

Licensing Committee (Licensing Act 2003 Functions)

Date: **12 October 2023**

Time: **3.00pm**

Venue **Council Chamber, Hove Town Hall, Norton Road, Hove, BN3
3BQ - HTH/CC**

Members: Daniel (Chair), Sheard (Deputy Chair), Pickett (Opposition
Spokesperson), Baghoth, Cattell, Czolak, Davis, Fowler, Hewitt,
Lyons, McGregor, Nann, Robinson, Theobald and Thomson

Contact: **Thomas Bald**
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AGENDA

PART ONE

Page

12 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

13 MINUTES OF THE PREVIOUS MEETING

7 - 12

14 CHAIR'S COMMUNICATIONS

15 CALLOVER

- (a) Item (18) will be read out at the meeting and Members invited to reserve this item for consideration.
- (b) Those items not reserved will be taken as having been received

and the reports' recommendations agreed.

16 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 6 October 2023;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 6 October 2023.

17 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

18 REVIEW OF CUMULATIVE IMPACT POLICY - CUMULATIVE IMPACT ASSESSMENT 2023 (CONSULTATION RESPONSE REPORT) 13 - 80

Contact Officer: Jim Whitelegg
Ward Affected: All Wards

Tel: 01273 292438

19 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 19 October Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact , (01273 291354, email Thomas.Bald@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL
LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.00PM 29 JUNE 2023

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ - HTH/CC

MINUTES

Present: Councillors Daniel (Chair), Sheard (Deputy Chair), Pickett (Opposition Spokesperson), Baghoth, Cattell, Czolak, Davis, Fowler, Hewitt, Nann, Robinson, C Theobald and Thomson

Apologies: Councillors Lyons and McGregor

PART ONE

1 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

- 1.1 There were none.
- 1.2 Apologies from Councillors McGregor and Lyons.

(b) Declarations of Interest

- 1.3 There were no declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

- 1.4 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.
- 1.5 **RESOLVED:** That the press and public not be excluded.

2 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 3 March 2023 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

The Chair gave the following communications:

Thank you for attending the recent licensing training given by Jim and Rebecca, which included our special policy on cumulative impact. The licensing authority are required to

publish a cumulative impact assessment every 3 years in order to review the special policy, after the consultation a paper on this policy will be brought to our October committee meeting for members to decide.

Our Statement of Licensing policy has to be reviewed every 5 years and officers will start consulting with relevant groups and key partners next year prior to going out to public consultation. This follows the consultation on the special policy on cumulative impact and that consultation forms part of a programme that gets us to the destination of a refreshed and updated Statement of Licensing Policy

Public safety is paramount in licensing and I'm keen that we consult with those groups that might be adversely affected by the night-time economy, especially LGBTQ groups, women and students. A lot of work has been done to develop strategies and initiatives to prevent VAWG (violence against women and girls) and keep people safe, and I'm keen that this is reflected within our Statement of Licensing Policy.

Some of the safeguarding initiatives that the licensing authority and partners already do are highlighted in the Annual report which we will consider shortly.

I note the recent "Notice of Motion" regarding the "Get Me Home Safely" scheme which was discussed at Full Council in February.

As part of review of the Statement of licensing Policy we intend to make reference to the Get Me Home Safely scheme, highlighting it as good practice for venues to adopt, as well as strengthening other safeguarding measures such as the prevention of modern slavery and violence against women and girls. Officers will engage with key partners and stakeholders next year before going out to public consultation.

I'm looking forward to attending the next Licensing Strategy Group, which is a multi-agency group that meets every 3 months with a wide-ranging membership of council officers, emergency services, support agencies, licensing trade reps, resident groups and university reps.

Finally, I understand that in previous years Police licensing along with Operation Marble have offered to give members a tour of night-time economy, so I look forward to finding out about that from officers.

And if any members would like to attend a short training session on licensing panel hearings Rebecca has kindly agreed to do a 30 mins refresher after committee (by the way I also found the training videos on the LGA and Cornerstone barrister websites really useful).

4 CALLOVER

The following items were reserved for discussion:

- Item 8 Annual Report of the Licensing Authority 2022/23
- Item 9 Review of the Cumulative Impact Policy – Cumulative Impact Assessment (Pre-Consultation)
- Item 10 Future Licensing Panel Hearing Arrangements

The following item was therefore agreed as per the recommendations set out in the reports:

Item 7 Constitutional Matters – Licensing

5 PUBLIC INVOLVEMENT

There were none.

6 MEMBER INVOLVEMENT

There were none.

7 CONSTITUTIONAL MATTERS – LICENSING COMMITTEES

RESOLVED:

1. That the committee's terms of reference, as set out in Appendix A to this report, were noted;
2. That the Committee established the Licensing Panel as a sub-committee (the membership of such Licensing Panel shall consist of three Members from the trained Members on the Licensing Committee, who will be able to sit on a panel and substitute for any designated Member of the Panel) to deal with licensing applications in accordance with the Terms of Reference are set out at Appendix A to this report.
3. That the Committee agreed to disapply the proportionality rules so far as a Licensing Panel is concerned in accordance with the Local Government (Committees and Political Groups) Regulations 1990;
4. That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

8 ANNUAL REPORT OF THE LICENSING AUTHORITY 2022/23

8.1 The Chair invited Sarah Cornell to introduce the report starting on page 19 of the Agenda.

8.2 Councillor Daniel was informed that:

- The Protect Duty (Martin's Law) was introduced on 19 December 2022, in response to the Manchester Arena terror attack, which obligates commercial events and venues to have procedures in place to recognise and counter terror activity.
- The amount of temporary event notices (TENS) has stayed relatively the same except for the years during COVID.
- There hasn't been an increase in drink spiking over the last year – potentially due to the raising awareness and schemes put in place.

- Some of the safeguarding initiatives in the report were funded through monies received from the Home Office for the Safer Streets funding, and there is likely to be further funding coming.

8.3 Councillor Fowler was informed that there have been no major incidents of needle spiking, and the reports are checked and analysed every week by Sussex Police.

8.4 Councillors Robinson, Pickett, and Sheard were informed that:

- Some premises are flagged due to intel that indicates they may be selling alcohol to underage people, explaining the high failure rate.
- The Council offers training to premises to combat underage sales of alcohol.
- Neither the Council nor Police would publish details of which premises have failed underage drinking tests.

*Jo Player to give a written response to Councillor Daniel and all Committee members regarding the actions under **3.5.3** in the report, and which ones have been/will be actioned.*

RESOLVED:

1. That the committee noted the contents of this report.
2. That officers should continue to monitor trends of applications and illegal activity to inform future policy.

9 REVIEW OF CUMULATIVE IMPACT POLICY - CUMULATIVE IMPACT ASSESSMENT (PRE-CONSULTATION)

9.1 The Chair invited Rebecca Sidell to introduce the report starting on page 41 of the Agenda.

9.2 Councillor Robinson was informed that:

- A large part of Hove was moved into the Special Stress Area, but moving Central Hove into the Cumulative Impact Zone would require a lot of evidence of crime and noise, which Central Hove doesn't have enough of to justify extending the CIZ.
- The Police would give representations against premises licenses where there is a high level of local crime and disorder.

9.3 Councillor Daniel was informed that levels of crime and anti-social behaviour dipped significantly during the COVID-19 pandemic and have only risen to pre-pandemic levels in 2023.

9.4 Councillor Theobald was informed that Operation Marble is included in the normal Police contingency but there is extra funding for additional night marshals and patrols.

RESOLVED:

Committee agreed:

1. To authorise officers to initiate consultation regarding a review of the cumulative impact policy, including the following proposals to consult on (please note, more detail and background on these proposals is contained in section 3 and the appendices of this report):
2. To authorise officers to initiate a consultation exercise to include the draft CIA and evidence in support of maintaining it.
3. That officers to report back to October 2023 committee with the final version of the CIA, following consultation.

10 FUTURE LICENSING PANEL HEARING ARRANGEMENTS

10.1 Rebecca Sidell introduced the report starting on page 83 of the Agenda.

10.2 Councillors Pickett and Theobald raised that virtual meetings are more accessible and democratic.

10.3 Councillor Cattell raised that virtual meetings are more sustainable as people aren't travelling into Hove Town Hall, but that issues could arise where invitees don't have English as their first language and a translator would be helpful.

10.4 Councillor Czolak was informed that the following reasons would be why a panel would be held in person:

- It is a complex application;
- The applicant has requested it in person;
- People who are less technologically able are attending and it would be easier for them;

Councillor Czolak was also informed that hybrid meetings can be arranged where people come into Hove Town Hall and can join a virtual meeting using Council equipment.

10.5 Councillor Hewitt suggested an amendment that the recommendations be extended until March 2024 to avoid holding the same item in October 2023, which was passed by Committee.

10.6 Councillor Sheard was informed that the final decision whether to hold a Licensing Panel in person would be down to the Panel and Legal advisor.

RESOLVED:

1. That Committee noted the ongoing risk of fluctuation in relation to Covid infection rates as well as the additional benefits of holding virtual meetings in terms of enabling participation in the Licensing process and recommends that Licensing Panels continue to meet virtually until March 2024. This does not preclude holding a panel hearing in person where the individual circumstances of an application may warrant it.
2. That Committee delegated authority to the Executive Director - Governance, People & Resources after consultation with the Chair and group spokespersons to determine

arrangements for Licensing Panel hearings until the Licensing Committee in March 2024.

3. That the Committee recommended that in exercising this authority the above officer takes into account all relevant factors including latest public health and government guidance, the situation with other council meetings and the need to ensure fair and transparent procedures in accordance with the Hearings Regulations 2005.

11 ITEMS REFERRED FOR COUNCIL

There were none.

The meeting concluded at 3.48pm

Signed

Chair

Dated this

day of

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 18
Brighton & Hove City Council

Subject: Cumulative Impact Assessment 2023 – review of cumulative impact policy (consultation response report 2023)

Date of Meeting: 12 October 2023

Report of: Executive Director of Housing, Neighbourhoods & Communities

Contact Officer: Name: **Jim Whitelegg** Tel: **01273 292438**
E-mail: Jim.whitelegg@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Council, as Licensing Authority, has a statutory duty to publish its cumulative impact assessment (CIA) every 3 years in order to review its special policy on cumulative impact. The current CIA was published on 4th February 2021. The policy should be kept under review.
- 1.2 The Special Policy on Cumulative Impact and Cumulative Impact Zone (CIZ) and special stress area (SSA) were introduced in 2008 and expanded in 2011. The SSA was further expanded into central Hove in 2019. The previous Cumulative Impact Assessment (CIA) was carried out and consulted on in 2020 and the Licensing Committee (Oct 2020) recommended to Full Council that the CIA be maintained, whilst expanding the SSA to cover the shopping parades north of Preston Circus.
- 1.3 S141 of the Policing and Criminal Act 2017 came into force on 6 April 2018 and gave cumulative impact assessments (CIAs) a statutory basis in the Licensing Act 2003. A policy must take into account any CIAs that an authority has published under 5A of the Act.
- 1.4 On the 29 June 2023 the Licensing Committee authorised officers to go out to statutory consultation to review the Cumulative Impact Assessment. The committee must now decide if the CIA is still appropriate having regard to the consultation responses and the evidence submitted.

2. RECOMMENDATIONS:

That Committee agree to:

- 2.1 Maintain the current cumulative impact assessment and zone and publish the Cumulative Impact Assessment, and;
- 2.2 Conduct a further review of the CIA and special policy, including the matrix as part of the wider statutory statement of licensing policy review to be commenced in 2024

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Licensing Authority's Cumulative Impact Policy was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The special policy is not absolute, and this presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact and that there are exception circumstances to depart from the special policy.

With the introduction of Cumulative Impact Assessments the licensing authority must review the existing special policy and Cumulative Impact Zone as set out in the cumulative impact assessment (CIA) along with the evidence underpinning it and consult those bodies set out in the Act (Section 5(3)). A copy of the draft CIA is contained in **Appendix A**.

- 3.2 The Police and the Council's Public Health Intelligence Analyst have provided extensive evidence of alcohol related crime and noise data relating to the special policy areas and citywide. Both sets of evidence show clear city centre hot spots all sitting within the current cumulative impact zone and supports maintaining these boundaries. The Police submission with data analysis and maps can be found within the consultation document, together with further licensing and noise complaint maps Appendix B [CIA online survey](#).

4. CONSULTATION

- 4.1 Consultation – commenced on the 13th July 2023 and closed on the 22nd September 2023. The consultation document included background information and relevant documents to the question of maintaining the current cumulative impact zone and supporting documentation including the draft CIA. A copy of the consultation document can be found in **Appendix B**.

4.2 National Guidance states at 13.4 that before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- The chief officer of police for the area
- The fire and rescue authority for the area
- The local authority's Director of Public Health in England
- Persons/bodies representative of local premises licence holders
- Persons/bodies representative of local club premises certificate holders
- Persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in its area.

Consultation was undertaken with these statutory consultees and more generally via the council's on-line consultation portal, newsletters/social media (via Equally & Third Sector Team and the Food Team), Licensing website, Licensing Strategy Group, the city LATs (Local Action Teams), residents associations and community associations, Business Improvement District (BID), Brighton & Hove Economic Partnership, Brilliant Brighton, other Council services including Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, Legal and Finance.

5. CONSULTATION RESPONSES

5.1 A summary of the responses is detailed below. A detailed breakdown of the on-line consultation portal responses, together with the additional responses submitted by email and letter, can be found in **Appendix C**.

5.2 The majority of responses strongly agreed with the proposal to maintain the special policy on cumulative impact and to maintain the current cumulative impact zone as set out in the draft cumulative impact assessment. The majority gave the reason of public safety, that there was too high a concentration of licensed premises and that the policy would reduce anti-social behaviour.

5.3 Although there was overall support for maintaining the cumulative impact zone, there were some emerging themes from those who disagreed with the proposal and the cumulative impact assessment, both within the on-line consultation and in a separately emailed letter. These themes included: the policy stifling or putting off new enterprises, favouring big businesses over smaller businesses, and that regard should be had to differentiating between different zones of the CIZ, e.g. Churchill Square, North Laine, West Street and lower seafront.

5.4 It is recommended that further consideration should be given to these themes as part of a wider statement of licensing policy review due to begin in 2024.

6. FINANCIAL & OTHER IMPLICATIONS:

6.1 Financial Implications:

There are no financial implications arising from the recommendations made in this report. The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally by government.

Finance Officer Consulted: Monica Brooks

Date: 22/9/23

6.2 Legal Implications:

These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and statutory guidance. Following the consultation exercise, the views of all those persons or bodies should be given appropriate weight when determining the policy. The new requirement to publish a Cumulative Impact Assessment and the evidence underpinning it is significant. Revisions made to the policy without evidential basis are likely to be vulnerable to challenge.

Lawyer Consulted: Rebecca Sidell

Date: 02/10/23

6.3 Equalities Implications:

An initial Equality Impact Assessment (EIA) and detailed review of consultation responses and discussion of potential disproportionate impacts has been completed as part of the policy review process to assess if there is any adverse impact on a particular group and intersecting identities. We recognise different risks presented by the size and type of businesses and favourable consideration will be made for those that present a smaller risk, for example, a small restaurant versus a pub or nightclub would be a smaller comparative risk and may be considered for licensing under the Cumulative Impact Zone.

There may be some impacts on new enterprises. However, there is flexibility provided within the process to demonstrate exceptional circumstances where an applicant can demonstrate there will not be a negative impact upon license provision. This is not a blanket 'No' policy and there is scope for consideration.

There may be disproportionate impacts on some community of identities (like Black and Racially Minoritised, some LGBTQIA+ businesses and small business owners and those from socially disadvantaged backgrounds, and those may not be able to articulate or make a case for exceptions comparably to majoritised groups and bigger businesses who understand how to navigate and interact with the system). We need to conduct a deeper data analysis to understand the equality implications and impact in more detail, which is an action resulting from this EIA exercise. A more robust EIA, with appropriate longer-term actions, will continue to be developed in the coming months with deeper data analysis conducted for the impacted areas and population, contributing to considerations when a fuller policy review is conducted next year.

We will also consider the impacts of this policy review process to ensure that we have considered how this may affect the safety of women, girls, and Trans, non-

binary and Intersex people in the public space and night-time economy. We will also consider the impacts of the policy process as we work towards the review of our statement of licensing policy to ensure that we have considered how this may affect the safety of different people based on their protected characteristics and multiple intersecting identities, for example the safety of women, girls, and Trans, non-binary and Intersex people from different backgrounds, faiths, and ethnicities in the public space and night time economy. The statement of licensing policy review development process over 2024 will include consultation with key representative communities and fairness and equity in licensing from both a business owner and business user perspective.

6.4 Sustainability Implications:

Licensed premises throughout the city rely on local licensing policies in ensuring there is clear guidance on the continued operation of local businesses. Maintaining a regularly reviewed policy, which has undergone public consultation, will ensure a consistency of support to licensed premises, members of the public and other stakeholders affected by these activities.

6.5 Crime & Disorder Implications:

CIA proposals are geographically based around evidence of crime and disorder, etc. and should assist in the council's overall aim in reducing current levels. The Special Policy promotes the four licensing objectives: public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

6.6 Risk and Opportunity Management Implications:

Failure to meet this statutory duty would lead to uncertainties in decision making, loss of business continuity and an inability to meet customer care standards.

6.7 Corporate / Citywide Implications:

The policy promotes the licensing objectives and sets out a general approach to making licensing decisions. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this Special Policy is framed around those objectives.

Proposals for new licensed premises, or for certain variations to existing ones, within a CIA will normally be refused following relevant representations unless it can be demonstrated that there will be no negative cumulative impact.

SUPPORTING DOCUMENTATION

Appendices:

Appendix A – Draft Cumulative Impact Assessment

Appendix B – Consultation Document

Appendix C – Consultation responses

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021 as amended Feb 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, Dec 2022.

Appendix A

Draft Cumulative Impact Assessment (CIA) for Consultation.

Background.

The concept of Cumulative Impact has been described in the Home Office Guidance to the Licensing Act 2003 since the commencement of that Act. Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

In some areas where the number, type or density of licensed premises such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance, crime and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. These conditions are more likely to arise in city centres.

This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this CIA.

CIA's were introduced into the Licensing Act 2003, and thus given a statutory footing, by the Policing and Crime Act 2017 with effect from 6 April 2018. A 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.

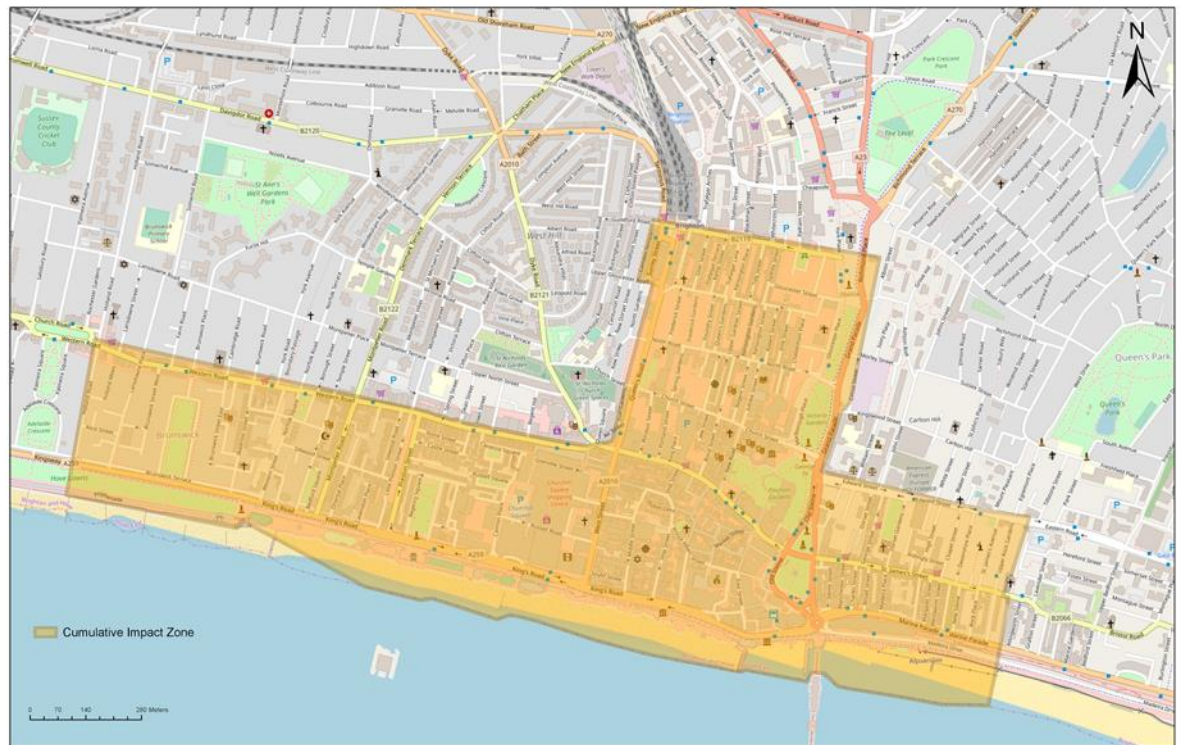
Cumulative impact in Brighton & Hove – Special Policy.

The licensing authority, after careful consideration, determined that the concentration of licensed premises in an area of the city centre was causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' was necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove.

Appendix A

This CIA incorporating the special policy will refer to a Cumulative Impact Zone (“the CIZ”) in the Brighton city centre, a detailed plan of which is shown below:

Cumulative Impact Zone, January 2020



Brighton & Hove Public Health Intelligence, 2020
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The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

Appendix A

The CIA and special policy.

The Licensing Authority continues to consider that the number of licensed premises in the CIZ is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.

This CIA and special policy is thus setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the CIZ.

The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact/ will not add to cumulative impact.

This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. 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, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional. Applications for premises within the CIZ should give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.

The Matrix approach: The licensing authority has published within its statement of licensing policy a framework of what types of premises it would like to see in the CIZ and which it believes are less likely to add to problems of cumulative impact in the

Appendix A

area. Such premises include a restaurant until midnight, a café to 10 pm and favourable consideration to non-alcohol led premises such as theatres.

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 conditions would be ineffective in preventing the problems involved.

Evidence and support for the CIA, special policy and CIZ

Since it was first introduced in 2008 the Special policy has had widespread support from the responsible authorities – police and licensing authority, from residents and residents associations and from local councillors. Successive reviews of the policy have shown that it remains relevant and necessary. For residents the areas within the CIZ of most concern are the North Laine, St James's Street and the Norfolk Square and Brunswick areas. The North Laine Community Association (NLCA) has consistently put forward evidence at Licensing Panels about the impact that the increase in licensed premises in this area has had on the licensing objectives notably that of prevention of public nuisance and Crime and Disorder. Likewise Kingscliffe Society representing St James' Street residents has consistently made representations as have residents in the Norfolk Square and Brunswick area.

For the purposes of this CIA the police have compiled a report to support the continuation of the current special policy. The report highlights the policing challenges of the night time economy and the work of the special task force 'Operation Marble'. This is attached as **appendix B.**

There are also a series of maps that show the numbers of licensed premises within the city and noise complaints against licensed premises. This is attached at **appendix C.**

Overview

The Council, as Licensing Authority, is carrying out a statutory consultation exercise as part of its 3 year review of its Cumulative Impact Assessment (CIA).

Introduction

The Council, as Licensing Authority, is carrying out a statutory consultation exercise as part of its 3 year review of its [Cumulative Impact Assessment \(CIA\)](#) - opens a pdf in a new window.

The Licensing Authority's Cumulative Impact Zone (CIZ) and special policy was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The special policy is not absolute, and this presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact and that there are exceptional circumstances to depart from the special policy. The cumulative impact assessment provides the basis for this special policy.

The council would like local stakeholders, residents and members of the public as well as statutory consultees and "responsible authorities" to have their say about the CIA.

The proposal

Maintain the current cumulative impact policy and zone as explained in the [Cumulative Impact Assessment document](#) (opens a pdf in a new window).

Evidence

The Police and the Council's Public Health Intelligence Analyst have provided extensive evidence of alcohol related crime and noise data relating to the special policy areas and citywide. Both sets of evidence show clear city centre hot spots all sitting within the cumulative impact zone-The Police and Public Health Intelligence submission with maps and data analysis can be found below (each link opens a pdf in a new window).

- [Police summary of data for CIA](#)
- [Cumulative Impact Zone, Special Stress Area and alcohol licenced premises, April 2023](#)
- [Cumulative Impact Zone, Special Stress Area and both on and off-licences, April 2023](#)
- [Cumulative Impact Zone, Special Stress Area and off-licences only, April 2023](#)
- [Cumulative Impact Zone, Special Stress Area and on-licences only, April 2023](#)
- [Hotspot of noise complaints regarding licenced premises, April 2021 - March 2023 \(city map\)](#)
- [Hotspot of noise complaints regarding licenced premises, April 2021 - March 2023 \(CIA and SSA only\)](#)

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS) ADDENDUM 1

3.00PM, THURSDAY, 29 JUNE 2023

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD,
HOVE, BN3 3BQ - HTH/CC**

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ADDENDUM

ITEM		Page
9	REVIEW OF CUMULATIVE IMPACT POLICY - CUMULATIVE IMPACT ASSESSMENT (PRE-CONSULTATION)	5 - 24

Sussex Police Data Summary for Cumulative Impact Assessment 2023

Operation Marble

Due to the large concentration of licensed premises and night clubs in the centre of Brighton, a high proportion of the Division's violent crime and serious sexual offences are committed within a relatively small area. The Division receives a large influx of visitors to the city centre at weekends. Many of these people attend the pubs and night-clubs during night time hours and as a result an enhanced policing operation is provided, called Op Marble.

Op Marble covers an area between Preston Street to the West – The Level to the North – Kemptown to the East and the seafront between West Pier and Concorde 2 to the South. This covers the majority of the Cumulative Impact Zone and is regularly under review to ensure that limited Police resources are being used to their optimum.

The emphasis of Op Marble is a highly visible presence of officers deployed on foot as well as focus on regularly updated hot spots to help reduce the risk of violent crimes. It runs on a Friday and Saturday night in response to pressures from the Night Time Economy as with later opening pubs, bars and clubs, an increase in crime is seen in the earlier hours of the morning.

Several supporting initiatives run alongside the Police during the Op Marble time frame including:

- Safe Space
- Taxi Marshalls
- Night Safety Marshalls
- Beach Patrol

Post Covid-19 has seen some shifts in how people go out and enjoy themselves in the Night Time Economy. Standalone operations still exist to cover significant events in the calendar such as the Halloween weekend, Bank Holidays, Christmas, New Year's Eve and Pride in order to reduce risk with an adjusted Police presence/response.

The data analysis (as shown below) has confirmed that the Police recorded public place crime hot spots fall within the CIZ and extend out into the SSA. The data also shows that the peak crime times continue to fall within the Op Marble timing parameters. The scope of data considered for this CIA does not cover any periods of Covid-19 lockdown and begins from 1st April 2021. Incidents are all 'public place violent crime' (PPVC) e.g. not within a dwelling or residential premises. As Brighton & Hove does have seasonal variations, the data sets have been grouped into 'Summer' and 'Winter' for ease of comparison. The caveats for the data used are provided at the end of this document (Appendix A).

Hotspot Maps and Police analysis to support continuation of the current footprint of CIZ and SSA within the revised Cumulative Impact Assessment.

The Op Marble times considered for the data and the maps reflect the Op Marble DPA (Directed Patrol Activity) and are as follows:

Friday: 19:00 – 00:00

Saturday: 00:01 – 07:00 and 19:00 – 00:00

Sunday: 00:01 – 07:00

The scope for 'serious violent crimes' includes all crimes within the Home Office Crime Group 'Violent Crime', inclusive of domestic abuse offences. The crimes considered in the data all took place in a public place (caveats can be viewed at Appendix A) For this report it is also of note that incidents of domestic assault and domestic violence have been excluded from the Marble time data but included within the non Marble time data.

A number of maps are included below to demonstrate crime hot spots within the city centre and how the CIZ and SSA relate to these.

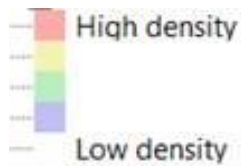
These hotspot maps support the current location and boundaries of the CIZ and SSA as they can be seen to encompass the violent crime hotspots both within the night time economy timings (Op Marble) and outside of them e.g. day time during the week.

Key to Maps

The squares represent an individual event of crime during the time period mentioned. Each square = one public place crime.

Red squares indicate crimes during the Op Marble timings and blue squares indicate crimes outside the Op Marble timings.

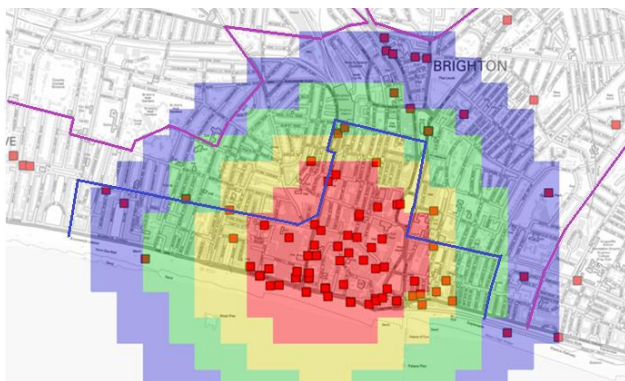
The colours overlaid on the maps represent crime number density as follows:



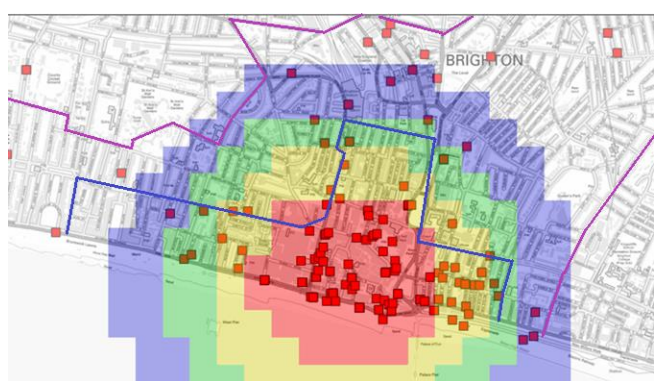
The current footprint of the CIZ is shown on the close-up maps with a blue line (Marble times) or a red line (Non Marble times) and the SSA with a thick purple line. Please note these maps are not to an exact scale and are used for illustrative purposes only.

All Public Place Crimes - Op Marble Timings

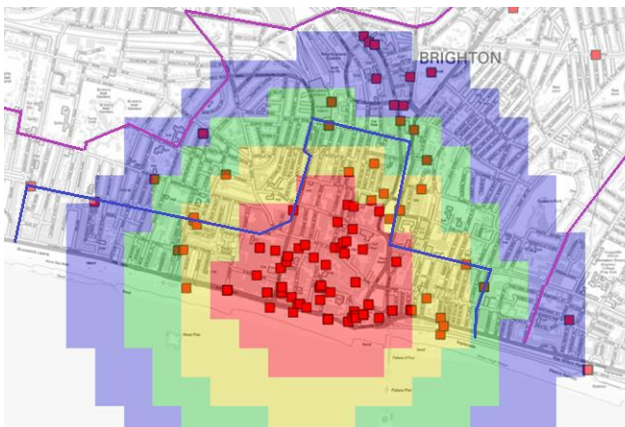
Summer 2021



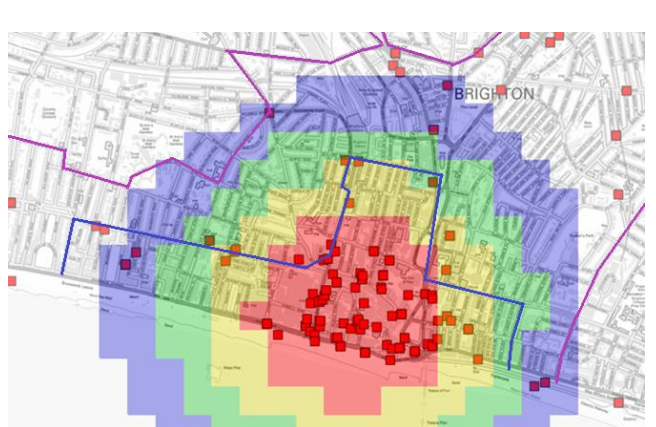
Summer 2022



Winter 2021



Winter 2022



Summer (01/04/2021 – 30/09/2021)

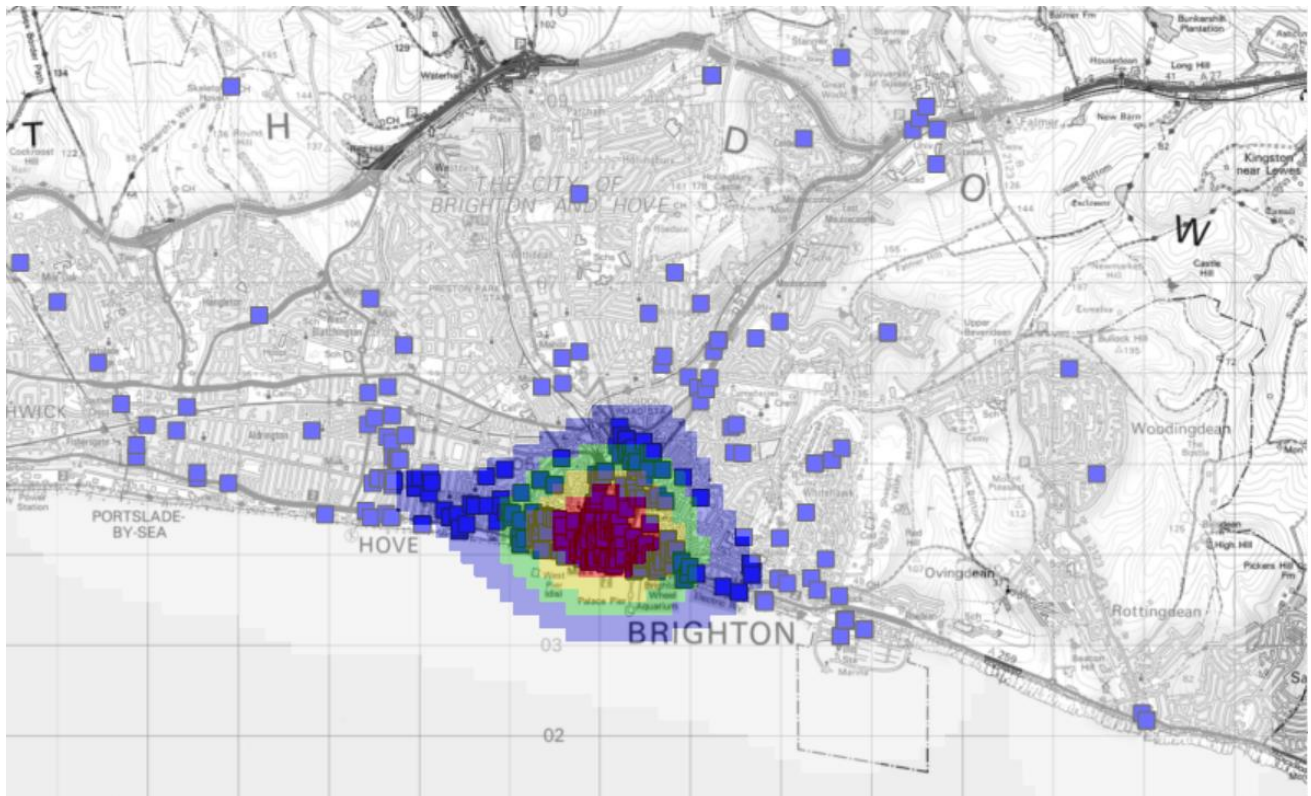
Map 1a: Whole City Crime - Marble times:



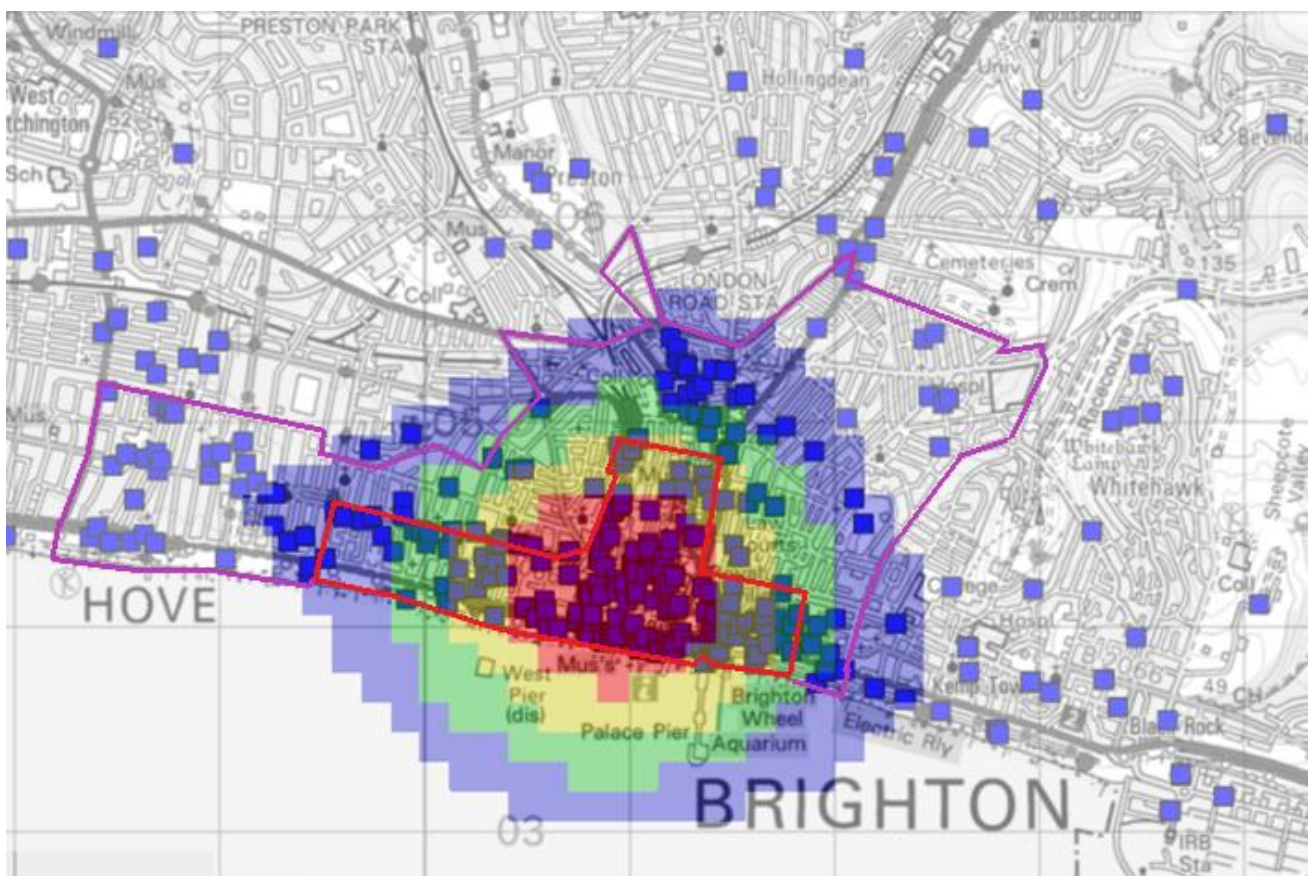
Map 1b: Whole City Crime (with current CIZ and SSA overlaid) - Marble times:



Map 1c: Whole City Crime – Non Marble times:

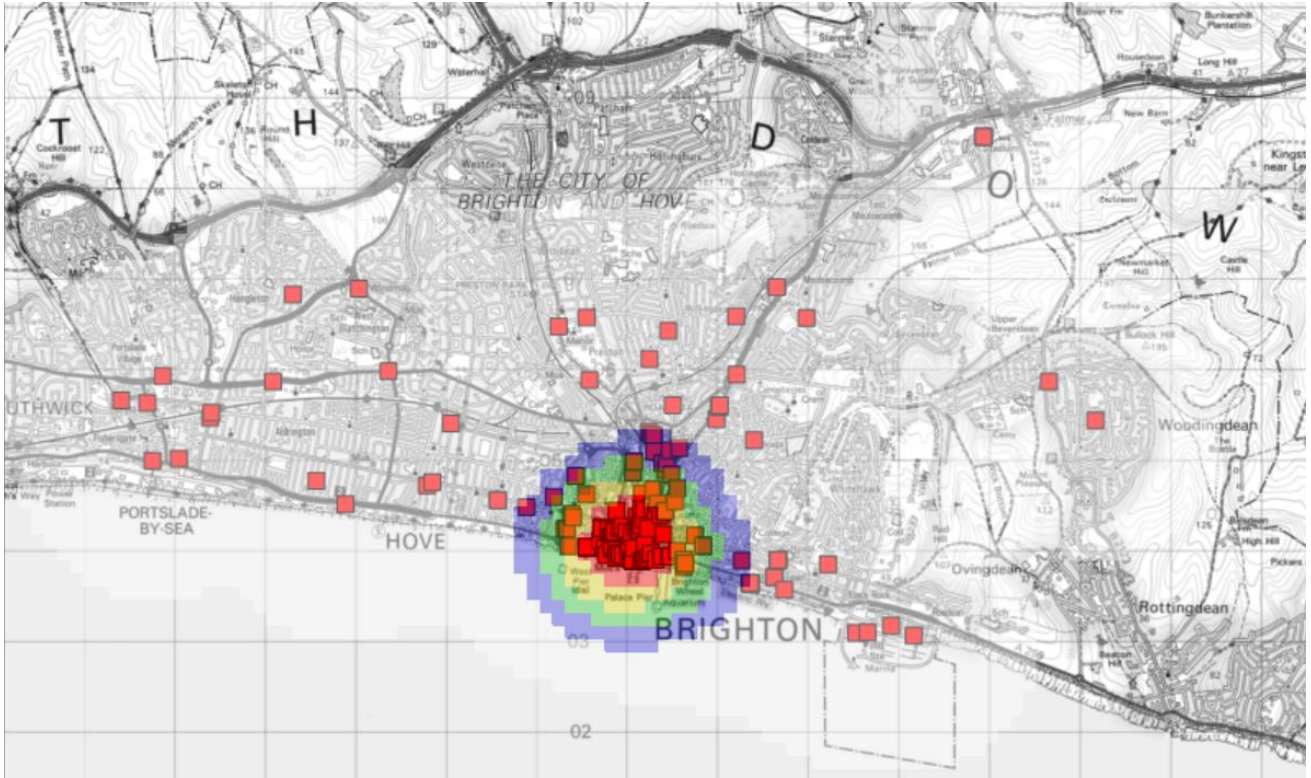


Map 1d: Whole City Crime (with current CIZ and SSA overlaid) – Non Marble times:

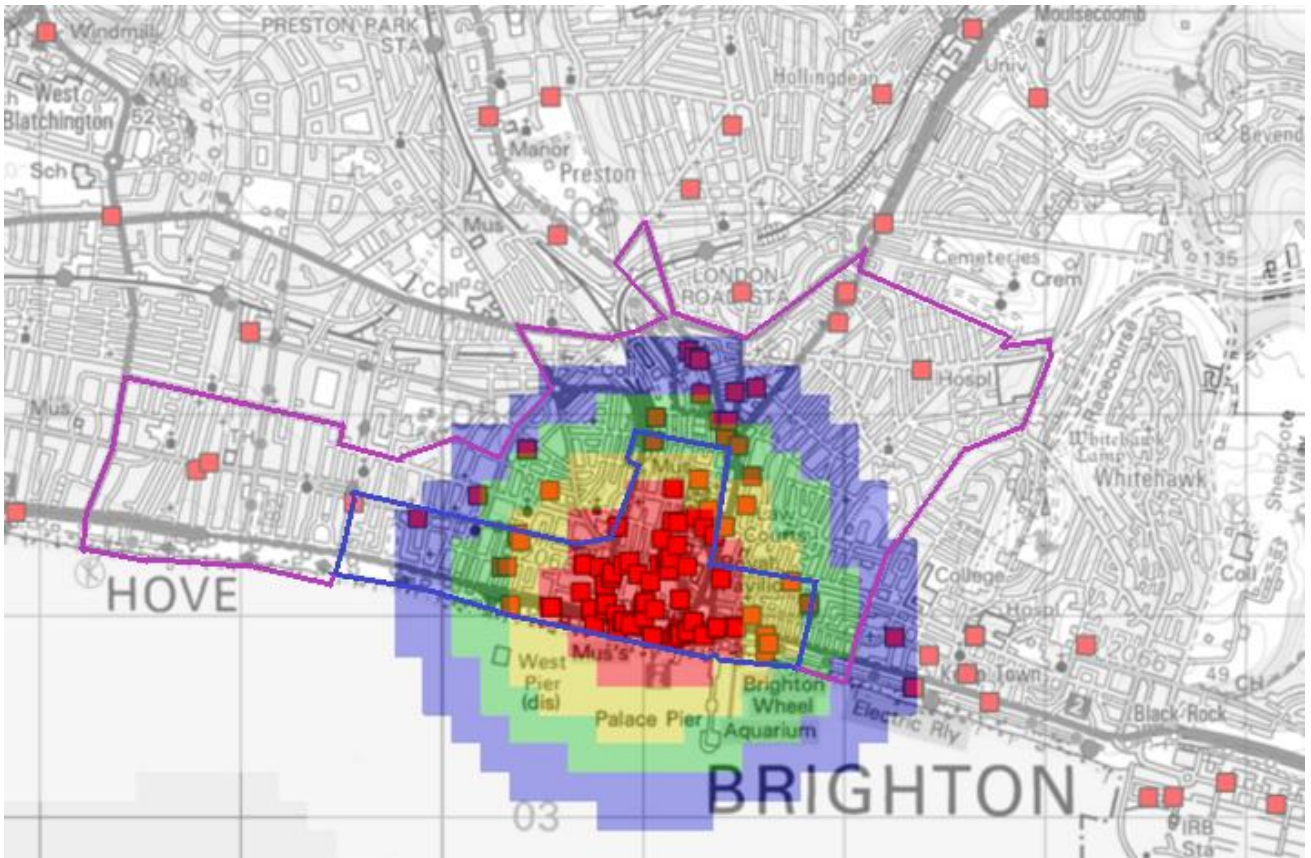


Winter (01/10/2021 – 31/03/2022)

Map 2a: Whole City Crime - Marble times:



Map 2b: Whole City Crime (with current CIZ and SSA overlaid) - Marble times:



Map 2c: Whole City Crime – Non Marble times:



Map 2d: Whole City Crime (with current CIZ and SSA overlaid) – Non Marble times:

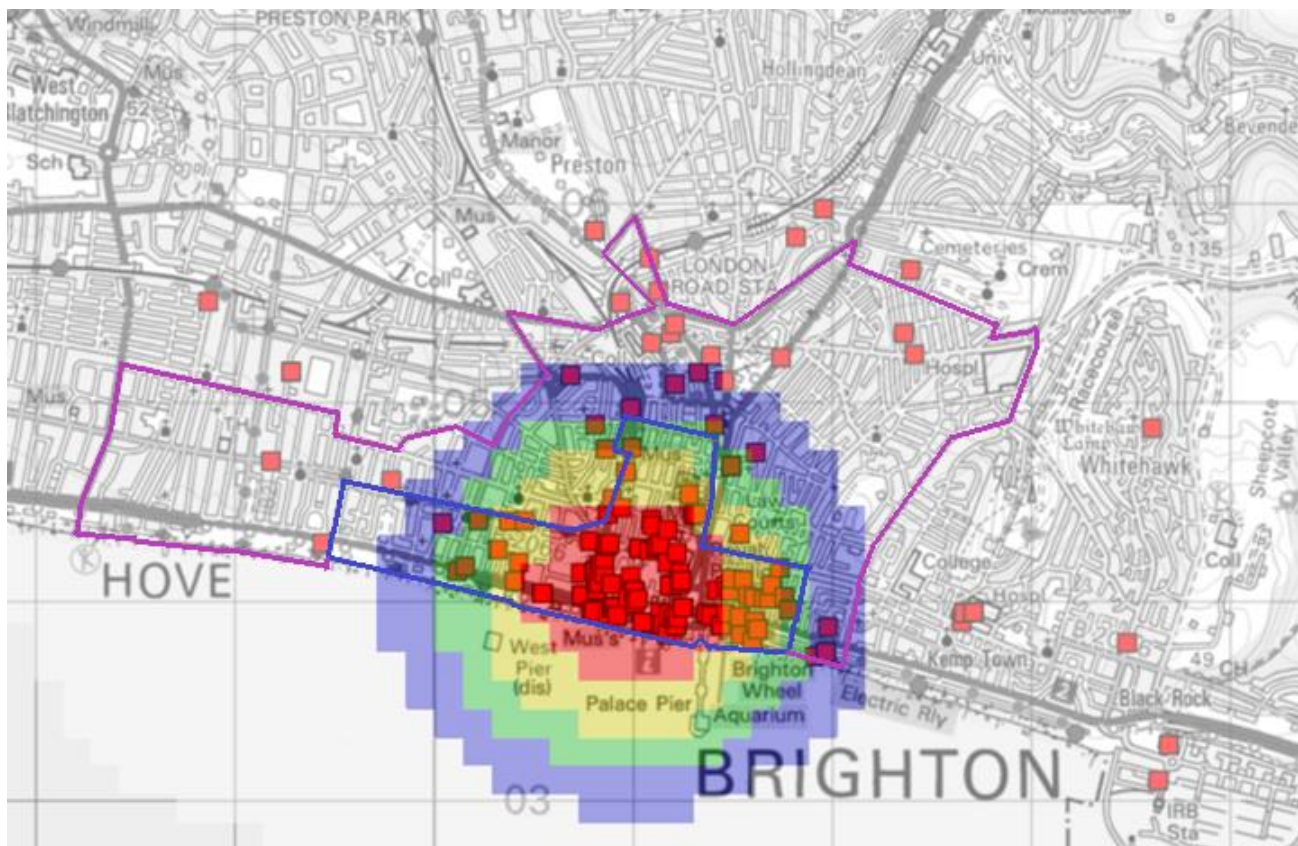


Summer (01/04/2022 – 30/09/2022)

Map 3a: Whole City Crime - Marble times:



Map 3b: Whole City Crime (with current ClZ and SSA overlaid) - Marble times:

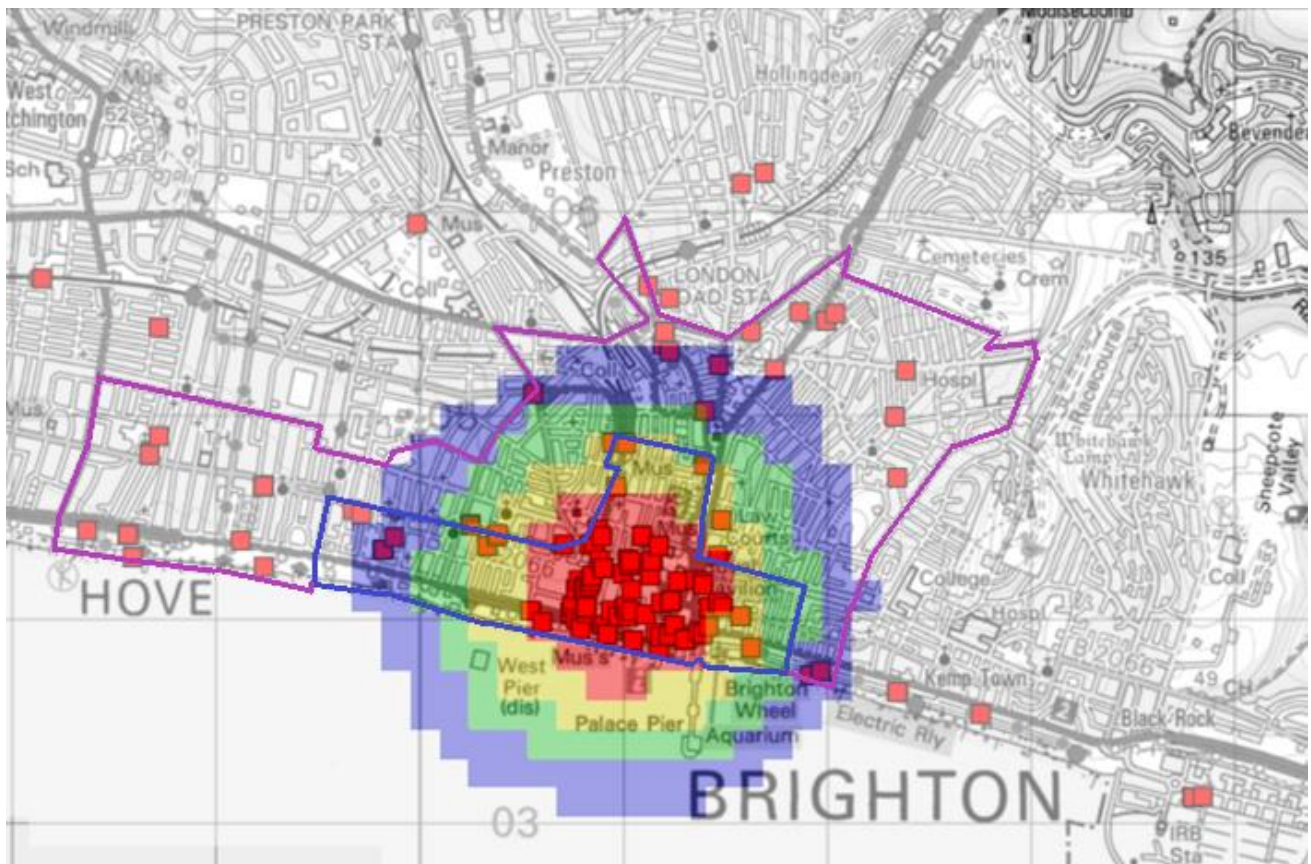


Winter (01/10/2022 – 31/03/2023)

Map 4a: Whole City Crime - Marble times:



Map 4b: Whole City Crime (with current CIZ and SSA overlaid) - Marble times:



Timings and the Matrix Approach

There continues to be an increasing demand for Police resources further into the early hours of the morning at the weekends, with the highest risk remaining consistent across both the Summer and Winter data. Brighton & Hove is also a University town and the student population will have an impact on the midweek figures due to student nights and other student focused events.

Summary of Temporal Analysis (Tables shown below)

To note: Temporal analysis is calculated based on probability. Police will not always know an exact time a crime occurred and so when it could have occurred over a few hours the whole-time frame will be used. This results in a decimal result in the data as opposed to a whole number.

Summer 2021

Moderate to high risk from 20:00 – 05:00 on a Friday into a Saturday and between 19:00 – 04:00 on a Saturday into Sunday.

Winter 2021

Moderate to high risk from 19:00 – 04:00 on a Friday into a Saturday and between 19:00 – 06:00 on a Saturday into Sunday.

Summer 2022

Moderate to high risk from 21:00 – 05:00 on a Friday into a Saturday and between 19:00 – 05:00 on a Saturday into Sunday.

Winter 2022

Moderate to high risk from 20:00 – 04:00 on a Friday into a Saturday and between 19:00 – 05:00 on a Saturday into Sunday.

The core hours of 23:00 on a Friday until 04:00 on a Saturday and 21:00 on a Saturday until 04:00 on a Sunday show the highest risk (marked red) across both the Summer and Winter data. There is little seasonal variation showing that the demands to Policing remain year round at these key times.

Key to Tables

Highest risk	
Moderately high risk	
Moderate risk	
Moderately low risk	
Lowest risk	

The numbers in the tables show the total numbers of individual incidents of crime during the stated date period.

Table 1a - Summer 2021 Data Set: All Crimes 01/04/2021 – 30/09/2021

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	5.11	6.01	2.81	7.00	8.02	9.19	13.10	51.25
0100-0200	2.11	0.51	6.14	8.50	3.52	15.69	15.66	52.14
0200-0300	4.11	7.01	3.14	2.00	3.02	13.19	13.87	46.35
0300-0400	6.11	12.01	4.53	5.00	3.02	10.19	10.37	51.24
0400-0500	3.44	2.51	0.00	3.50	4.02	7.69	4.53	25.70
0500-0600	1.43	0.01	2.00	1.50	2.02	4.71	0.20	11.87
0600-0700	1.43	1.00	1.00	0.00	1.02	2.09	1.06	7.60
0700-0800	0.09	0.00	0.00	0.00	0.02	1.09	2.06	3.27
0800-0900	5.09	4.00	0.00	0.00	1.02	3.09	4.56	17.77
0900-1000	2.09	1.50	2.00	1.00	0.02	4.09	2.56	13.27
1000-1100	1.09	1.50	0.00	0.21	1.02	1.09	4.06	8.98
1100-1200	1.59	2.00	3.33	1.21	0.02	1.17	2.06	11.38
1200-1300	2.59	1.00	1.33	3.41	5.02	2.17	2.06	17.58
1300-1400	0.09	1.00	1.53	1.66	0.02	1.17	1.06	6.53
1400-1500	2.09	0.00	0.20	5.66	2.02	6.17	6.56	22.70
1500-1600	6.07	2.00	2.20	5.66	2.02	4.17	2.56	24.68
1600-1700	2.07	5.00	1.20	0.66	0.02	6.17	4.39	19.51
1700-1800	6.01	4.00	4.20	2.07	4.02	4.17	7.72	32.20
1800-1900	2.26	8.11	2.00	3.07	4.02	2.29	6.22	27.98
1900-2000	3.51	3.44	6.00	2.07	1.02	12.29	6.89	35.23
2000-2100	2.01	8.44	2.00	5.07	6.02	12.66	7.06	43.27
2100-2200	4.01	8.44	3.00	0.07	3.47	17.49	3.06	39.54
2200-2300	7.26	1.11	1.00	6.57	7.47	10.49	4.11	38.01
2300-0000	8.01	7.81	1.50	4.09	14.98	12.45	12.11	60.96
Total	79.70	88.45	51.13	70.02	76.85	164.97	137.87	669.00

Table 1b - Summer 2021 Data Set: Op Marble 01/04/2021 – 30/09/2021

	FRI	SAT	SUN	Total
0000-0100	0.00	7.11	11.64	18.75
0100-0200	0.00	13.61	14.48	28.09
0200-0300	0.00	12.11	10.81	22.92
0300-0400	0.00	8.11	10.31	18.42
0400-0500	0.00	6.11	3.48	9.59
0500-0600	0.00	4.11	0.14	4.25
0600-0700	0.00	2.00	1.00	3.00
0700-0800	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00
1900-2000	0.00	11.00	0.00	11.00
2000-2100	6.00	10.17	0.00	16.17
2100-2200	3.44	14.00	0.00	17.44
2200-2300	6.44	8.00	0.00	14.44
2300-0000	13.94	11.98	0.00	25.92
Total	29.83	108.31	51.86	190.00

Table 2a - Winter 2021 Data Set: All Crimes 01/10/2021 – 31/03/2022

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	9.09	5.58	3.35	7.03	4.30	12.99	16.42	58.75
0100-0200	3.59	3.58	4.35	4.03	13.30	18.32	22.11	69.28
0200-0300	1.79	3.01	3.85	4.03	8.15	17.66	16.07	54.56
0300-0400	8.29	1.51	3.15	6.03	6.15	19.82	18.84	63.80
0400-0500	3.29	3.01	8.03	3.03	1.03	4.77	7.81	30.95
0500-0600	0.29	2.51	0.03	0.03	1.03	4.43	5.64	13.95
0600-0700	0.29	0.51	0.03	1.03	0.03	2.10	5.14	9.12
0700-0800	0.09	0.51	0.03	0.03	1.03	3.10	1.14	5.92
0800-0900	0.42	2.01	0.03	1.03	3.05	1.10	1.11	8.74
0900-1000	0.38	0.01	2.03	2.03	0.05	0.10	1.15	5.75
1000-1100	2.38	1.01	0.03	0.53	1.05	3.10	2.15	10.25
1100-1200	0.05	0.01	2.53	0.53	3.10	0.43	1.23	7.89
1200-1300	2.12	1.01	2.53	1.03	0.10	6.43	6.23	19.46
1300-1400	0.12	1.01	2.03	2.03	0.10	2.93	3.23	11.45
1400-1500	1.12	0.01	2.03	1.03	2.10	1.60	1.23	9.12
1500-1600	1.12	2.02	4.36	1.67	2.09	1.60	3.23	16.10
1600-1700	0.12	3.02	3.36	2.67	3.09	2.60	0.23	15.10
1700-1800	1.12	3.19	7.36	0.17	6.09	3.43	3.23	24.60
1800-1900	0.12	3.19	1.03	6.17	7.45	5.91	3.21	27.07
1900-2000	4.12	2.19	6.03	6.31	5.78	6.91	0.21	31.55
2000-2100	2.12	2.31	5.03	8.44	4.78	3.58	4.21	30.47
2100-2200	3.45	1.31	2.03	2.44	4.45	14.44	2.21	30.33
2200-2300	2.95	1.51	7.03	4.80	9.28	8.34	8.21	42.12
2300-0000	4.91	5.85	4.03	9.80	11.78	17.08	2.21	55.65
Total	53.39	49.87	74.27	75.89	99.36	162.78	136.44	652.00

Table 2b - Winter 2021 Data Set: Op Marble 01/10/2021 – 31/03/2022

	FRI	SAT	SUN	Total
0000-0100	0.00	12.83	11.13	23.97
0100-0200	0.00	16.17	14.47	30.63
0200-0300	0.00	14.50	15.43	29.93
0300-0400	0.00	19.67	16.70	36.37
0400-0500	0.00	4.67	6.67	11.33
0500-0600	0.00	4.33	5.50	9.83
0600-0700	0.00	1.00	5.00	6.00
0700-0800	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00
1900-2000	5.33	6.00	0.00	11.33
2000-2100	4.33	3.00	0.00	7.33
2100-2200	4.33	14.20	0.00	18.53
2200-2300	9.17	8.10	0.00	17.27
2300-0000	11.67	15.80	0.00	27.47
Total	34.83	120.27	74.90	230.00

Table 3a - Summer 2022 Data Set: All Crimes 01/04/2022 – 30/09/2022

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	4.06	6.50	2.15	5.71	5.43	21.36	23.92	69.13
0100-0200	2.06	2.00	4.15	3.79	6.44	11.32	25.42	55.18
0200-0300	4.06	8.00	1.15	4.79	10.59	20.15	20.92	69.66
0300-0400	5.06	1.00	6.15	5.54	1.59	15.95	11.09	46.37
0400-0500	0.06	3.50	2.15	0.21	3.09	9.45	7.59	26.04
0500-0600	0.06	1.50	7.15	0.21	0.09	5.12	4.09	18.20
0600-0700	0.06	2.00	0.15	0.21	0.09	2.12	1.09	5.70
0700-0800	0.06	0.00	2.15	0.21	2.09	4.04	5.09	13.63
0800-0900	1.06	1.00	1.15	2.21	0.09	1.04	2.09	8.63
0900-1000	0.06	1.00	1.11	0.21	0.09	1.04	1.05	4.56
1000-1100	1.56	0.00	2.11	2.12	2.09	3.04	1.05	11.97
1100-1200	1.89	1.00	1.11	0.20	0.09	2.04	3.30	9.63
1200-1300	3.89	1.00	1.11	1.20	1.09	0.09	1.26	9.63
1300-1400	0.89	0.04	2.06	0.20	2.09	2.09	2.26	9.63
1400-1500	0.56	2.54	1.06	2.20	4.09	1.09	1.51	13.04
1500-1600	1.56	1.54	0.56	2.20	5.09	0.54	3.26	14.75
1600-1700	3.06	3.04	6.56	1.14	3.09	5.54	6.93	29.37
1700-1800	1.06	6.04	4.06	1.14	3.16	5.54	4.43	25.44
1800-1900	2.39	4.11	3.23	2.14	3.32	11.21	6.34	32.75
1900-2000	5.39	5.11	3.73	6.14	3.32	7.21	5.18	36.09
2000-2100	1.39	0.15	3.73	6.14	4.32	5.46	2.18	23.38
2100-2200	3.00	2.15	6.99	5.14	8.82	18.46	7.18	51.75
2200-2300	2.00	1.15	4.99	7.14	13.02	8.46	11.18	47.95
2300-0000	0.50	2.15	2.83	7.51	15.52	12.84	3.18	44.53
Total	45.73	56.52	71.60	67.71	98.68	175.21	161.56	677.00

Table 3b - Summer 2022 Data Set: Op Marble 01/04/2022 – 30/09/2022

	FRI	SAT	SUN	Total
0000-0100	0.00	18.20	23.83	42.03
0100-0200	0.00	10.20	24.33	34.53
0200-0300	0.00	20.03	18.83	38.87
0300-0400	0.00	15.83	10.00	25.83
0400-0500	0.00	9.33	6.50	15.83
0500-0600	0.00	5.00	4.00	9.00
0600-0700	0.00	2.00	1.00	3.00
0700-0800	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00
1900-2000	1.00	7.00	0.00	8.00
2000-2100	4.00	5.25	0.00	9.25
2100-2200	6.50	18.25	0.00	24.75
2200-2300	12.70	6.25	0.00	18.95
2300-0000	13.20	11.75	0.00	24.95
Total	37.40	129.10	88.50	255.00

Table 4a - Winter 2022 Data Set: All Crimes 01/10/2022 – 31/03/2023

	MON	TUE	WED	THU	FRI	SAT	SUN	Total
0000-0100	3.54	2.29	3.53	4.38	5.00	12.04	20.50	51.28
0100-0200	4.04	5.29	2.53	2.38	4.50	22.37	12.50	53.61
0200-0300	0.04	4.25	1.20	5.04	3.50	10.37	13.00	37.40
0300-0400	2.04	1.25	2.00	3.04	2.00	9.37	15.50	35.20
0400-0500	1.04	0.00	2.00	6.54	3.00	4.54	5.50	22.62
0500-0600	0.04	0.00	0.00	2.04	0.00	2.04	3.33	7.45
0600-0700	2.04	0.00	0.00	1.54	0.00	0.54	4.33	8.45
0700-0800	0.04	1.00	2.00	1.04	0.00	1.04	2.33	7.45
0800-0900	1.04	1.00	1.00	4.04	0.00	0.04	0.00	7.12
0900-1000	2.04	1.00	5.00	0.04	1.00	0.04	0.00	9.12
1000-1100	2.04	2.00	3.00	1.04	1.00	1.04	0.00	10.12
1100-1200	6.04	2.00	1.00	3.04	0.00	1.04	0.00	13.12
1200-1300	0.04	2.00	3.00	0.04	1.00	1.04	1.00	8.12
1300-1400	3.04	5.00	1.00	1.04	2.00	2.04	1.00	15.12
1400-1500	1.54	3.00	2.00	3.04	1.00	4.04	2.00	16.62
1500-1600	3.54	1.00	4.00	2.04	4.00	1.04	6.00	21.62
1600-1700	6.54	2.00	1.00	5.54	3.00	4.04	3.00	25.12
1700-1800	3.54	4.50	4.00	2.54	2.00	2.04	1.00	19.62
1800-1900	6.04	2.50	1.17	3.04	4.00	3.04	4.00	23.79
1900-2000	7.04	4.00	3.17	1.04	6.00	8.04	6.00	35.29
2000-2100	3.04	3.00	1.17	3.04	10.25	10.04	0.00	30.54
2100-2200	5.04	1.00	7.17	2.04	12.12	10.04	1.00	38.41
2200-2300	2.04	2.70	4.17	6.04	8.12	9.00	4.00	36.07
2300-0000	0.04	5.03	0.50	10.04	14.62	15.00	1.50	46.74
Total	65.42	55.81	55.60	73.67	88.12	133.88	107.50	580.00

Table 4b - Winter 2022 Data Set: Op Marble 01/10/2022 – 31/03/2023

	FRI	SAT	SUN	Total
0000-0100	0.00	12.00	17.50	29.50
0100-0200	0.00	19.33	12.50	31.83
0200-0300	0.00	10.33	13.00	23.33
0300-0400	0.00	9.33	15.50	24.83
0400-0500	0.00	4.50	5.50	10.00
0500-0600	0.00	2.00	3.00	5.00
0600-0700	0.00	0.50	2.00	2.50
0700-0800	0.00	0.00	0.00	0.00
0800-0900	0.00	0.00	0.00	0.00
0900-1000	0.00	0.00	0.00	0.00
1000-1100	0.00	0.00	0.00	0.00
1100-1200	0.00	0.00	0.00	0.00
1200-1300	0.00	0.00	0.00	0.00
1300-1400	0.00	0.00	0.00	0.00
1400-1500	0.00	0.00	0.00	0.00
1500-1600	0.00	0.00	0.00	0.00
1600-1700	0.00	0.00	0.00	0.00
1700-1800	0.00	0.00	0.00	0.00
1800-1900	0.00	0.00	0.00	0.00
1900-2000	4.00	8.00	0.00	12.00
2000-2100	10.25	10.00	0.00	20.25
2100-2200	11.08	10.00	0.00	21.08
2200-2300	8.08	9.00	0.00	17.08
2300-0000	13.58	14.00	0.00	27.58
Total	47.00	109.00	69.00	225.00

Analysis was also made of the link between crimes and alcohol/drug use and showed that up to 65% of the recorded Serious Violent Crimes across the city were affected by alcohol and/or drugs. It is important to note however that the data drawn from Police systems relies on the Officer inputting it to flag it as 'alcohol/drug' related so the true number in incidents involving alcohol and/or drugs may be much higher.

When the Serious Violent Crime data is broken down by the wards it shows the 5 wards mostly covered by the CIZ and SSA (Regency, St Peter's & North Laine, Hanover & Elm Grove, Queen's Park and Central Hove) suffered from 75% of the total city wide serious violent crime over the 2 year period considered.

SERIOUS VIOLENT CRIME (SVC) (ALL WEEK)	TOTAL NUMBER OF SVC	REGENCY (CIZ)	ST PETER'S & NORTH LAINE (CIZ & SSA)	QUEEN'S PARK (CIZ & SSA)	HANOVER & ELM GROVE (SSA)	CENTRAL HOVE (SSA)	TOTAL FOR THE 5 WARDS
01/04/2021 – 30/09/2021 (Summer)	510	178 (35%)	93 (18%)	69 (14%)	10 (2%)	28 (5%)	378 (74%)
01/10/2021 – 31/03/2022 (Winter)	514	248 (48%)	96 (19%)	37 (7%)	5 (1%)	18 (4%)	404 (79%)
01/04/2022 – 30/09/2022 (Summer)	482	205 (43%)	84 (17%)	63 (13%)	7 (1%)	12 (2%)	371 (77%)
01/10/2022 – 31/03/2023 (Winter)	381	131 (34%)	75 (20%)	43 (11%)	8 (2%)	14 (4%)	271 (71%)
TWO YEAR PERIOD	1887	762 (40%)	348 (18%)	212 (11%)	30 (2%)	72 (4%)	1424 (75%)

This rises to a 77% average when looking at the Serious Violent Crimes city wide on a Friday, Saturday and Sunday.

SERIOUS VIOLENT CRIME (SVC) (FRIDAY, SATURDAY, SUNDAY)	TOTAL NUMBER OF SVC	REGENCY (CIZ)	ST PETER'S & NORTH LAINE (CIZ & SSA)	QUEEN'S PARK (CIZ & SSA)	HANOVER & ELM GROVE (SSA)	CENTRAL HOVE (SSA)	TOTAL OF THESE 5 WARDS
01/04/2021 – 30/09/2021	288	112	54	33	8	13	220 (76%)

(Summer)							
01/10/2021 – 31/03/2022 (Winter)	315	141	56	29	4	10	240 (76%)
01/04/2022 – 30/09/2022 (Summer)	327	147	61	42	5	7	262 (80%)
01/10/2022 – 31/03/2023 (Winter)	239	99	38	22	7	8	174 (73%)
TWO YEAR PERIOD	1169						896 (77%)

Anti-social behaviour with an 'Alcohol' qualifier reflects a similar picture with an average of 74% of these incidents taking place in the 5 wards that the CIZ and SSA mostly covers.

Anti Social Behaviour (ASB) with an Alcohol Qualifier (ALL WEEK)	Total Number of reports	Total reports for the 5 WARDS (Regency, St Peter's & North Laine, Queen's Park, Hanover & Elm Grove and Central Hove)
01/04/2021 – 30/09/2021 (Summer)	212	159 (75%)
01/10/2021 – 31/03/2022 (Winter)	123	89 (72%)
01/04/2022 – 30/09/2022 (Summer)	113	82 (73%)
01/10/2022 – 31/03/2023 (Winter)	69	52 (75%)
TWO YEAR PERIOD	517	382 (74%)

This highlights the need for a continuation of the Cumulative Impact Area and Special Stress Area as well as the matrix and timings approach within it. By limiting the type of new premises as well as their terminal hour for licensable activity, there is a chance to reduce some of the cumulative risk

posed by having a larger and larger number of licensed premises all closing at similar times in the same area.

APPENDIX A: Caveats to this Data

Date periods:

- 01/04/2021 – 30/09/2021
- 01/10/2021 – 31/03/2022
- 01/04/2022 – 30/09/2022
- 01/10/2022 – 31/03/2023

Two i-Base searches were completed to retrieve the data: an incidents search of Smart STORM data for alcohol qualifiers 'ALCOHOL' (date created) and a crime search of Niche data for the field Class NICL 'ALC' (date actual from).

- Data included is only in relation to public places or licensed premises.
- Data was removed if the public place field was recorded as 'NO' or was blank/incomplete. Only those completed as Public Place – 'YES' were included in the data.
- Non-Crime Incidents remain within the crime data and occurrences with a stats classification 'Not Grouped'.
- Data was removed if the Stats Classification stated the occurrence was recorded as 'No Crime' or 'No Incident'
- Data was removed if the location type field was recorded as 'Dwelling'.

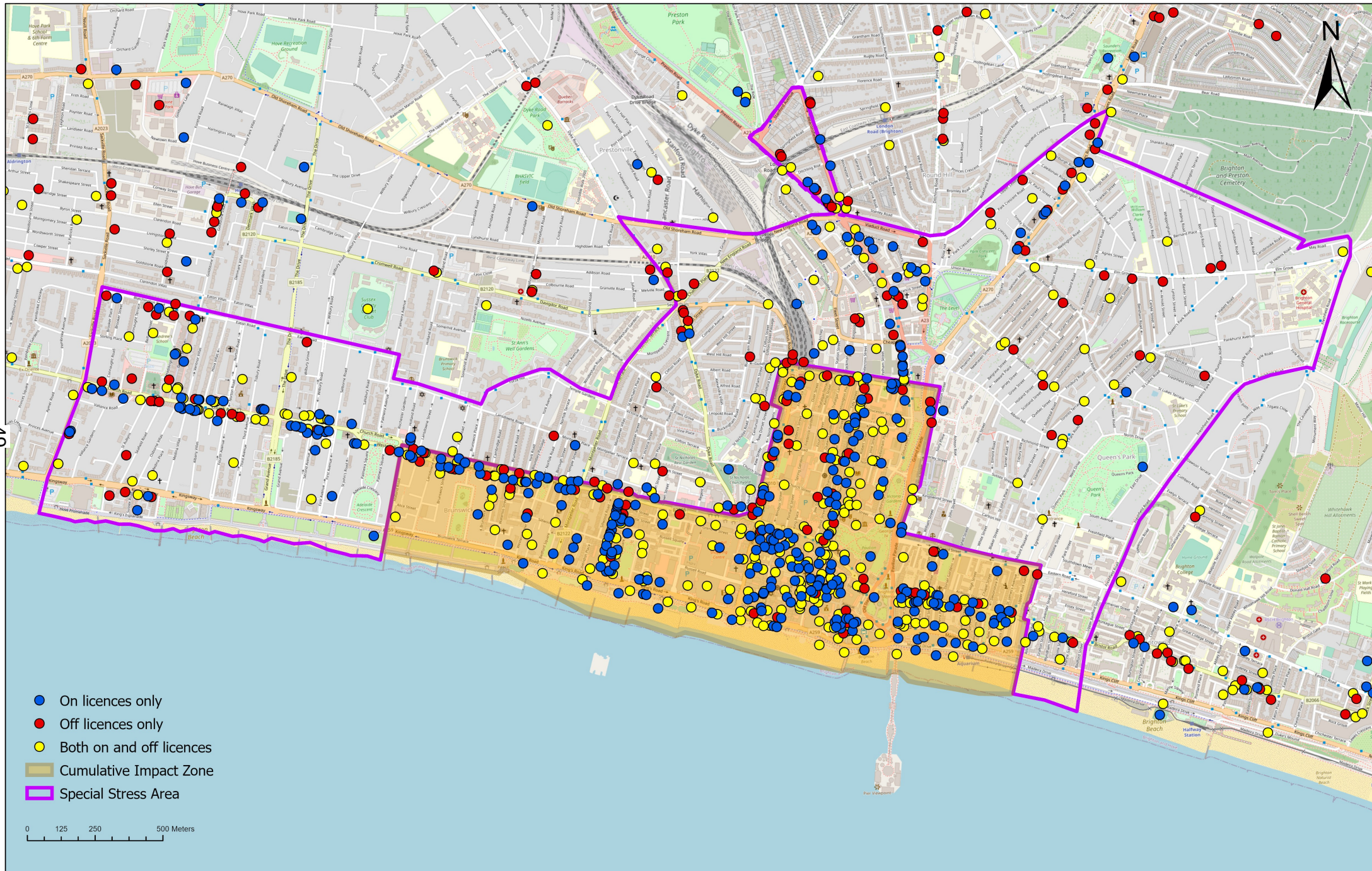
Caveats to be mentioned:

- Occurrences with an Alcohol Class NICL may also have other qualifiers in addition to alcohol.
- Op Marble DPA hours are currently 19:00hrs Fri – 07:00hrs Saturday and 19:00hrs Saturday – 07:00hrs Sunday. A caveat to mention is that DPA hours are now different to those completed in the previous report.
- Crimes and incidents were only searched on the qualifiers and class NICL fields only.
- Crime and Incident data is either reliant on alcohol tags and qualifiers, which comes with a caveat of relying on this field to be completed and completed accurately. Any crimes or incidents where alcohol was impactful on the occurrence or incident but was not recorded in the relevant field, will not be included within the data.
- Refinement of the data was subject to the analyst and researchers' discretion.
- Due to a large amount of data included within the data set, crimes where the public place field was incomplete (blank) or stated 'no', indicating the crime did not occur in a public place were removed from the data.
- There is a highly likely probability that there were crimes within the data that occurred in public places but the field was incomplete, therefore, were removed from the data. Also, there may be crimes within the data that did not occur within a public place, but this field was completed to suggest the occurrence was in a public place.
- Due to a large data set, each individual occurrence could not be checked to see if it occurred in a public place, therefore the data relies heavily on the public place field.
- Incidents that occurred within a dwelling or residential premises were removed from the data. However, incidents just outside of a persons address were included.
- Incidents included within the data were those that occurred in a public places/space or at a licensed premises/hospitality venues, including but not limited to: bars/pubs, clubs, restaurants, fast food restaurants, shops, parks, medical premises, streets/roads, outside places of residence.
- Op Marble data is only inclusive of offences where the date from and date to was within DPA hours, any offences with slight difference in the time were placed under the Non-Marble. For example; Friday 23:00hrs – 08:30hrs Saturday – whilst it is highly likely that offence occurred within the Op Marble DPA, there is a possibility the offence occurred outside of the DPA hours.

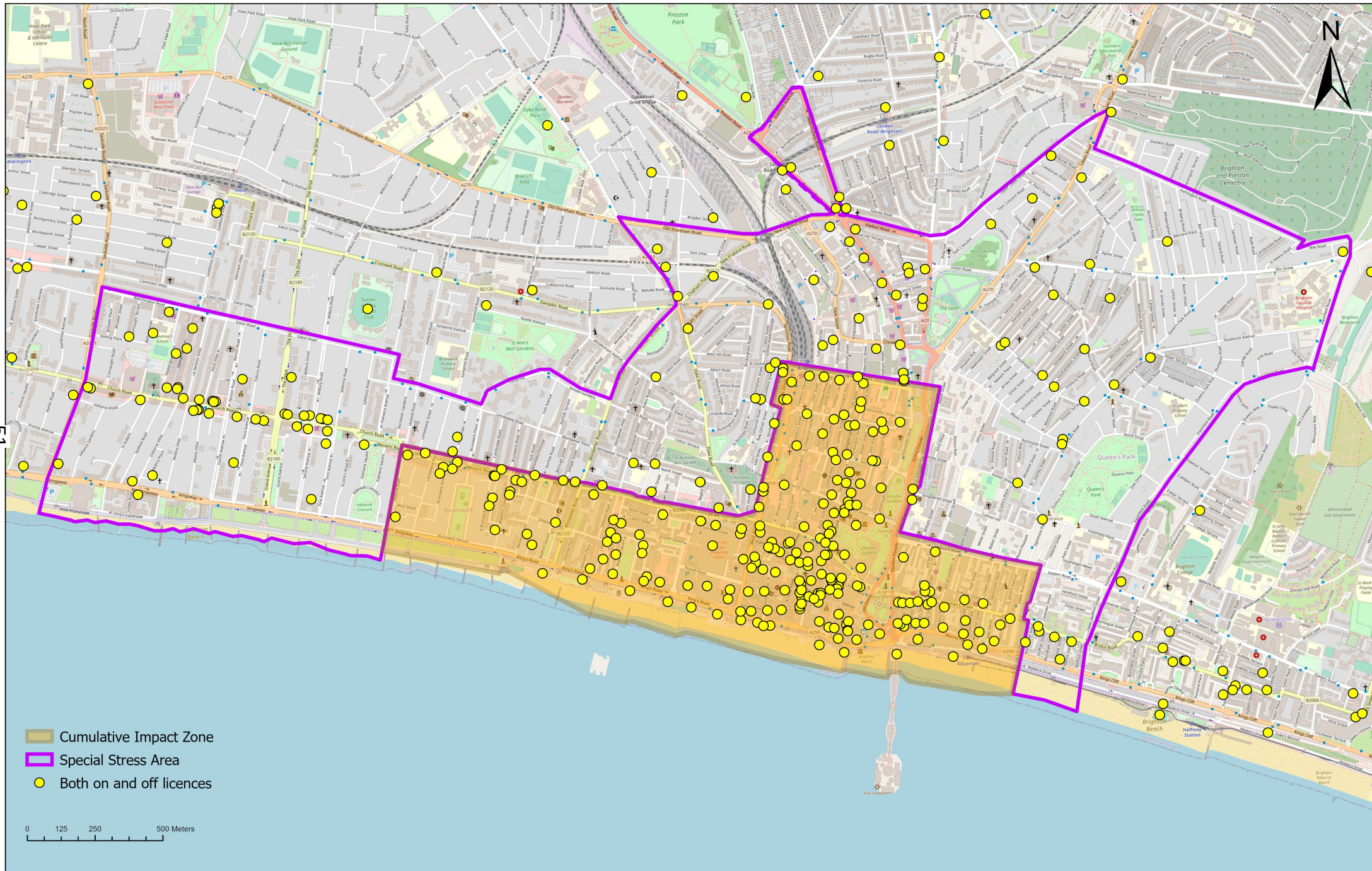
Crime Data:

- Serious Violence Crime – all crimes within the HO Crime Group ‘Violent Crime’, this is inclusive of domestic abuse offences.
- Op Marble – all offences during the night time economy hours reflective of the Op Marble DPA (19:00hrs Fri – 07:00hrs Saturday and 19:00hrs Saturday – 07:00hrs Sunday) – not including domestic abuse offences.
- Non-Marble – all offences that occurred outside of the Op Marble DPA hours, including domestic abuse offences.
- ASB incidents – all incidents with the NSIR subgroup ‘Anti-Social Behaviour’.

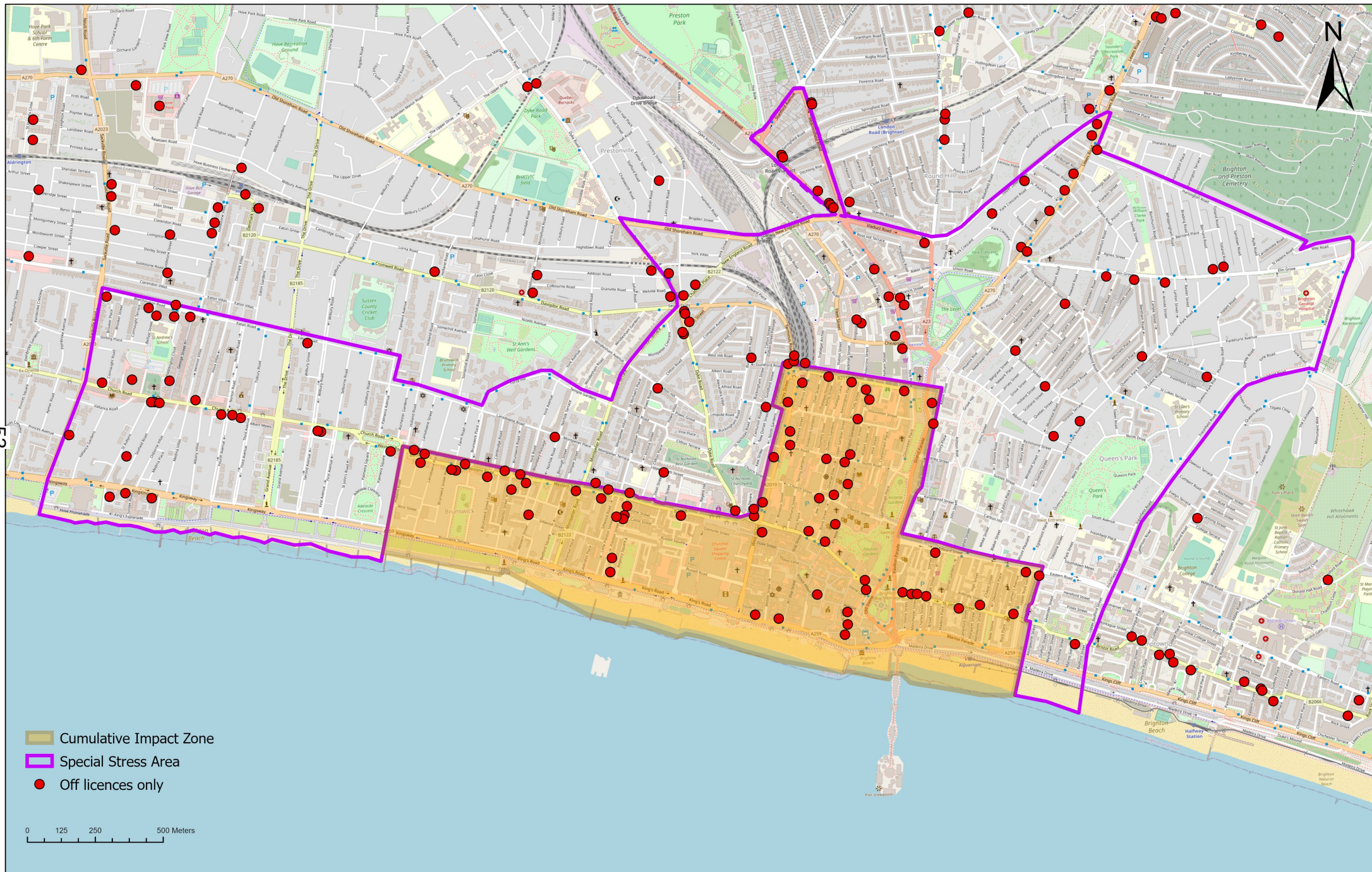
Cumulative Impact Zone, Special Stress Area and alcohol licensed premises, April 2023



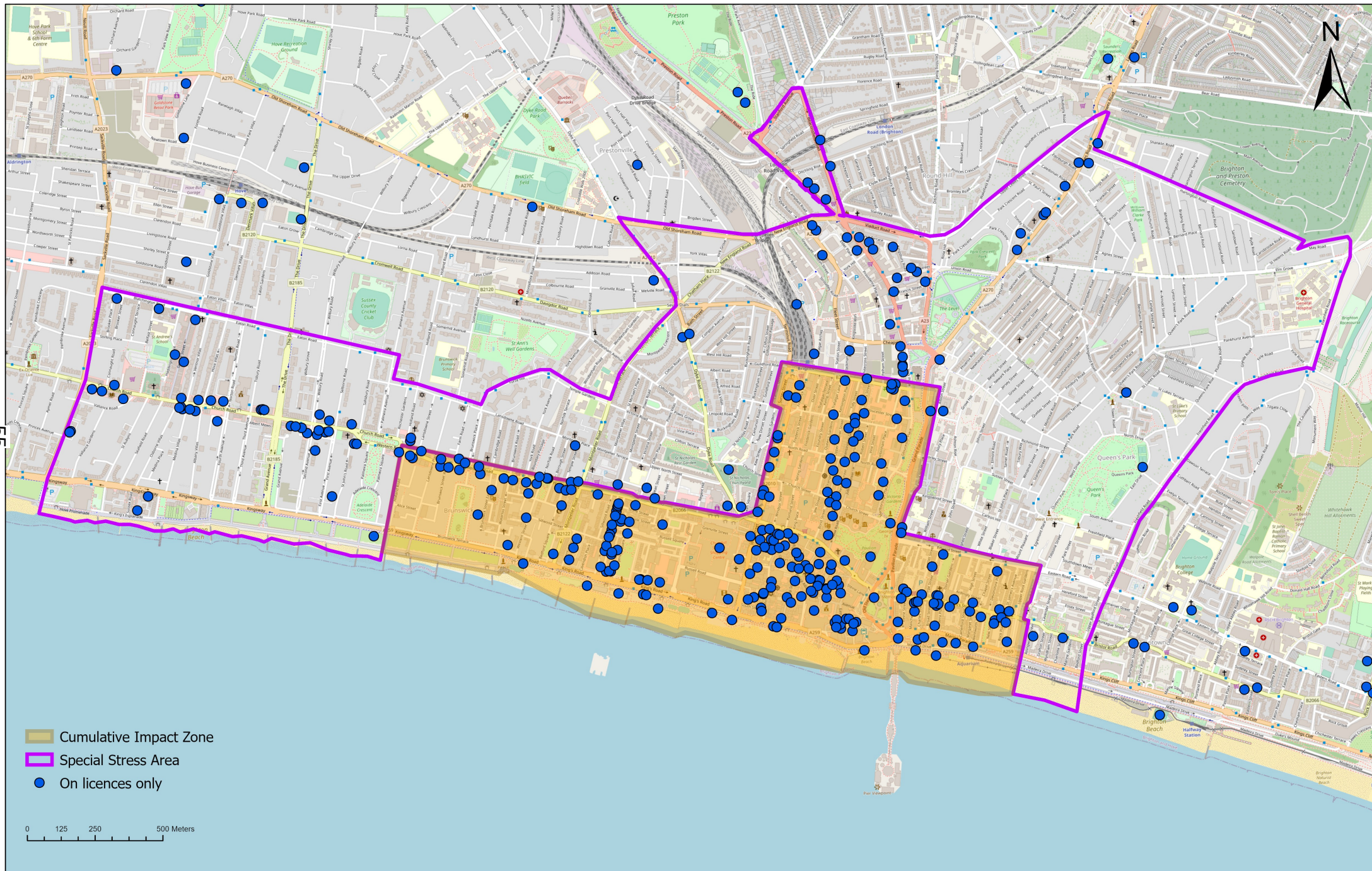
Cumulative Impact Zone, Special Stress Area and both on and off-licences, April 2023



Cumulative Impact Zone, Special Stress Area and off-licences only, April 2023

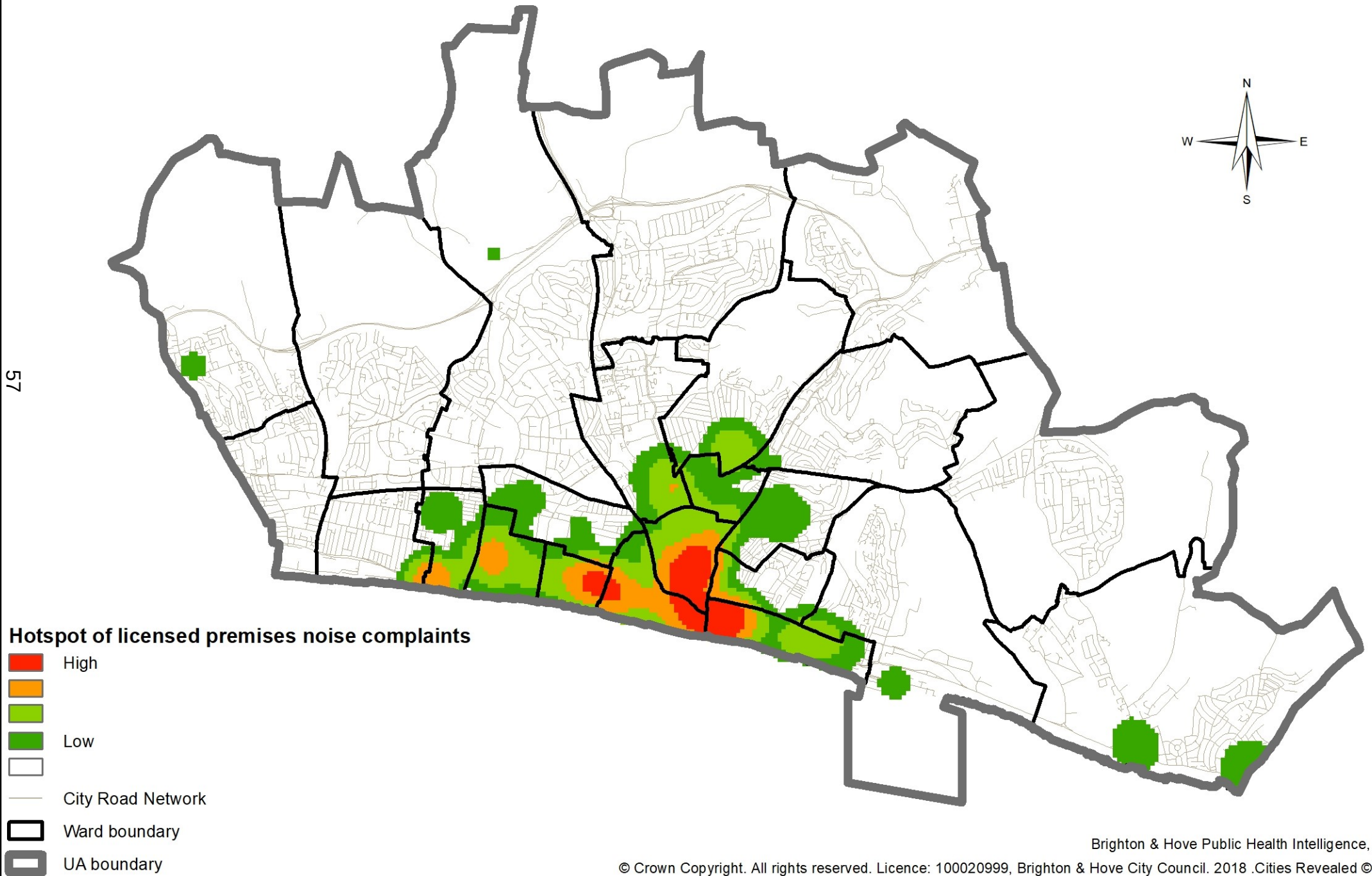


Cumulative Impact Zone, Special Stress Area and on-licences only, April 2023



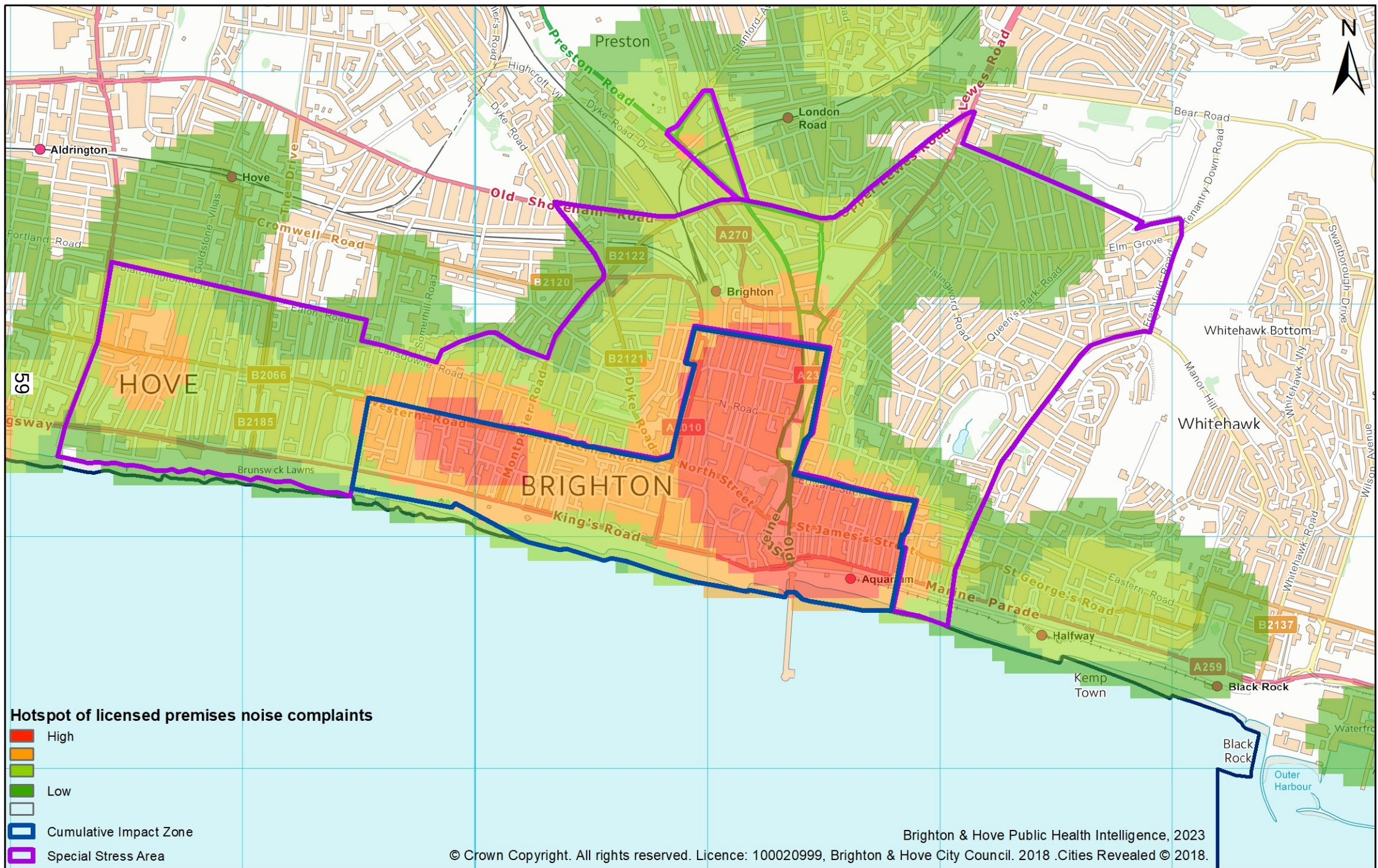
Hotspot of noise complaints regarding licensed premises (n=509)

April 2021 - March 2023



Hotspot of noise complaints regarding licensed premises

April 2021 - March 2023



Appendix C

Alcohol licensing Cumulative Impact Assessment (CIA) Consultation July – September 2023

1. Respondents

How are you responding to this survey?		
	n	%
Business operator	28	37%
Brighton & Hove resident	20	27%
Premises licence representative	13	17%
Responsible authority	2	3%
Other (details below)	11	15%
Not answered	1	1%
Total	75	

Other respondents

- Chair of BHCC Safety Advisory Group
- Brighton marina estates management
- Methodist Church
- Councillor
- Technically we are a business with a premises licence. We are a community benefit society that owns and runs a community hall just north of Seven Dials
- North Laine Community Association
- Chairman of a tennis club
- I live close and spend a lot of my time in Brighton and Hove
- We are acting on behalf of our client ABRDN, who have a significant interest in Brighton City Centre given their ownership of Churchill Square Shopping Centre. Please note that the responses provided to this survey should be read in conjunction with the representations submitted directly to Jim Whitlegg.
- Brunswick Town Association - we represent all the residents associations within the Brunswick Town conservation area.
- We are acting on behalf of our client ABRDN, who have a significant interest in Brighton City Centre given their ownership of Churchill Square Shopping Centre.

2. The proposals

Do you agree or disagree with the proposal to maintain the special policy on cumulative impact and to maintain the current cumulative impact zone as set out in the draft cumulative impact assessment?													
	All respondents		Local resident		Business operator		Premises licence rep		Responsible authority		Other		Not answered
Strongly agree	34	45%	13	65%	6	21%	8	62%	1	50%	5	45%	1 100%
Tend to agree	12	16%	1	5%	6	21%	2	15%			3	27%	
Neither agree nor disagree	8	11%	1	5%	7	25%							
Tend to disagree	9	12%	2	10%	4	14%	2	15%	1	50%			
Strongly disagree	12	16%	3	15%	5	18%	1	8%			3	27%	
Total	75		20		28		13		2		11		1

How are you responding to this survey? As a...	Do you agree or disagree with the proposal to maintain the special policy on cumulative impact and to maintain the current cumulative impact zone as set out in the draft cumulative impact assessment?	Why do you agree or disagree with the proposal?
Brighton & Hove resident	Strongly agree	Having worked for over a decade in a red zone area, the effects that spread into the community are sadly clear to see. I fully support the tackling of anti-social behaviour and a reduction in crime related to all forms of substance and alcohol misuse that propel this type of behaviour.
Brighton & Hove resident	Strongly agree	i agree, i do not feel safe walking in parts of Brighton because of drinkers and aggressive begging, and my family who would be tourists now after living in Hove for most of their lives also would not go into Brighton for the same reason.
Brighton & Hove resident	Strongly agree	Living in North Laine the alcohol- and drug consumption concentrated to this area has increased noticeably during this year resulting in increased crime, disorder and public nuisance. Having four pubs/alcohol premises on either end of the street naturally increase constant drunken through-traffic of people and attracts non-social behaviour. This proposal is very much needed if central Brighton wants to stay as living residential area and not seasonal outdoor nightclub. It is a grave concern for both visitors and residents.
Brighton & Hove resident	Strongly agree	Quality of life concerns
Brighton & Hove resident	Strongly agree	The cumulative impact zone comprises areas where large numbers of people live. Problems of noise and anti-social behaviour are not confined to the licensed premises themselves, they spill out into the streets, making parts of the town hazardous and threatening for residents and for people coming into town for a meal or cultural event. Neighbourhoods become blighted because of the drunkenness, noise, fighting and urinating. People coming into town for the evening are more likely to want to drive than use public transport, so as to minimise the time they have to spend walking through the streets.

Brighton & Hove resident	Strongly agree	To help towards Brighton & Hove being a safe place for all, help regarding the anti social behaviour and crime in these areas. I believe we should go further and some areas should be designated No Alcohol licence areas.
Brighton & Hove resident	Tend to agree	As a resident it is apparent which premises have old licence agreements and in some cases apply too much flexibility to the interpretation of them, staffing ages, id checks and general venue / operations management. A higher level scrutiny of the city licensed venues , off-licences in the zone in particular (selling cheap high volume alcohol). NO additional pure off licence venues should be accepted.
Brighton & Hove resident	Tend to disagree	It comes across as lazy. It's not really fixing a problem. It's not really addressing existing bad users of alcohol licences and it's also limiting open trade. It's trying to fix a symptom and not a cause.
Brighton & Hove resident	Strongly disagree	Scrap it and come up with something better. While i generally agree with the proposal, the fact that CIA is not enforced and alcohol licences continue to be granted within the area means that there is no point to the CIA.
Brighton & Hove resident	Strongly disagree	The lack of organised policing is the problem.
Brighton & Hove resident	Strongly disagree	You need to be more targeted with business applications as this policy could hold back small business and the development and regeneration of the cities economy.
Business operator	Strongly agree	As a small independent business, anti-social behaviour in the Preston Road area is at an unacceptable level. I feel restricting additional alcohol licences will be useful in helping curb the increase of this issue.
Business operator	Strongly agree	B&H does not need any more new venues, as this dilutes the quality of what we already have
Business operator	Strongly agree	To reduce anti social behaviour.
Business operator	Strongly agree	Too many uncontrollable factors. Consumption is excessive and irresponsible
Business operator	Tend to agree	Based on current analysis and levels of crime / nuisance activity it seems prudent to maintain the current policy and CIZ
Business operator	Tend to agree	I absolutly agree with having controls in place but do not agree with how difficult for instance new premises would find it to gain a licence. They may well offer something great to the zone and promote tourism.
Business operator	Tend to agree	The proposal does go one way to minimise crime and other we complaints, however it is a bit of a blunt tool and does not discriminate between types of licensed premises ie small venues and mass clubs or venues with responsible management.
Business operator	Tend to agree	Working in the area for over 20 years it is apparent that businesses that engage in a considered licence management strategy are a benefit to the city whereas those who are idle with their responsibility contribute to criminal activity and are beacons for bad behaviour. Any model that allows for higher level scrutiny (within measures) should be supported and all businesses requested to engage. Historical relaxed licences should be looked into and routinely scrutinised

Business operator	Neither agree nor disagree	Our business is solely a convenience store, part of which sells alcohol for consumption off the premises. We already have store(s) within the zone and do not think the CIA is aimed at such premises. We feel our impact on the issue is minimal, though appreciate some people may purchase alcohol for excessive consumption or "pre-drink" before going out for a late evening
Business operator	Neither agree nor disagree	While I very much agree with the principal of the CIZ and the need for extra care with licensing in these areas, I would like to raise some issues for consideration with the implementation of the policy when it comes to the use/abuse of the system by a highly vocal but very small minority of local stakeholders to air grievances unrelated to the licensing objectives, or that are highly speculative, and/or that pertain to represent local opinions and interests without the mandate of said locals. This especially appears to be the case with the North Laine Community Association, where 2 or 3 members of long standing have taken it upon themselves to object to every licensing application or variation without consulting either their own membership or the local residents that they claim to represent. Their representations therefore appear to command far more weight than maybe they should do.
Business operator	Tend to disagree	An increasing number of nightlife venues are closing and not being replaced. Onerous licensing terms is putting off new nightlife businesses launching. Brighton's nightlife offering is much weaker now than it was pre-pandemic, which affects the appeal of visiting Brighton for this purpose.
Business operator	Tend to disagree	Because a well run licensed establishments are a huge benefit to the City Centre. The CIZ needs to be looked at differently. Plus many licenses have been granted within the CIZ so it seems to depend who you are.
Business operator	Tend to disagree	I believe businesses like Shelter Hall have proved that if responsibly run, companies can improve the area, rather than purely being the domain of the Police.
Business operator	Tend to disagree	While I understand the aim of this policy, I feel it misses addressing the crux of the issue at hand - the pervasive antisocial behaviour manifested through alcohol and drug misuse during the day. The assumption that licensed premises are predominantly to blame, in my observation, is misguided. The root of the problem, as I encounter daily, is the consumption of alcohol in public spaces, often directly from cans. Brighton and Kemptown, in particular, suffer from a noticeable deficiency in law enforcement presence, enabling substance misuse to occur unchecked in the heart of our city. I have seen groups of individuals, thoroughly intoxicated, holding impromptu parties on the sidewalks, even to the extent of setting up barbecues in full public view, in the city centre. This behaviour, to clarify, is not linked to the operation of licensed premises, but rather to the apparent lack of oversight and control from the authorities. Therefore, I believe that the policy should be revised to effectively address these issues and preserve the safety and quality of life within our community.
Business operator	Strongly disagree	I believe all new premises licenses should be given to individuals for the duration of their occupancy and not attached to the

		building. A fit and proper person check should also be carried out.
Business operator	Strongly disagree	The restrictions placed on business means creating a viable business difficult . With the pressure on high street retail and now hospitality business I am not sure what business will replace these units in the CIZ.
Business operator	Strongly disagree	This is absolutely a disgraceful way of handling the situation by punishing new businesses if you think there is a business who contributes this negative impact you should locate the premise and tackle the specific location you cannot just stop new business while they are paying their rent and rates and contributing the community while I do not believe these business especially with food have anything to do with this problem
Business operator	Strongly disagree	You are stifling new enterprise and business which is at the heart of what our wonderful city is famous for and what brings people to us. You are destroying the community, new upstarts, and all around have made Brighton and Hove a worse place to be.
Premises Licence Representative	Strongly agree	cause get better managing alcohol means safer and enjoyable road for everyone, too many drunk people and under age causing noise and trouble on the streets.
Premises Licence Rep	Strongly agree	There clearly are issues and ongoing attention is required.
Premises Licence Rep	Strongly agree	In principle a good thing
Premises Licence Rep	Strongly agree	There clearly are issues and ongoing attention is required.
Premises Licence Rep	Strongly agree	It is important not to increase risk increasing crime and nuisance levels.
Premises Licence Rep	Strongly agree	The City Centre on weekends and special event days see huge crime levels and a no go area for many. Important for this to be controlled.
Premises Licence Rep	Tend to agree	Agree it may help to limit antisocial behaviour
Premises Licence Rep	Tend to disagree	Whilst there is a need to be vigilant on all applications and potential effect, a blanket policy on refusing to grant licences within the CIZ stifles innovation and investment especially in a touristic destination city such as Brighton. Alcohol consumption is dynamic, tastes, styles, fashion are constantly changing and we need the ability for our centre to showcase that with so many craft and micro breweries and Sussex being the centre of the English sparkling wine industry. Ultimately it is the individuals responsible and education on sensible consumption constantly reiterated, but the policy due to the city's magnet for stag, hen and attracting a younger inexperienced drinker within a concentrated area (and hence absorbing resources) fails to take into account that there may be opportunities for quality niche premises which could enhance the experience of local and tourists alike and should treat each application on its merit.
Premises Licence Rep	Strongly disagree	The individual operators of licensed premises should be responsible and not black mark the area for new responsible operators

Responsible Authority	Strongly agree	Appears to be a common sense approach to achieving the licensing objectives, with the benefit of precedent and supporting empirical data.
Responsible Authority	Tend to disagree	I get that a lot of the issues relate to hospitality and in particular late night bars and clubs, however I feel the onus more is on the Government to properly fund the police to be able to have the resources it needs on the street. From working in the industry for over 15 years, I have noticed that the more police that are about, being proactive, the less issues are faced on the streets. Unfortunately, there will always be idiots who will want to cause trouble or who will get drunk to excess and want to cause issues, however a proactive approach in being able to deal with them and move them on is more contortive to a safer and better nighttime economy.
Other	Strongly agree	Because the constraints set up within the CIZ are based upon extensive, accumulative knowledge and there is evidence that it is helping to mitigate unruly and anti-social behaviour.
Other	Strongly agree	there are more than enough venues in Brighton
Other	Strongly agree	We agree that the concentration of business dispensing alcohol contributes to a well dodgy atmosphere in the city centre at weekends.
Other	Tend to agree	I tend to agree, although the policy is deliberately noncommittal in parts. For example: ".....this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted." ALL granted applications add to the cumulative impact, which is a mockery of the special policy. Another example is: "In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking." YES, they are relevant, yet residents are ignored.
Other	Tend to agree	I think it's a good idea to restrict licensable premises - provided there's evidence said premises are directly or indirectly encouraging alcohol related anti social behaviour.
Other	Tend to agree	I've put 'tend to agree' because, although we are outside the cumulative impact zone and so not directly affected, the policy sounds sensible. As long as it is possible to make an exception for an application that makes a good case for opening a new premises then the policy is not unfair and should be workable. The main difficulty probably lies in the Council's ability to resist pressure from a well-funded, expensively-represented commercial company or group, which could bias the policy against smaller applicants.

Other	Strongly disagree	The matrix approach categorises premises types, which when first conceived, reflected relevant types of uses and occupiers. However, an increasing number of premises, particularly those considered to be more premium offers are providing an experience-based offer that does not neatly fit into the categories listed in the matrix. In our view, the uses set out in the matrix do not suitably define premises that provide high-end experience destinations in heavily managed locations that do not focus on consuming large quantities of alcohol. As a result, we believe that some uses may be subject to unnecessary restrictions on the basis of being considered to fall within a category that is not truly reflective of their operation, business model or the environment in which they wish to be located. The current approach permits limited flexibility, with departure from the matrix approach allowed only in exceptional circumstances. Given that the approach fails to reflect offers that do not neatly fit into the categories/ premises lists, we believe this approach imposes unnecessary restrictions upon take-up of new uses within key destinations across the city which would otherwise contribute positively to the city. As such the CIZ coverage is very broad and effectively encompasses all of the city centre, within which a blanket approach to assessing cumulative is employed for each application falling within this defined area. As the approach to special policy is consistent across the CIZ, it simply is not possible for it to be reflective of the characteristics of different areas within the city which would benefit from different approaches when managing the expansion of F&B and leisure uses. The limitations of the existing matrix approach also relate to the spatial context of different locations within the CIZ. More specifically, given the consistent application of policy across the defined CIZ, it fails to reflect the dynamic nature of evolving town and city centres and the influx of F&B/ leisure premises brought about by changing consumer demands which are not dominated by bars which take up a disproportionate amount of police resources. On this basis, we feel that areas such as Churchill Square Shopping Centre are currently being restricted from accommodating a more diverse F&B offering and as a key focal point within the City and as a major attraction for visitors and local residents, should benefit from a more bespoke approach to attract premium premises that deliver experience-led destinations, with a very different offering to typical pub, bar and restaurant uses. The approach also means that it is virtually impossible to create modern hybrid formats that combine some alcohol sales, specialty retailing and other services. We would suggest consideration be held on the following amendments to the current approach to assessing Cumulative
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		impact. 1. Reconsider the extent of the CIZ boundary and amend to exclude areas less susceptible to cumulative impact. 2. Proposed Zonal Approach to distinguish different areas of the City. 3. Proposed criteria-based approach to better account for nuances between F&B uses. Ultimately, we feel this consultation represents a real opportunity to create a more well-rounded cumulative impact policy through an integrated approach and as a result resolve cumulative impact more effectively. We recognise the importance of managing cumulative impacts across the City, however as Brighton and Hove are characterised by a number of different areas, the approach should be balanced and not inadvertently create significant barriers to diversification which is integral to the continued success of the City's major shopping centre. Our view is that the current approach is inadvertently protecting and giving more value to existing drinking establishments which are having a negative impact.
Other	Strongly disagree	The matrix approach categorises premises types, which when first conceived, reflected relevant types of uses and occupiers. However, an increasing number of premises, particularly those considered to be more premium offers are providing an experience-based offer that does not neatly fit into the categories listed in the matrix. In our view, the uses set out in the matrix do not suitably define premises that provide high-end experience destinations in heavily managed locations that do not focus on consuming large quantities of alcohol. As a result, we believe that some uses may be subject to unnecessary restrictions on the basis of being considered to fall within a category that is not truly reflective of their operation, business model or the environment in which they wish to be located. The current approach permits limited flexibility, with departure from the matrix approach allowed only in exceptional circumstances. Given that the approach fails to reflect offers that do not neatly fit into the categories/ premises lists, we believe this approach imposes unnecessary restrictions upon take-up of new uses within key destinations across the city which would otherwise contribute positively to the city. As such the CIZ coverage is very broad and effectively encompasses all of the city centre, within which a blanket approach to assessing cumulative is employed for each application falling within this defined area. As the approach to special policy is consistent across the CIZ, it simply is not possible for it to be reflective of the characteristics of different areas within the city which would benefit from different approaches

		when managing the expansion of F&B and leisure uses. The limitations of the existing matrix approach also relate to the spatial context of different locations within the CIZ. More specifically, given the consistent application of policy across the defined CIZ, it fails to reflect the dynamic nature of evolving town and city centres and the influx of F&B/ leisure premises brought about by changing consumer demands which are not dominated by bars which take up a disproportionate amount of police resources. On this basis, we feel that areas such as Churchill Square Shopping Centre are currently being restricted from accommodating a more diverse F&B offering and as a key focal point within the City and as a major attraction for visitors and local residents, should benefit from a more bespoke approach to attract premium premises that deliver experience-led destinations, with a very different offering to typical pub, bar and restaurant uses. The approach also means that it is virtually impossible to create modern hybrid formats that combine some alcohol sales, speciality retailing and other services. We would suggest consideration be held on the following amendments to the current approach to assessing Cumulative impact. 1. Reconsider the extent of the CIZ boundary and amend to exclude areas less susceptible to cumulative impact. 2. Proposed Zonal Approach to distinguish different areas of the City. 3. Proposed criteria-based approach to better account for nuances between F&B uses. Ultimately, we feel this consultation represents a real opportunity to create a more well-rounded cumulative impact policy through an integrated approach and as a result resolve cumulative impact more effectively. We recognise the importance of managing cumulative impacts across the City, however as Brighton and Hove are characterised by a number of different areas, the approach should be balanced and not inadvertently create significant barriers to diversification which is integral to the continued success of the City's major shopping centre. Our view is that the current approach is inadvertently protecting and giving more value to existing drinking establishments which are having a negative impact.
Other	Strongly disagree	It's is blindly discriminatory and will lead to the potential of monopolies on the type of entertainment and clubs as the larger developers and businesses use their clout to muscle out the smaller more fringe venues.

Not Answered	Strongly agree	Lansdowne Area Residents Association, LARA strongly supports the proposal but suggests the area is extended to, thus including palmyra Square and Adelaide crescent which has problems of asb with which the police are dealing. This would be a policy reflecting joined up thinking.
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3. General comments

How are you responding to this survey? As a...	Do you have any comments to make about the draft Cumulative Impact Assessment and supporting evidence?
Brighton & Hove resident	It is deflecting from the actual cause and problems of those abusing alcohol often in broad daylight but definitely in known places.
Brighton & Hove resident	Scrap it and come up with something better and enforce it.
Brighton & Hove resident	The number of problems arising from drunkenness, noise, fighting and urinating are likely to be much more numerous than shown in the complaints made to police, because residents feel it's a waste of time repeatedly reporting the same problems.
Brighton & Hove resident	The supporting evidence is a reflection of the daily life trading environment that businesses operate within.
Brighton & Hove resident	You may need to think about revoking current alcohol licenses to stop the impact business that are currently an issue and a risk to continue trading.
Brighton & Hove resident	A higher concentration of licensing will probably not increase the reports of antisocial behaviour and crime. Blanket rules never work. An in depth case by case attitude to licensing would be better. Maybe look at what each establishment sells. If they sell three shots for a fiver then they're probably gonna have more crime than a place that sells a cocktail for twenty quid.
Brighton & Hove resident	Although North Laine have several alcohol premises, high spot for complaints due to crime, disorder and public nuisance, recently yet another premise (on Trafalgar Street) was granted alcohol licence, so unfortunately I think this CIA will be toothless.
Business Operator	I do not agree that this information really supports the CIA - in some areas it actually states that crime has diminished over the stated timescale.
Business Operator	I have a big issue with the extent of 'off licences only' in the area and question the understanding and delivery of legal checks within these. Businesses who have teams trained and educated in Licensing, abiding by the rules and regulations with extra security measures for peak / high volume periods are delivering a far better experience for the city and economic strategy, i would question the contribution pure off licenses make or the responsibility they take.
Business Operator	I would want to look at problem premises specifically and not an overall as that seems counter intuitive.
Business Operator	Please see answer above
Business Operator	The combined financial pressures on hospitality business means a flexible approach to licensing will allow business to survive . The increased amount of unused units within the central part of the city gives evidence that the current structure could result in city losing its heart.
Business Operator	The current policy has not been supported by the councillors sitting on the licensing committee. They recently approved a licence for a huge new pub in Churchill Square. The CIZ policy specifically refers to 'exceptional circumstances', for example a new theatre that would need a licence for limited alcohol sales. The large capacity venue in Churchill Square simply stated that selling cocktails was 'exceptional'. This was a total disregard of the existing policies and make a mockery of the whole process, the councillors in question were taken in by the applicants persuasive barrister, and said that they would enjoy visiting the new bar themselves, which is not a reason to grant a new premises licence to a venue for hundreds of people in the CIZ area.

Business Operator	You can control crime and nuisance without destroying new business and night life. No one we talk feels the city is what it was, and it's harder than ever for young business people to do great things that have made the city so vibrant for years.
Business Operator	You should tackle the drugs and late time operating clubs and pubs which creates the problem you cannot just come up with a solution of not allowing new premises with licence its utter disgrace and cheap way of tackling the problem
Not Answered	See above. We welcome the evidence.
Other, please give details below	Is there a plan to further increase the CIZ, and incorporate other areas of Brighton & Hove?
Other, please give details below	Please extend the zone on the western boundary to St Johns Road, Hove. The western boundary is currently Holland Road and an extension to St Johns Road will include the shops between Holland Road and St Johns Road. That should help to reduce alcohol related anti-social behaviour in the gardens of Palmeira and Adelaide.
Other, please give details below	The draft is a sledgehammer policy that would not dare be used on say a number of places of worship placing undue stress on the local area because of parking etc
Other, please give details below	We believe the evidence base has evolved positively since the last consultation, incorporating a greater range of data sets obtained from a more granular level. We consider each of the data sets to be useful in isolation however would encourage further analysis to cross-reference the distribution of premises against occurrences of crime and disturbances to understand any connection that may exist. We feel this exercise would be useful to identify less vulnerable areas across the Cumulative Impact Zone where restrictions imposed by policy could be relaxed to promote opportunities to introduce more diverse uses. Following this consultation, we would welcome a publication from the Council that sets out how the data has been interrogated and how analysis has fed into any amendments to the cumulative impact policy. We feel that it is important for any changes to the policy position to be informed by a combination of consultation responses and clear trends in empirical data.
Other, please give details below	We believe the evidence base has evolved positively since the last consultation, incorporating a greater range of data sets obtained from a more granular level. We consider each of the data sets to be useful in isolation however would encourage further analysis to cross-reference the distribution of premises against occurrences of crime and disturbances to understand any connection that may exist. We feel this exercise would be useful to identify less vulnerable areas across the Cumulative Impact Zone where restrictions imposed by policy could be relaxed to promote opportunities to introduce more diverse uses. Following this consultation, we would welcome a publication from the Council that sets out how the data has been interrogated and how analysis has fed into any amendments to the cumulative impact policy. We feel that it is important for any changes to the policy position to be informed by a combination of consultation responses and clear trends in empirical data.
Other, please give details below	When looking at applications, and attending Hearings, an applicant has never been able to show that their applications will have no negative Cumulative Impact. It's subjective, isn't it? Also, what are 'Exceptional Circumstances'? What is listed is very weak. For instance, a plate of olives and a few crisps now amount to what is a 'substantial meal' waited at tables to obtain a Licence. Every applicant can say they are 'exceptional' and it is never questioned simply because it cannot be equated.
Premises Licence Representative	Happy with current CIA in place.
Premises Licence Representative	It's commendably thorough.
Premises Licence Representative	Some shops such as my own have the license mainly to sell cooking wine which doesn't impact on the community

Premises Licence Representative	The CIA /Z has good ideologies and principles in theory and the evidence the work and operations of the police seem to have a positive impact on antisocial behaviour related to alcohol misuse.
Responsible Authority	The evidence is clear that there is a lot happening within the Cumulative Impact Zone. I believe it to be unfair to in a way hold premises to account when licences have been granted over and over again. There are many pubs, bars and clubs who have restrictions on their licences to which others, like off licences etc don't have. Maybe they should have resources as part of there agreements like SIA registered staff working or closing later. I also believe some of the issues have stemmed from pubs being allowed to open later and have later licences. I do not know the data from before the late licences for pubs was introduced, however if pubs had to close earlier then there would be more people in smaller areas, which I believe in turn would help reduce the areas where resources would be needed as it would be more contained and then teams of say police could work in smaller areas and be more of a presence when necessary.

4. Profile of Brighton & Hove residents who responded.

Postcode
BN2 3HT
BN1 4AR
BN3 7FR
BN1 2FJ
BN1 4AB
BN1 6PE
BN1 7HB
BN1 8NA
BN2 0EJ
BN2 1HP
BN2 1QE
BN2 3PJ
BN2 4TP
BN2 5JS
BN2 5YU
BN3 1NJ (x2)
BN3 5HJ
BN3 6FT
No response (x1)

How old are you?		
25 to 44 years old	4	20%
45 to 64 years old	9	45%
65 or older	3	15%
No response	4	20%
Total	20	100%

What gender are you?		
Female	7	35%
Male	8	40%
Other	1	5%
Prefer not to say	4	20%
Total	20	100%

Do you identify as the sex you were assigned at birth?		
Yes	13	65%
No	1	5%
Not Answered	2	10%
Prefer not to say	4	20%
Total	20	100%

How would you describe your ethnic origin?		
Asian or Asian British: Indian	1	5%
Mixed: Black Caribbean & White	1	5%
White: Any other White background	1	5%
White: UK/British	11	55%
White: Irish	1	5%
Not Answered	1	5%
Prefer not to say	4	20%
Total	20	100%

Which of the following best describes your sexual orientation?		
Bisexual	2	10%
Gay	3	15%
Heterosexual/'Straight'	9	45%
Not Answered	1	5%
Prefer not to say	5	25%
Total	20	100%

What is your religion or belief?		
Agnostic	1	5%
Atheist	1	5%
Christian	5	25%
I have no particular religion	8	40%
Not Answered	2	10%
Prefer not to say	3	15%
Total	20	100%

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?		
Yes a little	2	10%
No	13	65%
Not Answered	1	5%
Prefer not to say	4	20%
Total	20	100%

Are you a carer?		
No	14	70%
Not Answered	2	10%
Prefer not to say	4	20%
Total	20	100%

Are you currently serving in the UK Armed Forces?		
No	14	70%
Prefer not to say	4	20%
No response	2	10%
Total	20	100%

Have you ever served in the UK Armed Forces?		
No	14	70%
Prefer not to say	4	20%
No response	2	10%
Total	20	100%

Are you a member of a current or former serviceman or woman's immediate family/household?		
No	14	70%
Prefer not to say	4	20%
No response	2	10%
Total	20	100%

Brighton & Hove City Council
2nd Floor, Barts House,
Barts Square
Brighton
BN1 1JP

25 August 2023

Dear Sir/ Madam

BRIGHT AND HOVE COUNCIL – ALCOHOL LICENSING CUMULATIVE IMPACT ASSESSMENT (CIA) 2023

On behalf of our Client Abrdn, we write to submit representations to Brighton and Hove City Council (BHCC) consultation on the Cumulative Impact policy as part of the periodic 5-year review. These representations focus on Abrdn's ownership and management of Churchill Square Shopping Centre in Brighton City Centre.

The following representations provide our client's view on how Churchill Square fits into the current Cumulative Impact Assessment (CIA) policy and highlights possible areas of improvement and provide comments detailing our position in relation to possible amendments where appropriate.

BACKGROUND TO REPRESENTATION

Montagu Evans has acted on behalf of the owners of Churchill Square Shopping Centre for over a decade and is active across the City on a variety of sites and relating to different uses. These representations draw upon that experience in and in other centres and large towns in the country where the nighttime economy is a major driver of economic activity but also where there are competing priorities because of the juxtaposition of a mix of uses. Our client Abrdn recognises the particular challenges faced by Brighton with respect to managing the effects of cumulative impact from both a licensing and planning perspective as well as the opportunities to respond positively to this consultation.

Through our involvement in preparing and presenting the case for Abrdn's recent application at Churchill Square (Ref: BH2022/01639), we understand the commonality of cumulative impact issues between planning and licensing and the need to co-ordinate approaches.

While we appreciate the consultation is licensing-led, cumulative impact policy has an important impact and potentially raises a conflict with the aim to preserve the vitality of town and city centers by diversifying uses beyond retail and the main leisure uses such as cinemas and family entertainment.

Therefore, we consider our representations will provide an important insight into how the approach to assessing Cumulative Impact could support the determination of both licensing and planning applications through a spatially responsive and flexible system that aligns with the strategic priorities supporting the City Centre. We consider that as part of this consultation, there exists a strong opportunity to create a more well-rounded cumulative impact policy through an integrated approach to address cumulative impact issues more effectively.

Within the defined cumulative impact zone (CIZ), the approach applied to assessing impact does not take into account the unique characteristics of certain location such as Churchill Square for example. On this basis, we feel that Churchill Square is currently being restricted from accommodating a more diverse F&B offering which would assist it significantly being able to remain as a major attraction for visitors and local residents, it should be subject of a more bespoke approach to attract premium lower impact operators that offer experience-led destinations, with a very different offering to typical pub and bar uses.

It is important to note that our client is not seeking amendments to the policy that results in a significant increase in bars and pubs in the adjoining areas which could affect the environment, however, does believe there is scope to amend the policy to allow Brighton and Hove to benefit from the controlled expansion of such uses in locations like Churchill Square.

CURRENT POLICY POSITION

The Licensing Act 2003 provides the relevant legislation which governs the sale and supply of alcohol in England and Wales. The Act has four licensing objectives:

- the prevention of crime and disorder.
- public safety.
- the prevention of public nuisance.
- the protection of children from harm.

Under the Act, licensing authorities are responsible for premises licences and club premises certificates.

Section 5 of the 2003 Act requires a licensing authority to publish a statement of its licensing policy at least every five years. The primary purpose of a CIA is to support the authority in controlling the licences in areas where evidence demonstrates the number or density of licensed premises may be contributing to problems that are undermining licensing objectives and exacerbating the effects of cumulative impact.

The Statement of Licensing Policy identifies a Cumulative Impact Zone, within which a 'special policy' to assess the potential for cumulative impact will be applied. The currently adopted cumulative impact policy sets a presumption that new and variation applications for premises that are likely to add to the cumulative impact will normally be refused unless the applicant is able to comprehensively demonstrate in their operating schedule that granting the application will not undermine one or more of the licensing objectives. We understand the cumulative impact policy to refuse an application can only be invoked if the council receives representations from residents, interested parties or responsible authorities regarding the granting of a new premises licence of varying an existing licence. However, the effect of current policy is a presumption against new licences being granted.

The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) were adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined

in the current Statement of Licensing Policy. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove.

CRITIQUE OF MATRIX APPROACH

The Statement of Licensing sets out a 'matrix approach' to licensing decisions, whereby licensable activities are split into types of use (restaurant, café, late night takeaway, night club, pub etc.) for which varying degrees of restriction apply. Within the CIZ, restaurants will be permitted until midnight and cafes will be permitted until 22:00. Other uses, such as pubs and night clubs will not however be permitted.

The supporting text at paragraph 3.3.1 confirms the authority will support the diversification of licensed premises to attract a greater breadth of customers to create a positive ambience across the city. Further, the supporting text to the matrix approach notes that each application will be considered on its individual merit and that departure from the matrix policy will only be permitted in exceptional circumstances.

We note the matrix approach categorises more premises types, which when first conceived, reflected relevant uses. However, an increasing number of premises, particularly those considered to be more premium offers are providing an experience-based offer that do not neatly fit into the categories listed in the matrix. In our view, while the uses set out in the matrix are broadly representative of uses which may contribute to cumulative impact, they do not suitably define premises that provides a high-end experience destinations in heavily managed locations that do not focus on consuming large quantities of alcohol. As a result, we believe that some uses may be subject to unnecessary restrictions on the basis of being considered to fall within a category that is not truly reflective of their operation, business model or environment in which they wish to be located. Therefore, to support uses that fall between those defined in the matrix, we would suggest policy allows for applicant where possible to provide data such as pricing of beverages and the analysis of consumption statistics. At present, we note that such a flexible approach is not feasible with departure from the matrix approach allowed only in exceptional circumstances.

Given that the approach fails to account for offers that don't neatly fit into the categories/ premises it lists, we believe this approach imposes unnecessary restrictions upon take-up of new uses within Churchill Square and potentially offer well managed environments which is acknowledged as a key destination that supports the overall strength of Brighton and Hove.

The limitations of the existing matrix approach also relate to the spatial context of different locations within the CIZ. More specifically, given the consistent application of policy across the defined CIZ, it fails to reflect the dynamic nature of evolving town and city centres and the influx of F&B/ leisure premises brought about by changing consumer demands which are not dominated by bars which take up a disproportionate amount of police resources. The importance of recognising the characteristics of an area within cumulative impact policy is particularly pertinent in the case of Churchill Square. As the City's primary shopping centre within a prominent location, Churchill Square served as key visitor attraction.

CUMULATIVE IMPACT ZONE BOUNDARY

Cumulative impact zones are areas that we have designated to control licensable activity. As we understand the extent of the CIZ has been expanded from the 2016 to 2021 policy. As such the CIZ coverage is very broad and effectively encompasses all of the city centre, within which a blanket approach to assessing cumulative is employed for each application which falls within this defined area.

As the approach to special policy is consistent across the CIZ, it simply is not possible for it to be reflective of the unique properties of different areas within the City which would benefit from different approaches when managing the expansion of F&B and leisure uses. In our view, the lack of a spatially responsive policy approach to assess cumulative impact dovetails with the significance of Churchill Square as a unique space which is distinguishable from other areas of the city.

Whilst Churchill Square does fall within the defined Cumulative Impact Zone (CIZ), it is located away from the main concentration of drinking establishments to the east, along and beyond West Street. This is demonstrated in the latest evidence base supporting the consultation. As depicted in the Figure 1 below, there is a distinct lack of both on and off licenced premises. Whilst the Site is located within the defined Cumulative Impact Zone (CIZ), it is located away from the main concentration of drinking establishments to the east, along and beyond West Street

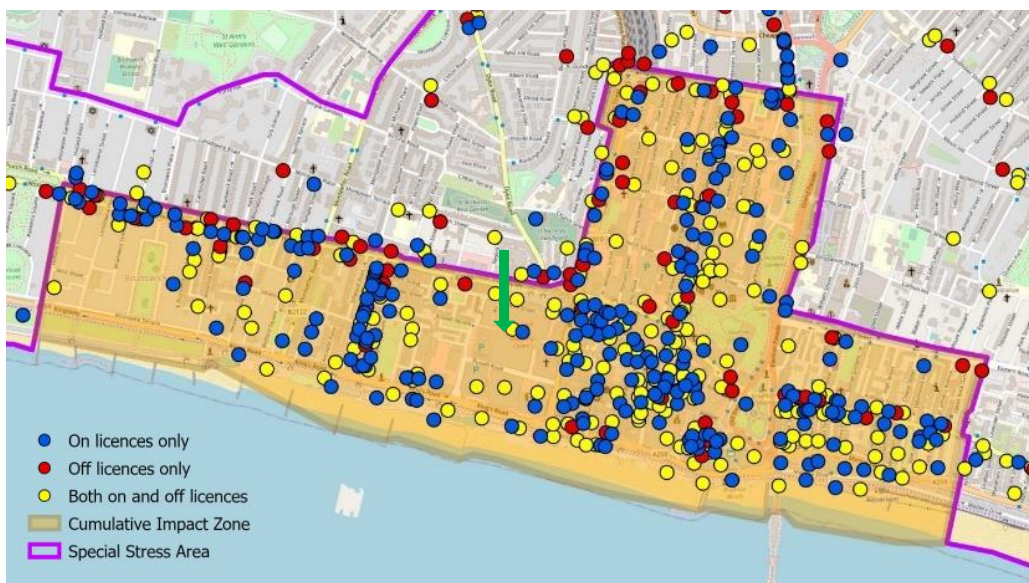


Figure 1: Appendix C Extract - CIZ SSA and all alcohol licensed premises April 2023

The area surrounding Churchill Square is predominantly commercial in nature, with relatively few sensitive receptors located in proximity. Given the spatial context therefore and subject to the appropriate considerations, we believe there is a clear capacity for Churchill Square to accommodate such uses and effectively manage their impacts. However, the binary nature of cumulative impact policy within the CIZ does not allow for such capacity to be explored and consequently inhibits any possible diversification of uses to include a stronger F&B offering within the Shopping Centre.

Given Churchill Square represents a key focal point within the City and a major attraction for visitors and local residents, it should be subject of a more bespoke approach to Cumulative Impact. From our experience with Botanist application, it is evident there is an appetite in this location from premium operators delivering experience-led destinations, the associated impacts of which are far less than typical pub, bar and restaurant uses and can be managed effectively by the shopping centre management team.

In line with clear trends in spending data, our client has noted an unprecedented change in the retail sector, particularly in respect of the growth of non-retail services, food and beverages outlets and new leisure activities offering a broader range of experiences for visitors. A more diverse offer to shoppers will continue to be increasingly vital for many types of centres over the next fifteen years, as will the importance for town centres to broaden their experiential offer. We believe that

presently, the adopted licensing policy represents a barrier preventing Churchill Square's ability to adapt to the changing retail landscape in city centre locations which directed towards the need to accommodate for growth of food/beverage, cultural/ entertainment uses. The inability for our client to curate Churchill Squares offer in response to changing consumer preferences and broader demands will likely have detrimental impacts upon the wider city.

For the reasons set out above, we consider that Churchill Square should be excluded from the CIZ and would request the Local Authority consider this amendment. We note that should the CIZ be amended in this regard, the Authority will still retain an ability to manage cumulative impact as Churchill Square will still fall within the Special Stress Area (SSA). Further, we would argue that Churchill Square as a location is more suitable for the SSA in that it will not be subject to a presumption for refusal. Instead, it will provide opportunity for operators to form an evidence case that demonstrate they will not result in new or accentuate exiting levels of harm in this location. As such, the SSA promotes a more positive approach whilst not relinquish the ability for the Authority to refuse or impose conditions to manage the impact of development.

PROPOSED ZONAL APPROACH

Should it be concluded the CIZ boundary cannot be amended, we consider that as an alternative, a zonal approach that distinguishes different areas of the City should be introduced. This would be effective in accounting for the different characteristics of different areas across the CIZ and ultimately deliver a more well-informed cumulative impact policy. In addition, assessing cumulative impact at a more granular level through a zonal system would also compliment the matrix approach by identifying what types of uses would be suitable in different locations within the CIZ.

We consider a logical starting point for understanding how a zonal would be defined by analysing the latest Police data/ maps set out in appendix C of the consultation which identify concentrations of crime and corresponding risk of impact across the area. When overlaying the maps of existing premises and the heat map of noise complaints against licensed premises, clear correlations between the occurrence of crime and density of premises are visible. As such, in areas where the crime and disturbance are low together with a low concentration of premises, it would be appropriate to identify an area appropriate for greater flexibility.

To operate alongside a zonal system, we consider some form of criteria-based assessment would be effective whereby the suitability of proposals within different parts of the CIZ can be assessed subject to compliance with location specific requirements.

We are confident that these proposed changes to assessing cumulative impact would refine the current approach to assessing cumulative impact that accounts for the increasingly varied nature of F&B/ Leisure uses and also reflects the different characteristics of different parts of the City.

In the case of Churchill Square, we believe it is distinguishable from other locations in the CIZ on account of the on-site security and 24/7 management the shopping centre benefits from. We note that other areas of the city subject to the same cumulative impact policy area are largely single buildings which simply so not have the resources to be able to control the impact of their premises in the same way.

CONCLUDING REMARKS

In respect of the current approach to special policy for cumulative impact, our client supports the provision of greater clarity to applicants to reduce the barriers for incoming occupiers within areas such as Churchill Square. Improved transparency

between applicants and local authority (particularly on key areas of the city) on key metrics will ultimately deliver more appropriate end uses.

We recognise the importance of managing cumulative impacts across the City, however in the context of areas such as Churchill Square consider the approach should be balanced and not inadvertently create significant barriers to diversification which is integral to continued success of the City's major shopping centre.

We would however suggest that where appropriate the methodology include a matrix system to allow for categorisation of a broader range of F&B uses to enable applicants and stakeholders to better understand what can be accommodated. In addition, we believe the CIZ could easily be made a more effective tool in the CIA process by implementing a zonal system responds to spatial context and thus offers a more tailored approach.

We are of the view the view that amending the cumulative impact policy in this regard would represent a positive change that creates clearer pathway for premium offers at Churchill Square and other areas across the city.

We would be pleased to discuss these suggested changes.

Yours sincerely,

Montagu Evans

MONTAGU EVANS LLP