committee to show why an exception should be made.

Exceptions to policy will not be made on the grounds that:

- 1) the building design is of a high standard; we would expect all applicants will want to ensure the highest design standards possible;
- 2) that the applicant is of good character; it is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol;
- 3) that the premises are small; even small premises can contribute to crime, disorder and nuisance

Where an exception is made, the licensing committee may consider attaching specific conditions to the relevant authorisation requiring the use of door supervisors to monitor and control access to the premises and assist with dispersal, to install and maintain an electronic identification entry system which meets the reasonable requirements of Hertfordshire Constabulary, to make a monetary contribution to the town centre taxi marshal scheme (or such a replacement scheme which may be introduced to assist in the dispersal of customers from the town centre) and that the premises will actively participate in the town centre Pubwatch scheme and/or the Pubwatch radio scheme (or such a replacement scheme which may be introduced to assist in communication between venues).

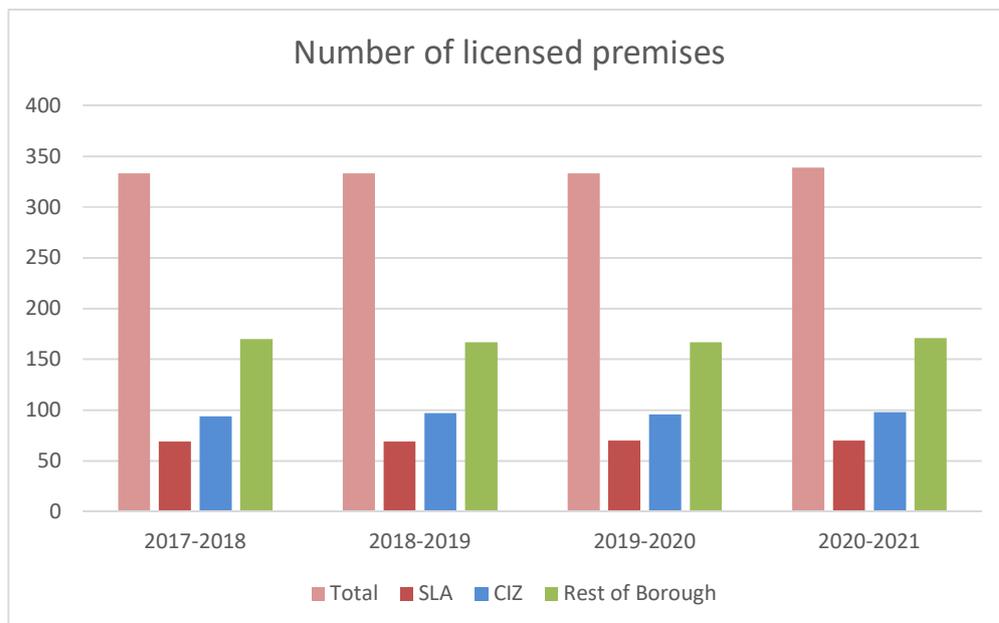
## Cumulative Impact Assessment Data

### Background Data

As of 31 October 2020, there were 339 authorisations issued by Watford Borough Council under the Licensing Act 2003. There were 322 premises licences and 17 club premises certificates.

The majority of licensed premises are located within the Central ward, which covers the town centre, with 143 premises being located within this ward, consisting of 142 premises licences and 1 club premises certificate.

The following graph shows the distribution of authorisations between the cumulative impact zone (CIZ), the council's sensitive licensing areas (SLA), both of which were as detailed within the council's Statement of Licensing Policy 2018-2023, and the rest of the Borough. It has been decided to compare the figures between the two policy areas simply for the ease of comparison.



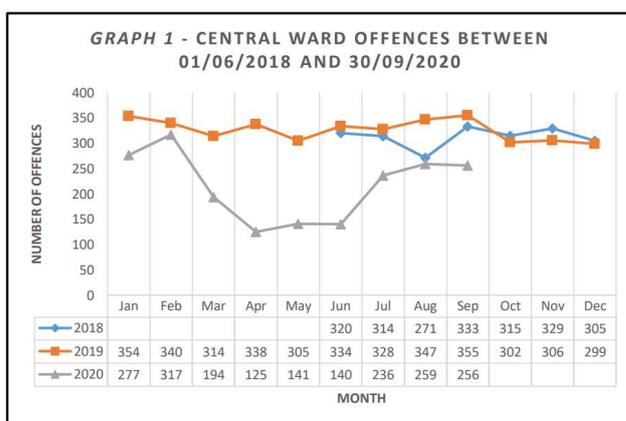
98 authorisations were in force within the cumulative impact zone, 70 authorisations were in force within the council’s sensitive licensed areas, and 171 authorisations were in force in the rest of the borough. The figures have remained relatively similar over the reporting period, with no significant increases or decreases in figures.

Most data has been gathered for the financial years of 2017-2018 to 2020-2021 (up to 31/10/2020). This is to allow for comparison between different sets of data, and to identify any trends. It should be noted that the council’s Statement of Licensing Policy 2018-2023 took effect from November 2018.

### Data supplied by Hertfordshire Constabulary

Data was supplied by Hertfordshire constabulary with regards to crime statistics. The police data relates to the period of 01/06/2018 and 30/09/2020. The Police refer to this area as CC1 Central Ward with regards to recording locations of crimes and offences.

In this period, 8054 offences were committed within the ward between the dates specified. It is noted that offence numbers were generally similar for both 2018 and 2019, with a noticeable exception for Aug 2018. This data is presented within the police’s graph 1. It is also acknowledged that 2020 saw offence numbers drop between March and June due to COVID-19 lockdown restrictions, but started to rise when premises began to re-open.



Offence Category	Count of Offences
THEFT	3149
VIOLENCE AGAINST THE PERSON	1777
NON-CRIME	738
PUBLIC ORDER OFFENCES	544
ARSON AND CRIMINAL DAMAGE	388
DRUG OFFENCES	325
VEHICLE OFFENCES	325
NON-NOTIFIABLE	203
ROBBERY	147
BURGLARY	137
SEXUAL OFFENCES	125
MISCELLANEOUS CRIMES AGAINST SOCIETY	103
POSSESSION OF WEAPONS	93

Table 1 – Number of offences per offence category.

As can be seen by table 1, theft and violence against the person accounted for most offences at over 61% of offences.

The police advise that there were no prevalent days or times noted with regards to the offences of theft and violence against the person, with the exception of alcohol-related offences as detailed later, although it is noted that there is a reduction in the number of offences occurring between 03:00 and 08:00. This is after most licensed premises within the town centre have stopped serving alcohol or have closed, where customers would be expected to be dispersing from the town centre.

There were 611 offences recorded as being alcohol-related. For the purpose of this data collection, alcohol-related offences refer to where the offenders and / or victims have been noted on police systems as having been intoxicated. Alcohol-related offences mostly take place between 19:00 and 04:00.

Street Name	Count of offences
The Parade High Street**	314
Market Street	26
Albert Road South	25
Station Road	17
Vicarage Road***	14
Clarendon Road	13
Estcourt Road	10
St Albans Road	10

**Table 2** – list of streets which have experienced 10 or more offences.

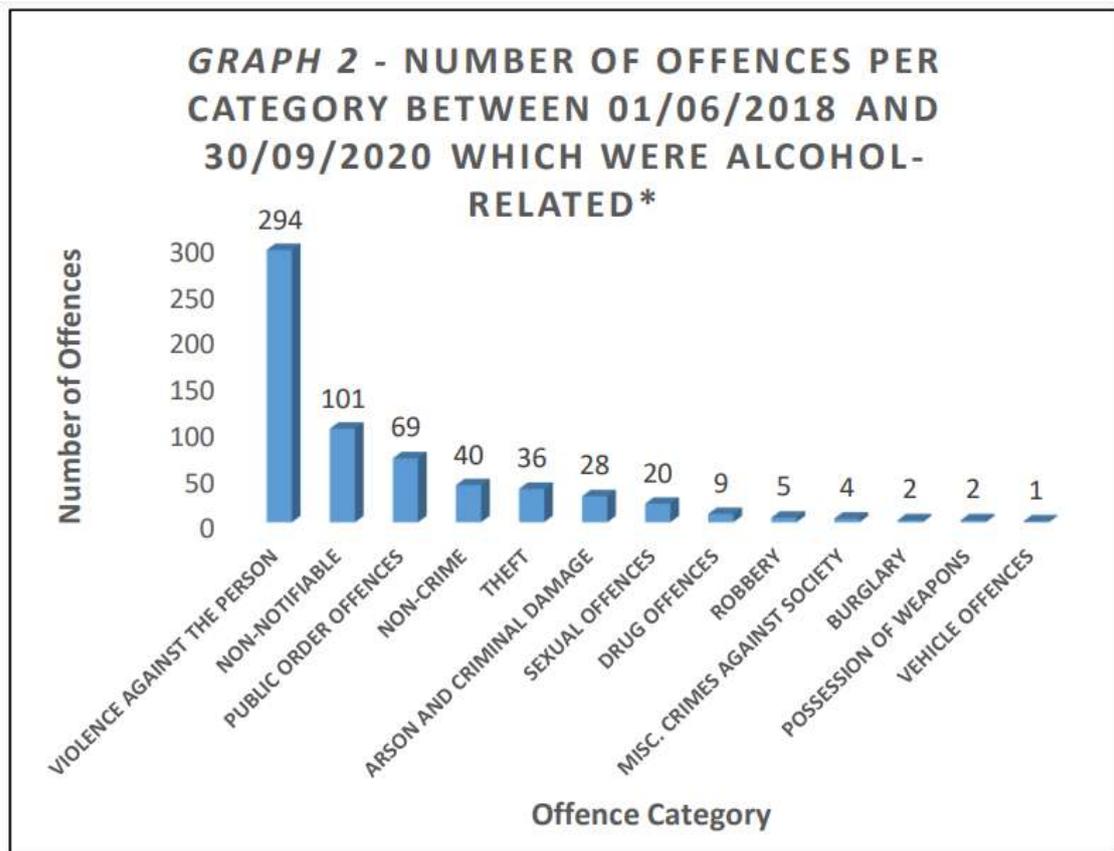
Street Name	Count of offences
The Parade High Street **	314
Market Street	26
Albert Road South	25
Clarendon Road	13
Queens Road	8
Wellstones	6
Church Street	5
George Street	1
New Street	1
King Street	1

**Table 3** – list of streets of interest and offence numbers.

As can be seen by table 2, The Parade and High Street saw the most recorded alcohol-related offences. The police acknowledge that this may be expected due to the high volume of people visiting the area in comparison to other areas of the Borough, and the availability of alcohol within the vicinity. Over 50% of alcohol-related offences occur within The Parade and the High Street, and it is therefore appropriate that focus is centred on this location. For the purpose of this data, all variations of High Street / The Parade / The Parade High Street have been combined (identified by the \*\*) Offences committed at Watford General Hospital are included within the stats for Vicarage Road (identified by \*\*\*).

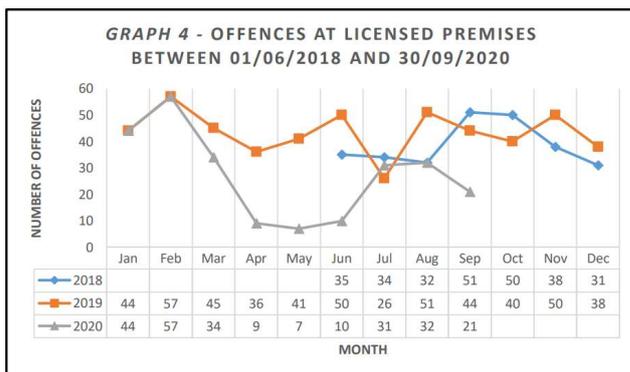
Streets of interest, as identified by table 3, are streets which are subject to specific focus from the police due to levels of crime within the area or local concerns. It is noted that The Parade and High Street appear to be justified as a location of concern.

The majority of these alcohol-related offences were classified as violence against the person, accounting for 48% of all alcohol-related crimes, as can be seen by the police’s graph 2. Again, for the purpose of this data collection, alcohol-related offences refer to where the offenders and / or victims have been noted on police systems as having been intoxicated. This shows that there is high chance of someone being attacked by someone who is intoxicated, or where the victim is intoxicated, and are more likely to be a victim of such crime than other offences.



The police data accounted for 90 licensed premises within the town centre. This discrepancy from the actual number of licensed premises issued by the council can be explained by the fact that the police are notified by the licensing authority when licences are granted and keep their own records, and this data may not be as accurate as the records held by the licensing authority through human error and not necessarily deliberate intent, One premises licence was issued by the council on 27 October 2020, which is outside of the police's dataset. One licence has also lapsed after 30 September 2020. The council also have issued three shadow premises licences, which are licences which are not currently being used and relate to existing licensed premises.

Of the total 8054 offences committed within Central ward CC1, 1038 (13%) of offences occurred within licensed premises.



Offence Category	Count of Offences
THEFT	502
VIOLENCE AGAINST THE PERSON	283
PUBLIC ORDER OFFENCES	62
DRUG OFFENCES	46
ARSON AND CRIMINAL DAMAGE	33
NON-CRIME	31
SEXUAL OFFENCES	24
BURGLARY	14
MISCELLANEOUS CRIMES AGAINST SOCIETY	11
NON-NOTIFIABLE	11
VEHICLE OFFENCES	10
POSSESSION OF WEAPONS	7
ROBBERY	4

Table 6 – Number of offences per offence category.

It is interesting to note that offences started to increase when the national lockdown in response to Covid-19 ended, but then fell in August and September 2020, which was the period when licensed premises were allowed to open but with restrictions on how many people could meet in one group and with social distancing in place within premises, therefore reducing their capacity, and when alcohol-licensed premises had to close at 22:00.

Theft and violence against the person offences accounted for 76% of all offences committed at licensed premises, as can be seen in the police’s table 6. It must be noted that licensed premises includes not only pubs and bars but supermarkets and off-licences as well.

The police have provided a breakdown of alcohol-related offences committed at particular licensed premises at table 8, which also highlights the main trading hours of the night-time economy (NTE) between 22:00 and 04:00. DA in for the following table refers to incidents of domestic violence.

Location of Offences	All Alcohol Related*	22:00 to 04:00 Alcohol-Related*	22:00 to 04:00 Not DA	% 22:00 to 04:00 Alcohol-Related*	% 22:00 to 04:00 Not DA
Across Central Ward	611	393	336	64.32	54.99
Licensed Premises	145	107	100	73.79	68.97
Licensed - Fast food	4	3	2	75	50
Licensed - Hotel	9	7	4	77.78	44.44
Licensed - NTE	116	91	88	78.45	75.86
Licensed - Supermarket	5	1	1	20	20
Licensed - Restaurant / Café	10	5	5	50	50
Licensed - Off License	1	0	0	0	0

Table 8 – Breakdown of alcohol-related\* offences across Central Ward and at licensed premises.

More than half of all alcohol-related offences within Central Ward CC1 were committed in the 6 hours between 22:00 and 04:00. This shows that the majority of alcohol-related crime, where police involvement is required, occurs during the period of 22:00 and 04:00 and is primarily focussed around night-time licensed venues. While this is somewhat to be expected given the operation of these venues, the evidence does prove that night-time economy venues are a

contributing factor to the crime statistics, more so than late night take-aways, restaurants or hotels.

Of the 98 licensed premises within the council's CIZ, 79 are located within the High Street and The Parade. Of these 79 premises, 72 allow the sale of alcohol. The breakdown of the number of premises by licensable activity are included in the table below. This data is supplied by the licensing authority.

Licensable activity	Number of premises
Supply of alcohol (consumption on premises)	20
Supply of alcohol (consumption off premises)	13
Supply of alcohol (consumption both on and off premises)	39
Late night refreshment only	7
Regulated entertainment only	0

It is acknowledged that not all premises which sell alcohol only sell alcohol as a licensable activity. The full breakdown of the number of premises offering licensable activities, and which activities they can offer, is included in the following table. Again, this data is supplied by the licensing authority.

Licensable Activities	Number of Premises
Supply of Alcohol (both on- and off-sales premises) only	3
Late night refreshment only	6
Supply of Alcohol (off-sales) only	12
Supply of Alcohol (on-sales) only	4
Supply of Alcohol (both on- and off-sales) & Late night refreshment	8
Supply of Alcohol (both on- and off-sales) & Regulated entertainment	3
Supply of Alcohol (off-sales) & Regulated entertainment	1
Supply of Alcohol (on-sales) & Late night refreshment	4
Supply of Alcohol (on-sales) & Regulated entertainment	1
Regulated entertainment & Late night refreshment	1
Supply of Alcohol (both on- and off-sales), Regulated entertainment & Late night refreshment	25
Supply of Alcohol (on-sales), Regulated entertainment & Late night refreshment	11

The terminal hours for these licensable activities extend later into the night closer to the weekend. The following graphs show the distribution of terminal hours for these licences for each day of the week, with noticeable peaks of later hours for alcohol sales on Thursdays, Fridays and Saturdays.

There is one premises which allows the sale of alcohol for 24 hours, and is therefore not included in these graphs. This premises is a hotel.

The majority of premises trade beyond 22:00, which appears to justify the police’s approach of classifying these premises as trading in the night-time economy. The police have advised that offence numbers tend to fall during the period of 03:00 to 08:00. As can be seen by the following graphs, this is after the terminal hour of the majority of licensed premises and this is when customers should be dispersing from the town centre.

