

Wednesday, 6 September 2023

**LICENSING COMMITTEE**

A meeting of **Licensing Committee** will be held on

**Thursday, 14 September 2023**

commencing at **11.00 am or on the rising of the Licensing Sub-Committee**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

**Members of the Committee**

Councillor Barbara Lewis (Chairwoman)

Councillor Mandy Darling

Councillor Pentney

Councillor Douglas-Dunbar (Vice-Chair)

Councillor Stevens

Councillor Hutchings

Councillor Jacqueline Thomas

Councillor Johns

Councillor Tolchard

Councillor Joyce

Councillor Virdee

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# LICENSING COMMITTEE AGENDA

1. **Apologies**  
To receive any apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 3 - 4)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 12 May 2022.
3. **Declarations of interest**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**  
To consider any other items that the Chairman decides are urgent
5. **Vaping Report for Torbay Council** (Pages 5 - 11)  
To consider a report on the above.
6. **Licensing Act 2003 - Draft Cumulative Impact Assessment 2024 - 2027** (Pages 12 - 45)  
To provide feedback on the Cumulative Impact Assessment which is currently available for public consultation.

**Minutes of the Licensing Committee**

**12 May 2022**

**-: Present :-**

Councillor Ellery (Chairman)

Councillors Amil, Atiya-Alla, Barnby, Dart, Douglas-Dunbar, Kavanagh, Kennedy,  
Barbara Lewis (Vice-Chair), Mills, Pentney and John Thomas

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**1. Apologies**

An apology for absence was received from Councillor Sykes.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Chris Lewis instead of Councillor Foster.

**2. Minutes**

The Minutes of the meeting of the Licensing Committee held on 17 February 2022 were confirmed as a correct record and signed by the Chairman.

**3. Hackney Carriage and Private Hire Licensing Policy**

The Committee considered the submitted report which set out a revised Hackney Carriage and Private Hire Licensing Policy. It was noted that this Policy would amend and replace the existing Policy.

At the meeting representations were received from Jacqui Nickels from Torbay United Licensed Drivers Association, Mr Ray Hall from Torbay Licensed Taxi Association, Jud Boyle from Torbay Cab Company and Mr Le Huray from Torbay Taxis.

Resolved:

That

- 1) the Hackney Carriage and Private Hire Licensing Policy, as set out in Appendix 8 to the submitted report, be approved, with the following amendment:

That the age of the vehicles remain at 4 years and less than 50,000 miles.

- 2) the Chairman of the Licensing Committee write a letter to Highways and Spatial Planning expressing the Licensing Committee's concern regarding the current lack of infrastructure for electric vehicle charging points; and
- 3) the Licensing Officer initiate a consultation with Private Hire Vehicle owners on the introduction of card machines.

Chairman

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**Meeting:** Licensing Committee    **Date:** 14 September 2023

**Wards affected:** All

**Report Title:** Vaping Report for Torbay Council

**Report Author:** Alex Fry and Delores Riordan, The Heart of the South West Trading Standards

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### **Purpose of the Report**

At the meeting of the Council on 7 March 2023, Members considered a Notice of Motion as set out at Appendix 1, the Notice of Motion requested the Licensing Committee to consider a report detailing enforcement activity and strategy within Torbay related to the illegal sale of vaping products to children and exploring opportunities for engagement with local schools to inform young people of the potential dangers of vaping.

### **Introduction**

The Heart of the South West Trading Standards (HotSWTS) is a joint service commissioned by Devon County Council, Plymouth City Council, Somerset Council and Torbay Council. The legislation relating to the sale of vapes is enforced by Trading Standards.

The Service is receiving large numbers of intelligence reports and complaints regarding vapes – both relating to illegal products and underage sales.

#### **2022-23**

Total complaints received service wide relating to vapes – 188  
Of those, 30 related to Torbay

#### **2023 – date**

Total complaints received service wide relating to vapes – 68  
Of those, 13 relate to Torbay

### **Current Regulation**

The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 – Prohibits the sale of vapes containing nicotine to people aged under 18 and proxy purchasing for someone aged under 18 is illegal

The Tobacco and Related Products Regulations 2016 - outlines restrictions to protect children, such as making the vape child-resistant and having warnings on vape packaging. Apply minimum standards for the safety and quality of all

e-cigarettes and refill containers and require all e-cigarettes and e-liquids be notified and published by the MHRA before they can be sold.

### **Use by children**

NHS figures for 2021 showed that 9% of 11 to 15 year old children used e-cigarettes, up from 6% in 2018. An action on Smoking and Health (ASH) survey showed a sharp increase in vaping among 11 to 17 year olds from 4% in 2020 to 7% in 2022. This group and others are not using vapes for smoking cessation purposes but are becoming addicted to nicotine.

Although an age restricted product, many vapes are marketed to appeal to children, for example a variety of sweet fruit flavours are readily available. There have even been some that imitate the branding of the well-known PRIME hydration drink. Intelligence tells us that they are being sold illegally from shops and in schools. Disposable (single-use) e-cigarettes are the vape of choice for children currently vaping (ASH)

Currently, there are no restrictions regarding the packaging or placement of vapes within retail premises. Although it is advised that retailers keep vapes out of reach of children, there is no legal requirement for retailers to do so. Rather than being marketed as an adult smoking cessation aid, the present regime of unrestricted displays and packaging has resulted in bright, colourful and attractive displays of products which are clearly aimed at the youth market

The Chartered Trading Standards are calling for tougher regulations on the packaging and placement of vapes within retail premises in order to restrict the youth appeal of vapes.

In recent months there have been increased reports of user generated content (rather than vape industry generated) on social media portraying vapes as an attractive product. This has included videos and other content created by under 18s or appearing to be aimed at under 18s. In a 2022 ASH survey, the most common place people reported seeing vape promotion online was on TikTok (45.4%). Under current regulations, marketing communications must ensure that they do not appeal particularly to people under 18.

There is also intelligence to suggest that vapes have been supplied to underage children by shops and other businesses, with the intention of grooming them for Child Sexual Exploitation.

For the 6 month period from 01/01/2023 there have been 78 intel logs submitted for the Heart of the South West TS area regarding vapes sold to children between the age of 12 and 17.

A current Government review is considering banning the sale of 'nicotine-free' vapes to under-18s and the handing out of free samples to children. It will

also look in to making it easier for local Trading Standards to issue on the spot fines and fixed penalty notices.

The Heart of the South West Trading Standards encourage retailers to sign up for 'No proof of Age No Sale' training/systems and this is offered free in the Service area. [No Proof of Age - No Sale - Trading Standards South West \(tssw.org.uk\)](https://tssw.org.uk)

### **Illegal products**

Illegal vapes containing high lead and nickel and up to 5 times the amount of nicotine containing e-liquid allowed under UK law are flooding the market. In March it was estimated that around a third of all vapes sold on the high street are illegal. Trading Standards investigations show that the sale of illegal vapes is being conducted alongside illicit tobacco sales and is linked with organised crime.

There is a growing concern regarding dangerous fake 'THC' or 'cannabis oil' vapes and also 'vape spiking'.

### **Other Concerns**

There are environmental and other safety concerns regarding vapes, especially disposable products. Disposable vapes are a hazard for waste collection and cause fires in bin lorries . [Warning after vape nearly set North Somerset bin lorry alight - BBC News](#)

With 1.3 million disposable vapes thrown away every week, they have also become a widespread litter problem. This accumulates to 10 tonnes of lithium a year.

The Local Government Association (LGA) has called for a ban on the sale and manufacture of single-use vapes on environmental and health grounds.

It is the first time the LGA has called on the Government to outlaw the devices, and has urged for the ban to be introduced by 2024, highlighting the risk that with the EU proposing a ban by 2026, and with France planning to introduce a ban in December 2023, disposable vapes could flood the UK as markets close elsewhere.

### **Enforcement**

- 2022/23 – **4705** Illegal Vapes seized Service-wide – a mix of premises inspection (sometimes following Test Purchases) and some seized during illegal tobacco enforcement operations.
- 2023/24 – **695** Illegal Vapes seized Service-wide to date with further enforcement visits planned based on intel
- 2022/23 – **874** Illegal vapes seized in Torbay – some were during premises inspection and others alongside illegal tobacco enforcement

An underage sales Test Purchase operation was undertaken in Torbay at the beginning of August - 7 premises visited overall (2 for alcohol, 5 for vapes) – 2 failed Vape TPs – investigation ongoing

Operation Brioc was conducted in Torbay in June. Three shops were visited in Brixham Town Centre, another in Paignton Town Centre and Car Washes in Paignton & Torquay were visited as well. In addition to the Police Dogs Unit, Trading Standards utilised their own tobacco detection dog during the operation. Quantities of illegal cigarettes, tobacco and vapes were found hidden at all the shops visited.

Operation Flint was conducted in Torquay mid-August. 3 shops were visited (with tobacco detection dogs) and illegal tobacco seized from them all. Large quantities of illegal vapes were seized from 2 of the premises.

In April the Department for Health and Social Care has pledged £3 million in funding to support Trading Standards to tackle the issues of non-compliance. This has become Operation Joseph. HotSWTS has submitted an application to become one of a few Trading Standards Services to undertake shop-based test purchasing market surveillance as part of this campaign.

Due to the number of non-compliant vape products being seized and limited investigation resource we primarily look at adopting a disruption technique against the sellers rather than undertaking prosecution against them all. In one area we have successfully worked with Police and Licensing colleagues to use Closure Notices where we can and are looking at adopting this Service-wide.

Due to limited resources, planned operations this year are restricted to two per quarter and these are focused on illegal tobacco as well as vapes.

### **Additional Information**

Association of Directors of Public Health South West Position Statement on Nicotine Vaping - June 2023 [SW-ADPH-Position-Statement-on-Nicotine-Vaping-1.pdf](#)

- Smoking tobacco remains the single biggest cause of preventable illness and death. It will kill up to 2 out of 3 long term users and is a key contributor to avoidable health inequalities. An estimated 584,218 adults in the South West smoke. In the period 2017 to 2019, a total of 19,761 deaths in the South West were attributable to smoking.
- For smokers, vaping is a far less risky option and poses a small fraction of the risks of smoking in the short and medium term. There is significantly lower exposure to harmful substances from vaping compared with smoking, as shown by biomarkers associated with the risk of cancer, respiratory and cardiovascular conditions. However,

there is similar or higher exposure to harmful substances from vaping compared with not using any nicotine products.

- Therefore, we must ensure that affordable and accessible alternatives for smokers. This includes offering vapes as a substitute for smoking, alongside accurate information on the benefits of switching, including to healthcare professionals.
- However, vaping is not risk-free and therefore vaping must be presented as an alternative to, or replacement for smoking, not an activity which is appealing to the wider non-smoking population, particularly young people. We need to work closely with our Trading Standards colleagues to support compliance with regulations, take enforcement action when necessary and continue to advocate for tighter vaping regulations where needed, ensuring the right balance is taken around protecting young people and supporting adult smokers to quit.

Research by public health charity Action on Smoking and Health (ASH) has found that an estimated 4.7m adults in Britain, around 9.1%, use e-cigarettes, of whom 2.7m are ex-smokers, 1.7m are current smokers, and 320,000 have never smoked. A survey commissioned by ASH found that 43% of people believe vaping is as dangerous, or more dangerous, than smoking cigarettes, and the charity has urged the Government to "act quickly to improve public understanding" on the relative risks of vaping and smoking.

**Council**

**7 March 2023**

**Keep Vapes ‘Out of Sight’ of Children**

This Council notes with concern;

- The increased use of vaping products by children in the UK. Recent data from the ASH Smokefree GB Youth Survey 2022 found that the prevalence of vaping amongst 11-18 year olds is increasing – from 4% in 2021 to 8.6% in 2022 – and a significant number of children buy these vaping products directly from newsagents or supermarkets;
- There has been an increase in the number of local authorities who have recently had to take enforcement activity against shops illegally selling vaping products to youngsters;
- The marketing of certain vaping products – with bright coloured packaging and flavours such as bubblegum – undoubtedly appeal to children; and
- The significant increase in availability of disposable and single-use vaping products which are cheaper and easier for children to access.

This Council acknowledges the role vaping products play in aiding adults to stop smoking, and that vaping products carry a small fraction of the risk, and exposure to toxins, that are associated with cigarettes. However vaping is not risk free; particularly for those who have never smoked. Vaping products contain nicotine and research shows that most children who use them have never smoked.

This Council recognises the Local Government Association has raised concerns about the sale of vaping products to children and calls for vaping products to be regulated in a similar way as tobacco products, with plain packaging and a requirement for products to be kept out of sight behind shop counters.

Council resolves to bring a report to Licensing Committee and the Health and Wellbeing Board detailing enforcement activity and strategy within Torbay related to the illegal sale of vaping products to children and exploring opportunities for engagement with local schools to inform young people of the potential dangers of vaping.

In the meantime, Council calls for the Chief Executive to write to Stephen Barclay MP, Secretary of State for Health and Social Care, to express the Council’s demand for the greater regulation of vaping products including:

- Vaping products being in plain packaging and kept out of sight behind the counter;
- Mandatory age-of-sale signage on vaping products (this is currently voluntary); and

- A ban on free samples of vaping products being given out to people of any age.

Proposer Councillor Law  
Secunder Councillor Stockman

**Meeting:** Licensing Committee **Date:** 14 September 2023

**Wards affected:** All

**Report Title:** Licensing Act 2003 – Draft Cumulative Impact Assessment 2024 - 2027

**When does the decision need to be implemented?** response required during the consultation period.

**Director/Divisional Director Contact Details:** Tara Harris, Assistant Director, Community and Customer Services

## 1. Purpose of Report

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- 1.1 In accordance with section 5A of the Licensing Act 2003, the Council is required, every 3 years, to review, consult and republish its Cumulative Impact Assessment. The current Cumulative Impact Assessment was published on 7 January 2023 and therefore is required to be consulted on.
- 1.2 Cumulative Impact Assessments (CIA) were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.
- 1.3 On the 15 August 2023 the Cabinet launched the Cumulative Impact Assessment for public consultation as such a meeting of the Licensing Committee has been convened in order for the Members of the Licensing Committee to provide any feedback they may have on the Cumulative Impact Assessment.

## 2. Reason for Proposal and its benefits

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- 2.1 The proposal is made in order to meet a statutory obligation as prescribed in section 5a of the Licensing Act 2003. After publishing a CIA the Licensing Authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.

## 3. Recommendation(s) / Proposed Decision

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1. That the Licensing Committee consider the draft Licensing Act 2003 – Cumulative Impact Assessment and provide any feedback during the consultation period.

## Appendices

Appendix 1: Draft Cumulative Impact Assessment 2024 - 2027

### Background Documents

1. Current Cumulative Impact Policy - [cumulative-impact-policy-2021-24-by-easepdf-without-watermark.pdf \(torbay.gov.uk\)](#)
2. Licensing Act 2003  
<http://www.legislation.gov.uk/ukpga/2003/17/contents>
3. Section 182 guidance - [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](#)

# Supporting Information

## 1. Introduction

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- 1.1 The Licensing Act 2003 regulates the sale of alcohol, provision of certain entertainment and late-night refreshment. This is achieved by the use of a licensing system administered by the Council.
- 1.2 Under the Licensing Act 2003, a Licensing Authority may publish a Cumulative Impact Assessment, stating that the licensing authority considers that the number of premises licences and club premises certificates in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part of those parts. A cumulative impact assessment must set out the evidence for the authority's opinion.
- 1.3 The current Cumulative Impact Assessment was last reviewed in 2020 and was effective from 7 January 2021. Section 5a of the Licensing Act 2003 requires the Cumulative Impact Policy to be reviewed every 3 years to consider whether it remains of that opinion. If the Local Authority remains of that opinion, then it must revise the cumulative impact assessment so that it a) includes a statement to that effect and b) sets out the evidence as to why the authority remains of that opinion.
- 1.4 Cumulative impact means the potential impact that a significant number of licensed premises in one area can have based on the following four licensing objectives.
- Prevention of crime and disorder
  - Prevention of public nuisance
  - Public safety
  - Protection of children from harm

There are currently two designated cumulative impact areas in Torquay:

- The Strand
  - Castle Circus
- 1.5 It is proposed that the Cumulative Impact Assessment (CIA) continues to cover the above-mentioned areas. Please refer to the Police's report in Appendix A of the draft Cumulative Impact Assessment 2024 - 2027 which details the evidence as to why the two areas should remain.
- 1.6 Appendix B of the CIA assessment, shows the number of noise and odour complaints within each CIA during 2017 - 2022. This shows the effect of the concentrated number of premises on the local residents by way of public nuisance. For example, noise or odour from the premises and from residents shouting in the street. A number of these complaints cannot be associated with one particular premises and is caused by the effect of the number of premises and the number of customers frequenting the areas at particular times of day and night.

## 2. Options under consideration

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- 2.1 As the review of a CIA is a statutory requirement, no other options have been considered.
- 2.2 It was not deemed appropriate to withdraw the CIA areas altogether based on current evidence.

## 3. Financial Opportunities and Implications

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- 3.1 There are no financial opportunities or implications arising from the change to the CIA, save for minimal consultation costs, which were met from existing budgets.

## 4. Legal Implications

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- 4.1 None

## 5. Engagement and Consultation

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- 5.1 There is a statutory requirement to consult as laid out in Section 5 (3) of the Act. Persons to be consulted will include:
  - a) The Chief Officer of Devon and Cornwall Police
  - b) The Chief Officer of Devon and Somerset Fire and Rescue Service
  - c) The Director of Public Health
  - d) Residents and businesses of Torbay
  - e) Bodies representing businesses
  - f) Holders of Premises Licences and Club Premises Certificates
  - g) Bodies representing existing registered clubs
  - h) Bodies representing holders of existing premises licences and personal licences
  - i) Torbay and Southern Devon Health & Care NHS Trust
  - j) Torbay Council: Children's Services
  - k) Torbay Council: Planning, Environmental Health and Highways Authorities
  - l) The Torbay Safer Communities Partnership
  - m) The Maritime and Coastguard Agency
  - n) Faith groups via Torbay Interfaith Forum and the Street Pastors
  - o) Safer Torbay
  - p) Torbay Development Agency
  - q) English Riviera BID Company
  - r) Torbay Harbour Authority
  - s) Best Bar None
  - t) Ward Councillors

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 This proposal does not require the purchase or hire of goods or services.

## 7. Tackling Climate Change

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7.1 There is no aspect of this Statement that will impact negatively or positively on climate.

## 8. Associated Risks

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8.1 There are no risks with agreeing the consultation process which is necessary to comply with the legislative requirements.

## 9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

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The Cumulative Impact Assessment is a review of an existing Assessment and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The four licensing objectives are also designed to ensure consideration of any impacts.

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	X		
People with caring Responsibilities			X
People with a disability			X
Women or men			X
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			X
Religion or belief (including lack of belief)			X
People who are lesbian, gay or bisexual			X
People who are transgendered			X
People who are in a marriage or civil partnership			X

Women who are pregnant / on maternity leave			x
Socio-economic impacts (Including impact on child poverty issues and deprivation)			X
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			X

## 10. Cumulative Council Impact

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None

## 11. Cumulative Community Impacts

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None

## Cumulative Impact Assessment 2024 - 2027

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### Background

Cumulative Impact has been used as a term to describe the stress that a large number of licensed premises can have on crime and disorder, nuisance and the demand on local services. The guidance describes cumulative impact as ‘the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area’. It is often not that licensed premises on their own are operating in a way that is detrimental to the licensing objectives, but it is the accumulation of the premises and the people attending them that creates the increased problems and demands on services.

Cumulative impact can occur either in the area where the premises are located or some distance away from them, for example at public transport locations or fast food premises. The issue of cumulative impact occurs due to the number of people in the area frequenting the licensed premises. The accumulation of licensed premises has a disproportionate demand on local services such as transport, public lavatories, waste collection and street cleaning. There is also a higher level of crime and disorder, often associated with alcohol related violence that can take place which will create additional demands on the Police as well as the ambulance service. It is also likely that criminal activity is attracted to areas where there are higher concentrations of people and who may be vulnerable to theft or other crimes due to the level of intoxication.

The problems associated with cumulative impact cannot be attributed to individual premises, and to mismanagement by individual licensees, and so a collective restraint is required.

Until 6 April 2018, ‘cumulative impact’ and ‘cumulative impact policies’ were not a statutory requirement under the Act. Prior to this date, ‘cumulative impact’ was only referred to within the statutory guidance issued by the Home Office.

The government amended the Licensing Act 2003 via the Policing and Crime Act 2017. This amendment made it a requirement that the Licensing Authority must produce a Cumulative Impact Assessment (CIA) if the authority can evidence that there is a cumulative impact within its area. The Licensing Authority must consult on its intention to publish the CIA. The aim of the CIA is to limit the growth of licensed premises where the promotion of the licensing objectives is being compromised. The Council will classify these areas or zones and have a Cumulative Impact Policy that will set out its approach to determining applications that are located within these areas or zones.

In cumulative impact areas, there is a presumption that the licensing authority will refuse or impose limitations on applications which are likely to add to the cumulative impact unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives.

The publication of a CIA does not change how the licensing decisions are made. The Licensing Authority will always consider each application on its merits. However, a CIA is a strong statement of intent about an authority’s approach to licence applications.

Torbay Council has had a Cumulative Impact Policy since 2005 and has continued to review the cumulative impact of licensed premises.

Section 5A of the Licensing Act 2003, which was introduced in 2018, requires the Cumulative Impact Assessment to be reviewed every three years to consider whether it remains of that opinion. From 2021, the Cumulative Impact Assessment has been published separately to the Licensing Policy. Guidance under s.182 of the Licensing Act 2003, describes 'cumulative impact' as the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement.

There must be an evidential basis for the decision to adopt/maintain a Cumulative Impact Assessment (CIA) regarding cumulative impact areas.

## The Cumulative Impact Areas

The two areas on the attached plans on page four and five of this report, are areas that were identified by Devon and Cornwall Police and Environmental Health as being subject to high levels of alcohol related crime or public nuisance. The evidence satisfies the Licensing Authority that the number of existing relevant licences in respect of premises in one or more of the areas (shown on the attached plans) are such that it is likely that it would be inconsistent with the Authority's duty to promote the licensing objectives to grant any further relevant licences in respect of premises in those areas due to crime and disorder and/or public nuisance. Therefore, the Licensing Authority remains of the opinion that the Cumulative Impact Assessment is appropriate for the two existing areas. The evidence that was considered as part of the review of the assessment is contained in Appendices A and B. The information was considered by Cabinet on the INSERT DATE and Full Council on the INSERT DATE.

Within any cumulative impact assessment area, any licence application will have the ability to either improve or add to any problems experienced by an area with a high density of licensed premises.

Any licensed premises is within the scope of this cumulative impact policy, meaning:

- Sale of alcohol either on or off the premises
- Provision of regulated entertainment
- Provision of late-night refreshment (sale of hot food between 11pm and 5am)

The effect of this assessment is to create a rebuttable presumption that applications for a new premises licence or club premises certificate or the variation of an existing licence or certificate in these areas will normally be refused where:

- Representations have been received and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in these areas.
- The applicant has been unable to demonstrate that, within their operating schedule, there will be no significant negative cumulative impact on one or more of the Licensing objectives.

It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community where the amenity of local residents is being placed under severe pressure. The Licensing Authority will consider the locality and local trading environment when assessing

applications. For example, while a large nightclub or high-capacity public house might add to problems, a small restaurant or theatre may not.

Examples of where applications may not have a significant negative impact include:

- Direct replacement for similar licences where impact will be similar or less
- Substitution of activities where the impact will be similar or less
- Replace vertical drinking with seated consumption
- Alcohol is ancillary to other activities or services
- Time limited applications, e.g. events
- Phased closing times for the premises to cause gradual dispersal
- Small maximum occupancies

In order for this Policy to be utilised it will still be necessary for responsible authorities or other persons to make relevant representations. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published.

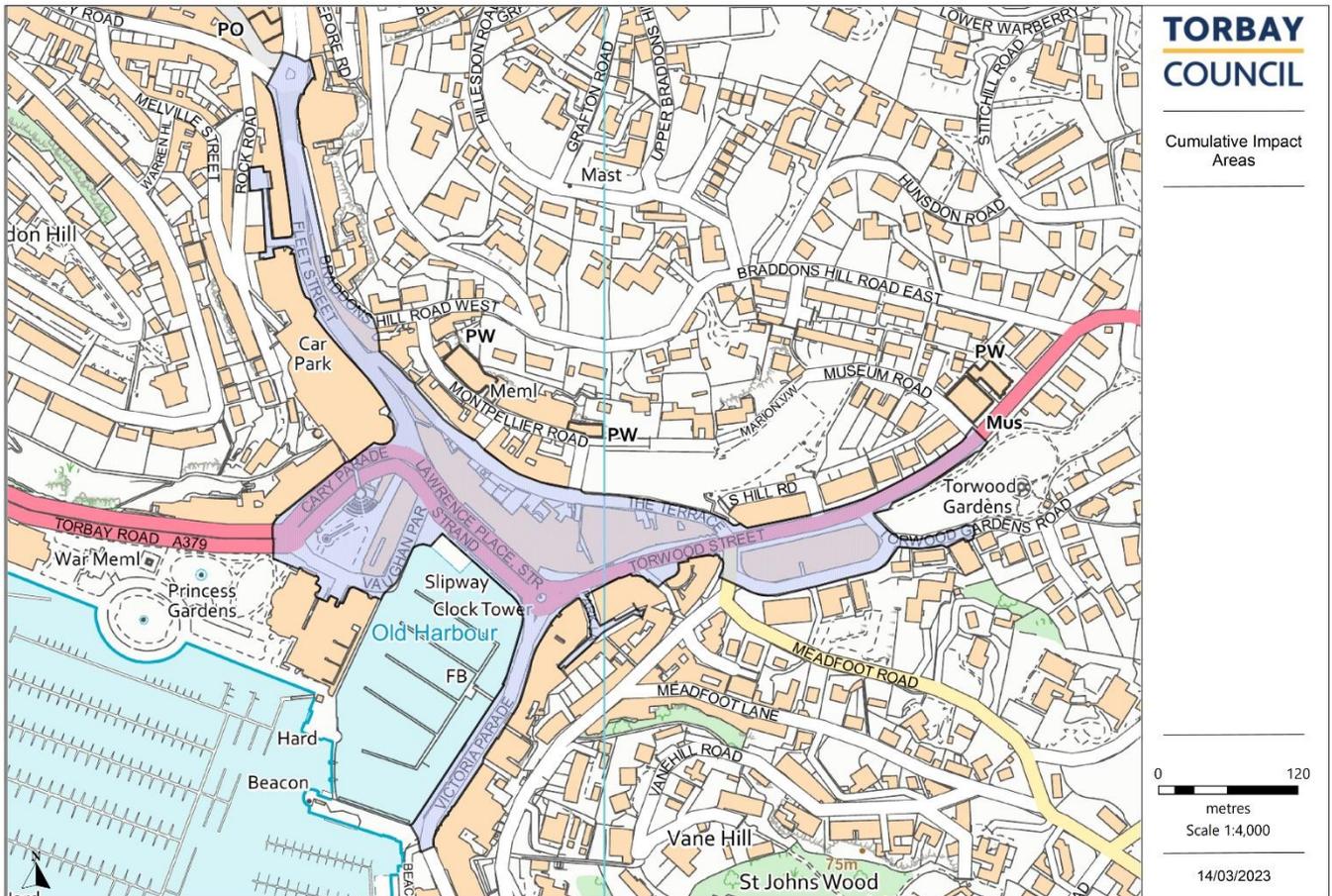
It remains the duty on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject as a hearing. In other words, it would not be sufficient to say that the licence should be refused just because a CIA is in place, the representation must still say how the application would impact on the licensing objectives. If there are no representations the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

This Cumulative Impact Assessment is to be read in conjunction with Torbay Council's Licensing Policy and will be subject to review every three years in accordance with the Licensing Act 2003. If, during any review it is clear that the original concerns regarding crime and disorder and public nuisance are no longer present, the cumulative impact assessment may be amended or removed.



# The Strand Cumulative Impact Assessment Boundary

Ratified by Full Council on 3 December 2020



Reviewed and approved by Full Council on INSERT DATE OF FULL COUNCIL

Appendix A:

Devon and Cornwall Licensing Police Report



**Devon & Cornwall Police**

Licensing Department East  
Police Headquarters  
Middlemoor  
Exeter  
Telephone: 07921 933974

21<sup>st</sup> April 2023

Our ref:

Your ref:

Torquay Council Licensing Cumulative Impact Policy Review 2023

Torbay has a large and vibrant Evening and Night-time Economy (ENTE) which sees increased activity during the summer tourist season.

Devon and Cornwall Police support the continued development of Torbay's ENTE and recognises the social and economic benefits it provides the community through employment, leisure activities and entertainment. We recognise the impact which alcohol, and hence, the ENTE has on crime, disorder and anti-social behaviour. This is especially prevalent where operators within the ENTE do not work to the highest possible standards.

Devon and Cornwall Police fully supports Torbay Council's licensing policy and through ongoing consultation it is effective in aspiring to the highest possible standards for the ENTE and associated industries.

The following report focusses on the Cumulative Impact Areas (CIA) within Torbay and will outline through the use of quantitative analysis (crime statistics) and qualitative analysis (anecdotal evidence) the effect of Cumulative Impact Policy on these areas in particular.

This report is submitted for your consideration.

Yours Sincerely,

Olivia Kempton  
Alcohol Licensing Officer

# Cumulative Impact Area Report 2017-2022

Torbay has two locations which fall under the Cumulative Impact Areas as shown in the images below.

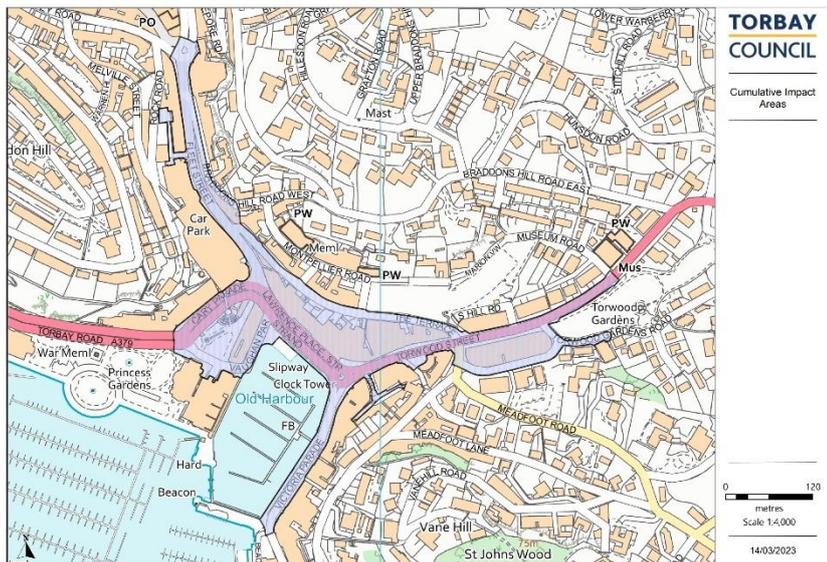


Image 1: Cumulative Impact Area – Harbourside Location

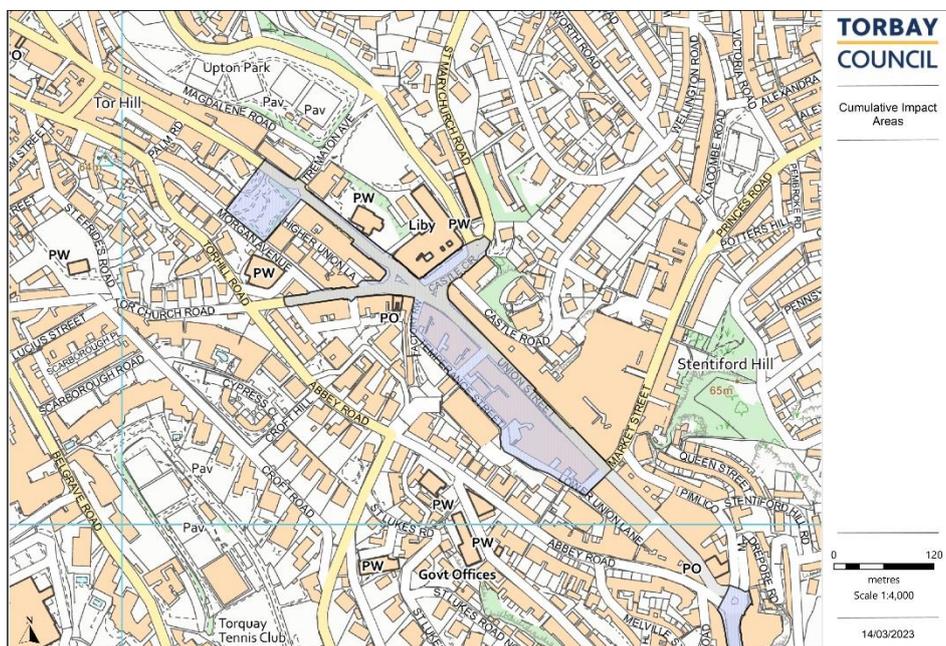


Image 2: Cumulative Impact Area – Castle Circus Location

The data within this report reflects the levels of crime in the CIA within the time period 1st April 2017 to 31st March 2022. Crimes emanate from the following categories: All Violent Crime, Sexual Offences, Robbery, Possession of Weapons, Public order and Drunkenness – a breakdown of all crimes within these categories can be located in Appendix 4. The categorisation of crimes

analysed in this report relate to the types of offence which are more regularly associated within the ENTE. It is felt that this gives a better indication of the effect of the ENTE on crime in general. Further, data gathered separates daytime incidents with ENTE incidents for comparative effect.

Analysis shows a total of 1594 relevant crimes had been recorded as taking place within the Cumulative Impact Areas between 1st April 2017 to 31st March 2022. 1232 of these crimes took place within ENTE hours, which for the purposes of this report reflect the hours of 1900-0659hrs. This accounts for 77.3% of total relevant crimes within the same period. Comparatively, Day time incidents within the Cumulative Impact Areas reach only 22.7% of the total relevant crimes.

As expected, violent crime is the most prominent both within the daytime (12.5%) and ENTE hours (60.0%).

The second most prolific offence category relates to Public order offences in which the difference between Daytime (6.6%) and ENTE occurrences (6.0%) are negligible.

Crimes associated with Drunkenness e.g. Drunk and Disorderly, and Drink driving offences amount to 8.3% of the total relevant crimes. 7% of crimes relating to Drunkenness occur within ENTE hours, while 1.3% occurred during daytime hours.

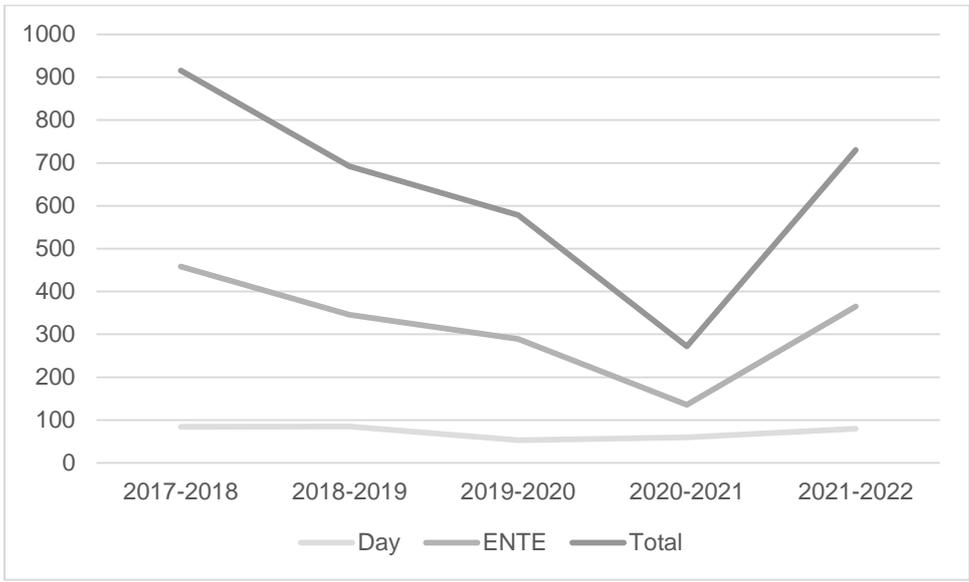
Of 44 weapon related offences, 28 occurred within the ENTE hours – though this accounts for only 1.8% of total relevant crimes, its worth noting the disparity between the same offences occurring during Daytime hours which is noticeably lower with a count of 16.

Sexual offences account for 2% of all relevant offences throughout this data period. While low in terms of the total number of offences, it is important to recognise the comparative differences between the prevalence of these incidents in the daytime (9, 0.6%) and within ENTE hours (29, 1.8%), suggesting a significantly disproportionate number of sexual offences are occurring during ENTE hours. Looking at the year-on-year statistics, it is clear that sexual offences consistently occur more frequently during night-time hours, save for 2019-2020 when more offences occurred during the day.

21 Robbery offences occurred during this time period, though the differences between the Daytime (11, 0.7%) and ENTE hours (10, 0.6%) are minor.

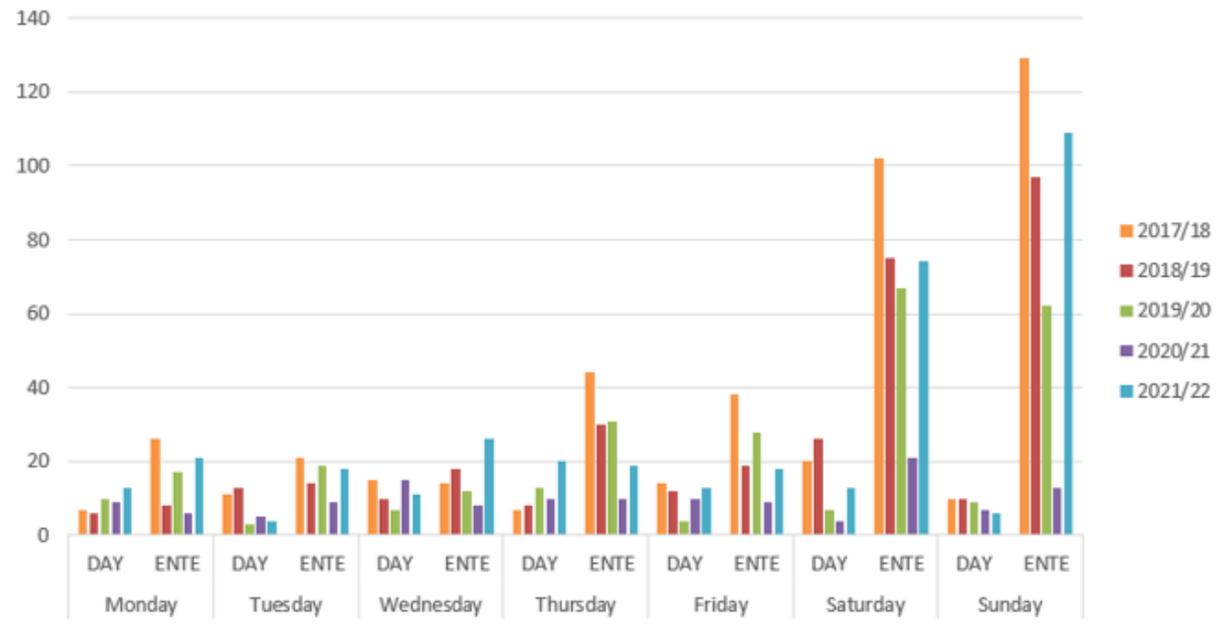
The breakdown of offences year on year can be found in Appendix 1.

It is worth addressing that the data over this 5-year period has been significantly skewed by the impact of Covid-19 lockdowns and measures impacting the running of businesses within the ENTE. The graph below shows the trend of consistent decrease in ENTE related crime between 2017-2020, indicating increasingly effective management of the ENTE by relevant authorities and businesses. As anticipated, we see a significant drop in crime relating to the ENTE in the 2020-2021 period, more than likely due to lockdown measures preventing the normal functioning of ENTE business and overall lower number of the population accessing the CIAs. During the 2021-2022 period, we see an increase in crime which goes above that of the pre-Covid level, though not significantly so. This could be attributed to sociological concepts around prolonged periods of confinement impacting the behaviour of the general public once able to access the ENTE again. Further, it is likely that post-Covid, businesses may have been subject to a period of adjustment while practice returned to “normal”.



**Graph 1: Line Graph Showing Crime Trends for Offences Relevant to the ENTE Between 2017-2022**

The graph below (breakdown can be found in Appendix 2) refers to data which compares crime data from both the daytime and ENTE across each day of the week. Data suggests that crime recording is consistently higher on Saturday and Sunday during ENTE hours. It would be expected to see an increase on Friday nights, however the data does not seem to reflect this. This could be due to how the Police resource the ENTE, with more targeted operations featuring on Saturday nights. As such, it is possible that crimes occurring on Friday nights could be under reported. It is also worth considering the likelihood of Bank Holiday Weekend data skewing the overall picture, particularly in relation to Sundays as in general Bank Holiday Weekends do tend to attract higher levels of disorder.



**Graph 2: Bar Graph Showing Crimes Reported by Time of Day and Day of the Week.**

The majority of crimes within the CIA take place between the hours of 0000-0400hrs. 56% of all recorded relevant crimes took place between those hours. Data suggests a spike in crime between 0300-0400, this is likely to coincide with closing time for many venues and will need monitoring moving forward.

There are some limitations in terms of the data available. For example, the data reflects the number of recorded crimes only. It is likely that there are a number of incident logs which have been attended by Police, but no crime or complainant was forthcoming e.g. fights/disorder which disperse before or as police arrive, suspicious activity in which no crime has occurred but intelligence submitted, to name a few scenarios. That being said, the levels of recorded crime do offer important insight into the poignant issues facing the ENTE and gives direction around how the relevant authorities can approach this moving forward.

It is clear from the data that the majority of relevant offences, particularly violent crime, drunkenness, weapon related crime and sexual offences are directly linked to the ENTE. Relevant crimes are most likely to occur between the hours of 0000-0400hrs particularly over a Friday, Saturday and Sunday night. There has been an overall drop in levels of drunkenness related crime between 2017 and 2022, this is likely due to a change in police working practices. Public Order Act offences have also reduced, but this is likely due to the result of less police officers within the city and more positive relationships with licensees and door supervisors, who are likely preventing incidents from developing into situations where the police need to intervene. There is a general trend of increased recorded crime levels between 0300–0400hrs. This is when some of the larger venues close, this means that more people, of whom are likely to be at varying levels of intoxication are in the CIA during this time. As such, crime and disorder become more likely during this time period.

Devon and Cornwall Police are impressed by the level of multi-agency working which is taking place and growing within Torbay. There has been an undertaking from all interested parties in improving the ENTE of Torbay, adding to the vibrancy and safety of the area. These agencies include the Local Authority, Licensees, security companies, Best Bar None, and various departments within the police.

There have been many improvements in relationships between agencies and there is no doubt that overall, there is a better quality of licensee in the trade, whom have a combined goal of promoting the four licensing objectives. However, there are constantly changing social structures and crime trends which mean that the partners involved in the licensing community cannot become complacent with recent achievements and must continue to strive to make Torbay a safer place.

Ultimately, co-operation with licensees is improving year on year, but there are occasions where legislation is still required to achieve the best possible results. Co-operation and negotiation will always remain the first options whenever licensing conditions and applications are reviewed, but sometimes the authorities will need the presence of legislation to assist them in their quest for developing a safe ENTE. The CIA is an important piece of legislation which Devon and Cornwall Police regard as a necessary tool in order to support those businesses who are working hard to promote the licensing objectives and prevent those who are having a negative impact on those

licensing objectives and ultimately Torbay and its people. As such, Devon and Cornwall Police strongly recommend keeping the current CIA in place.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Olivia Kempton', with a stylized, cursive script.

Olivia Kempton  
Alcohol Licensing Officer



**Cumulative Impact Area, Torbay.**

**1st April 2017 to 31st March 2022**

Parameters for Data Collection:

Day/ENTE –

Day - 0700-1859

ENTE (Evening and Nighttime Economy) - 1900-0659

Weekday –

Runs from 0700 to 0659 (shift day)

Note: All data is only for offences where Day, ENTE & weekday can be identified.

Please note that the initial data was selected based on “Entered Date” (1st April 2017 to 31st March 2022) and further break down as shown below was done based on Date/Time Committed.

Offence types - See Appendix 4 for further breakdown

All Violent Crime

Sexual Offences

Robbery

Possession of Weapons

Public order

Drunkenness

Appendix 1: The tables below show the number of offences committed between 1st April 2017 to 31st March 2022 by year, Day/ENTE and offence type

Crime Type	2017/18				2017/18 Total
	DAY	% of Total	ENTE	% of Total	
All Violent Crime	44	13.6%	280	86.4%	324
Drunkenness	3	6.7%	42	93.3%	45
Possession of Weapons	4	40.0%	6	60.0%	10
Public Order	27	42.2%	37	57.8%	64
Robbery	3	100.0%	0	0.0%	3
Sexual Offences	3	25.0%	9	75.0%	12
<b>Grand Total</b>	<b>84</b>	<b>18.3%</b>	<b>374</b>	<b>81.7%</b>	<b>458</b>

Crime Type	2018/19				2018/19 Total
	DAY	% of Total	ENTE	% of Total	
All Violent Crime	43	16.6%	216	83.4%	259
Drunkenness	5	19.2%	21	80.8%	26
Possession of Weapons	3	37.5%	5	62.5%	8
Public Order	31	75.6%	10	24.4%	41
Robbery	2	50.0%	2	50.0%	4
Sexual Offences	1	12.5%	7	87.5%	8
<b>Grand Total</b>	<b>85</b>	<b>24.6%</b>	<b>261</b>	<b>75.4%</b>	<b>346</b>

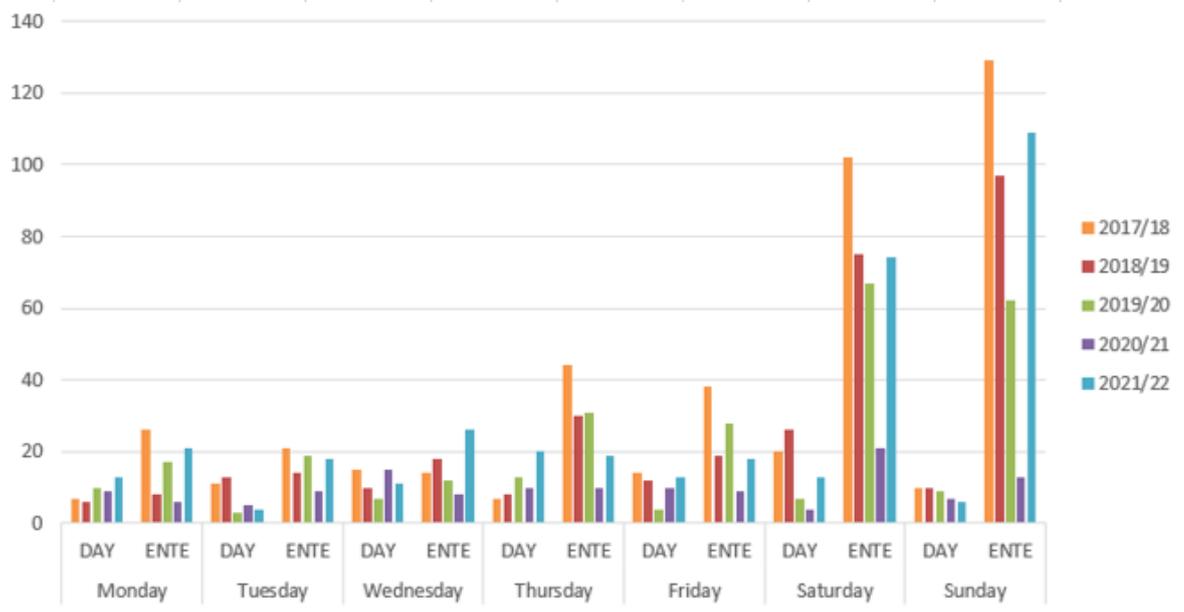
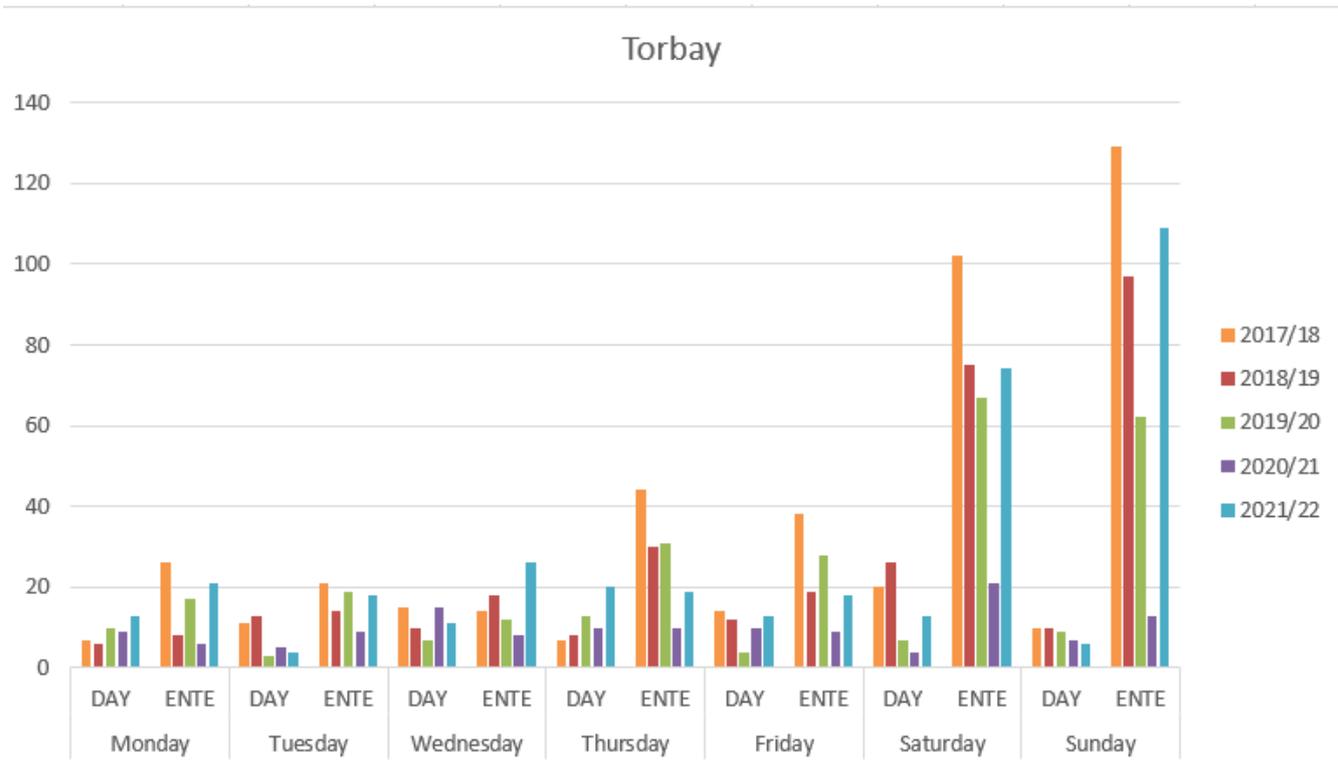
Crime Type	2019/20				2019/20 Total
	DAY	% of Total	ENTE	% of Total	
All Violent Crime	30	14.0%	184	86.0%	214
Drunkenness	1	4.8%	20	95.2%	21
Possession of Weapons	0	0.0%	6	100.0%	6
Public Order	17	45.9%	20	54.1%	37
Robbery	1	20.0%	4	80.0%	5
Sexual Offences	4	66.7%	2	33.3%	6
<b>Grand Total</b>	<b>53</b>	<b>18.3%</b>	<b>236</b>	<b>81.7%</b>	<b>289</b>

Crime Type	2020/21				
	DAY	% of Total	ENTE	% of Total	2020/21 Total
All Violent Crime	34	38.2%	55	61.8%	89
Drunkenness	6	54.5%	5	45.5%	11
Possession of Weapons	5	62.5%	3	37.5%	8
Public Order	14	58.3%	10	41.7%	24
Robbery	1	50.0%	1	50.0%	2
Sexual Offences	0	0.0%	2	100.0%	2
<b>Grand Total</b>	<b>60</b>	<b>44.1%</b>	<b>76</b>	<b>55.9%</b>	<b>136</b>

Crime Type	2021/22				
	DAY	% of Total	ENTE	% of Total	2021/22 Total
All Violent Crime	48	17.8%	222	82.2%	270
Drunkenness	6	20.0%	24	80.0%	30
Possession of Weapons	4	33.3%	8	66.7%	12
Public Order	17	47.2%	19	52.8%	36
Robbery	4	57.1%	3	42.9%	7
Sexual Offences	1	10.0%	9	90.0%	10
<b>Grand Total</b>	<b>80</b>	<b>21.9%</b>	<b>285</b>	<b>78.1%</b>	<b>365</b>

Crime Type	2017-2022				
	Day	% of Total	ENTE	% of Total	Total
All Violent Crime	199	12.5%	957	60.0%	1156
Drunkenness	21	1.3%	112	7.0%	133
Possession of Weapons	16	1.0%	28	1.8%	44
Public Order	106	6.6%	96	6.0%	202
Robbery	11	0.7%	10	0.6%	21
Sexual Offences	9	0.6%	29	1.8%	38
<b>Grand Total</b>	<b>362</b>	<b>22.7%</b>	<b>1232</b>	<b>77.3%</b>	<b>1594</b>

Appendix 2: The graph and tables below show all offences within Daytime/ENTE, by weekday in Torbay



Day of Week	2017/18			2018/19			2019/20			2020/21			2021/22			Grand Total
	DAY	ENTE	2017/18 Total	DAY	ENTE	2018/19 Total	DAY	ENTE	2019/20 Total	DAY	ENTE	2020/21 Total	DAY	ENTE	2021/22 Total	
Monday	7	26	33	6	8	14	10	17	27	9	6	15	13	21	34	123
Tuesday	11	21	32	13	14	27	3	19	22	5	9	14	4	18	22	117
Wednesday	15	14	29	10	18	28	7	12	19	15	8	23	11	26	37	136
Thursday	7	44	51	8	30	38	13	31	44	10	10	20	20	19	39	192
Friday	14	38	52	12	19	31	4	28	32	10	9	19	13	18	31	165
Saturday	20	102	122	26	75	101	7	67	74	4	21	25	13	74	87	409
Sunday	10	129	139	10	97	107	9	62	71	7	13	20	6	109	115	452
<b>Grand Total</b>	<b>84</b>	<b>374</b>	<b>458</b>	<b>85</b>	<b>261</b>	<b>346</b>	<b>53</b>	<b>236</b>	<b>289</b>	<b>60</b>	<b>76</b>	<b>136</b>	<b>80</b>	<b>285</b>	<b>365</b>	<b>1594</b>

Appendix 3: The heat map tables below show all offences by hour and year in Torbay

TORBAY ALL HOURS

Hour From	2017/18	% of Total	2018/19	% of Total	2019/20	% of Total	2020/21	% of Total	2021/22	% of Total	Grand Total
7:00 - 07:59	2	22.2%	5	55.6%	1	11.1%	1	11.1%	0	0.0%	9
08:00 - 08:59	5	26.3%	3	15.8%	3	15.8%	5	26.3%	3	15.8%	19
09:00 - 09:59	3	23.1%	4	30.8%	1	7.7%	1	7.7%	4	30.8%	13
10:00 - 10:59	2	12.5%	4	25.0%	3	18.8%	3	18.8%	4	25.0%	16
11:00 - 11:59	7	22.6%	8	25.8%	5	16.1%	4	12.9%	7	22.6%	31
12:00 - 12:59	7	24.1%	7	24.1%	4	13.8%	7	24.1%	4	13.8%	29
13:00 - 13:59	11	23.9%	12	26.1%	9	19.6%	7	15.2%	7	15.2%	46
14:00 - 14:59	5	15.6%	3	9.4%	8	25.0%	10	31.3%	6	18.8%	32
15:00 - 15:59	10	22.2%	11	24.4%	4	8.9%	5	11.1%	15	33.3%	45
16:00 - 16:59	5	13.5%	11	29.7%	7	18.9%	4	10.8%	10	27.0%	37
17:00 - 17:59	19	42.2%	6	13.3%	4	8.9%	7	15.6%	9	20.0%	45
18:00 - 18:59	8	20.0%	11	27.5%	4	10.0%	6	15.0%	11	27.5%	40
19:00 - 19:59	15	24.6%	15	24.6%	12	19.7%	10	16.4%	9	14.8%	61
20:00 - 20:59	19	25.0%	17	22.4%	11	14.5%	12	15.8%	17	22.4%	76
21:00 - 21:59	21	30.4%	10	14.5%	3	4.3%	13	18.8%	22	31.9%	69
22:00 - 22:59	26	35.6%	12	16.4%	20	27.4%	2	2.7%	13	17.8%	73
23:00 - 23:59	32	27.8%	18	15.7%	17	14.8%	10	8.7%	38	33.0%	115
00:00 - 00:59	49	26.6%	41	22.3%	38	20.7%	9	4.9%	47	25.5%	184
01:00 - 01:59	57	28.2%	58	28.7%	40	19.8%	6	3.0%	41	20.3%	202
02:00 - 02:59	65	34.8%	30	16.0%	39	20.9%	3	1.6%	50	26.7%	187
03:00 - 03:59	76	37.1%	50	24.4%	39	19.0%	6	2.9%	34	16.6%	205
04:00 - 04:59	14	32.6%	8	18.6%	12	27.9%	0	0.0%	9	20.9%	43
05:00 - 05:59	0	0.0%	2	22.2%	3	33.3%	2	22.2%	2	22.2%	9
06:00 - 06:59	0	0.0%	0	0.0%	2	25.0%	3	37.5%	3	37.5%	8
Grand Total	484	30.4%	346	21.7%	289	18.1%	136	8.5%	365	22.9%	1594

TORBAY MIDNIGHT TO 7AM

Hour From	2017/18	% of Total	2018/19	% of Total	2019/20	% of Total	2020/21	% of Total	2021/22	% of Total	Grand Total
00:00 - 00:59	49	26.6%	41	22.3%	38	20.7%	9	4.9%	47	25.5%	184
01:00 - 01:59	57	28.2%	58	28.7%	40	19.8%	6	3.0%	41	20.3%	202
02:00 - 02:59	65	34.8%	30	16.0%	39	20.9%	3	1.6%	50	26.7%	187
03:00 - 03:59	76	37.1%	50	24.4%	39	19.0%	6	2.9%	34	16.6%	205
04:00 - 04:59	14	32.6%	8	18.6%	12	27.9%	0	0.0%	9	20.9%	43
05:00 - 05:59	0	0.0%	2	22.2%	3	33.3%	2	22.2%	2	22.2%	9
06:00 - 06:59	0	0.0%	0	0.0%	2	25.0%	3	37.5%	3	37.5%	8
Total	261	31.1%	189	22.6%	173	20.6%	29	3.5%	186	22.2%	838

Appendix 4: Qualifiers for Data Collection - List showing categorisation of offences relevant to the ENTE

All Violent Crime

ASSAULT A CONSTABLE IN THE EXECUTION OF HIS / HER DUTY

ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM

ASSAULT BY BEATING

ASSAULT BY BEATING OF AN EMERGENCY WORKER

ATTEMPT TO ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM

ATTEMPT TO CAUSE GRIEVOUS BODILY HARM WITH INTENT TO DO GRIEVOUS BODILY HARM

ATTEMPT TO WOUND / CAUSE GRIEVOUS BODILY HARM WITHOUT INTENT

CAUSE ADMINISTER POISON / NOXIOUS THING WITH INTENT TO INJURE / AGGRIEVE / ANNOY

COMMON ASSAULT

COMMON ASSAULT OF AN EMERGENCY WORKER

HARASSMENT - BREACH OF A RESTRAINING ORDER ON CONVICTION

HARASSMENT - BREACH OF CIVIL INJUNCTION

HARASSMENT WITHOUT VIOLENCE

OWNER / PERSON IN CHARGE OF DOG DANGEROUSLY OUT OF CONTROL CAUSING INJURY

RACIALLY / RELIGIOUSLY AGGRAVATED ASSAULT / ASSAULT OCCASIONING ACTUAL BODILY HARM

RACIALLY / RELIGIOUSLY AGGRAVATED ASSAULT OCCASIONING ACTUAL BODILY HARM

RACIALLY / RELIGIOUSLY AGGRAVATED COMMON ASSAULT / BEATING

RACIALLY AGGRAVATED COMMON ASSAULT

SECTION 18 - GRIEVOUS BODILY HARM WITH INTENT

SECTION 18 - WOUNDING WITH INTENT

SEND COMMUNICATION / ARTICLE OF AN INDECENT / OFFENSIVE NATURE

SEND LETTER / COMMUNICATION / ARTICLE CONVEYING A THREATENING MESSAGE

SEND LETTER / COMMUNICATION / ARTICLE CONVEYING INDECENT / OFFENSIVE MESSAGE

STALKING WITHOUT FEAR / ALARM / DISTRESS

THREATS TO KILL

WOUND / INFLICT GRIEVOUS BODILY HARM WITHOUT INTENT

Drunkenness

DRIVE MOTOR VEHICLE WHEN ALCOHOL LEVEL ABOVE LIMIT

DRIVE MOTOR VEHICLE WITH A PROPORTION OF A SPECIFIED CONTROLLED DRUG ABOVE THE SPECIFIED LIMIT

DRIVE WHILST UNFIT THROUGH DRINK

DRUNK AND DISORDERLY IN A PUBLIC PLACE

DRUNK IN CHARGE OF A CHILD UNDER THE AGE OF SEVEN YEARS

DRUNK IN CHARGE OF A PEDAL CYCLE / CARRIAGE / ANIMAL

FAIL TO PROVIDE SPECIMEN FOR ANALYSIS - VEHICLE DRIVER

## Possession of Weapons

POSSESS A FIREARM WITH INTENT TO CAUSE FEAR OF VIOLENCE

POSSESS AN IMITATION FIREARM IN A PUBLIC PLACE - FIREARMS ACT 1968

POSSESS AN IMITATION FIREARM WITH INTENT TO CAUSE FEAR OF VIOLENCE

POSSESS AN OFFENSIVE WEAPON IN A PUBLIC PLACE

POSSESS KNIFE BLADE / SHARP POINTED ARTICLE IN A PUBLIC PLACE - CRIMINAL JUSTICE ACT 1988

THREATEN A PERSON WITH A BLADE / SHARPLY POINTED ARTICLE IN A PUBLIC PLACE

THREATEN A PERSON WITH AN OFFENSIVE WEAPON IN A PUBLIC PLACE

## Sexual Offences

ADMINISTER SUBSTANCE WITH INTENT TO STUPEFY / OVERPOWER TO ALLOW SEXUAL ACTIVITY

ASSAULT A GIRL UNDER 13 BY TOUCHING - SOA 2003

ATTEMPT TO CAUSE A FEMALE AGED 13 OR OVER TO ENGAGE IN SEXUAL ACTIVITY - NO PENETRATION

ATTEMPT TO RAPE A WOMAN 16 OR OVER - SOA 2003

ENGAGE IN SEXUAL ACTIVITY IN PRESENCE OF A CHILD UNDER 13 - OFFENDER 18 OR OVER

EXPOSURE - SOA 2003

RAPE A WOMAN 16 YEARS OF AGE OR OVER - SOA 2003

SEXUAL ASSAULT ON A FEMALE

VOYEURISM - OPERATING EQUIPMENT TO OBSERVE - SOA 2003

## Robbery

ASSAULT WITH INTENT TO COMMIT ROBBERY

ATTEMPT ROBBERY

ROBBERY

## Public Order

ACT OF OUTRAGING PUBLIC DECENCY - COMMON LAW

AFFRAY

BREACH A CRIMINAL BEHAVIOUR ORDER

BREACH OF AN ANTI-SOCIAL BEHAVIOUR ORDER

CAUSE A PUBLIC NUISANCE

RACIALLY / RELIGIOUSLY AGGRAVATED FEAR / PROVOCATION OF VIOLENCE BY WORDS / WRITING

RACIALLY / RELIGIOUSLY AGGRAVATED HARASSMENT / ALARM / DISTRESS BY WORDS / WRITING

RACIALLY / RELIGIOUSLY AGGRAVATED INTENTIONAL HARASSMENT / ALARM / DISTRESS - WORDS / WRITING

USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR TO CAUSE HARASSMENT / ALARM / DISTRESS

USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR WITH INTENT TO CAUSE FEAR OF / PROVOKE UNLAWFUL VIOLENCE

USE THREATENING / ABUSIVE WORDS / BEHAVIOUR LIKELY TO CAUSE HARASSMENT, ALARM OR DISTRESS

USE THREATENING / ABUSIVE WORDS / BEHAVIOUR OR DISORDERLY BEHAVIOUR LIKELY TO CAUSE HARASSMENT, ALARM OR DISTRESS

VIOLENT DISORDER

Appendix 5: Qualifiers for data collection - Public Place venues (venue combined)

: ANTIQUE	FIELD:	BEACH: SAND DUNE	FARMLAND:
: ARCADE	FISH FARM:	BETTING SHOP:	SHOP: BUTCHER
: ART	FORGE/MILL:	BETTING SHOP: BOOKMAKERS	SHOP: CAMPING
: BAKER	FOYER:	BETTING SHOP: TURF ACCOUNTANTS	SHOP: CASH & CARRY
: BEAUTY SALON	GALLERY: ART	BINGO HALL:	SHOP: CHANDLER
: BOOK	GARAGE FORECOURT :	BOWLING ALLEY:	SHOP: CHARITY
: BRIDGE	GARAGE:	BUILDERS MERCHANTS:	SHOP: CHEMIST
: BUTCHER	GARAGE: COMMERCIAL	BUILDING SOCIETY:	SHOP: CLOTHING
: CAFE	GARAGE: DOMESTIC	BUILDING:	SHOP: COMPUTER
: CAMPING	GARDEN: DRIVEWAY	BUILDING: SITE	SHOP: CONFECTIONER
: CAR	GARDEN: PUBLIC	BUILDING: SKIP	SHOP: CYCLE

: CASH & CARRY	GEOGRAPHICAL LOCATION: RURAL	BUS STOP:	SHOP: DEPARTMENT STORE
: CHANDLER	GROUNDS:	BUS:	SHOP: DIY
: CHARITY	HEALTH:	BUS: COACH STATION	SHOP: DRY CLEANER
: CHEMIST	HEALTH: STUDIO	BUS: DEPOT	SHOP: ELECTRICAL
: CHURCH	HOLIDAY CAMP:	BUS: STATION	SHOP: FAST FOOD
: CITY/TOWN CENTRE	HOSPITAL: CONVALESCENCE	BUSHES/UNDERGROWTH:	SHOP: FISHMONGER
: CIVIL	HOSPITAL: MAIN	BUSINESS PREMISES:	SHOP: FLORIST
: CLINIC	HOSPITAL: MENTAL	BUSINESS PREMISES: OF SUSPECT	SHOP: FURNITURE
: CLOTHING	HOSTEL: CHARITY	BUSINESS PREMISES: OF VICTIM	SHOP: GENERAL STORE
: COACH STATION	HOSTEL: YMCA	CAFE:	SHOP: GIFT SHOP
: COMMERCIAL	INDUSTRIAL ESTATE:	CAFE: CAFETERIA	SHOP: GREENGROCER
: COMPUTER	INDUSTRIAL ESTATE: BUSINESS PARK	CAFE: MOBILE	SHOP: HABERDASHERY
: CONFECTIONER	INDUSTRIAL ESTATE: COMMERCIAL	CAFE: TRANSPORT	SHOP: HAIRDRESSER
: CONVALESCENCE	INDUSTRIAL ESTATE: INDUSTRIAL	CAMP SITE:	SHOP: HARDWARE
: COUNTRY	JEWELLER:	CAR WASH:	SHOP: HEALTH FOOD
: COURTYARD	LAUNDERETTE:	CARAVAN SITE:	SHOP: HIRE BRIDAL
: CRICKET	LAUNDRY:	CARAVAN SITE: DESIGNATED	SHOP: HIRE PLANT

: CYCLE	LAVATORY: PUBLIC	CARAVAN SITE: TOURING	SHOP: JEWELLER
: DANCE	LETTER BOX: POST	CARPARK:	SHOP: MATERNITY
: DENTIST	LIBRARY:	CARPARK: BICYCLE PARK	SHOP: MODEL
: DEPARTMENT STORE	LIBRARY: MOBILE	CARPARK: CITY/TOWN CENTRE	SHOP: MOTOR ACCESSORIES
: DEPOT	LICENSED PREMISES:	CARPARK: GROUND LEVEL - COVERED	SHOP: MUSIC
: DIY	LICENSED PREMISES: CAFE	CARPARK: GROUND LEVEL - UNCOVERED	SHOP: NEWSAGENT
: DOCTOR	LICENSED PREMISES: CLUB	CARPARK: LORRY PARK	SHOP: OPTICIAN
: DOMESTIC	LICENSED PREMISES: NIGHTCLUB	CARPARK: RAILWAY	SHOP: OUTDOOR PURSUITS
: DRIVEWAY	LICENSED PREMISES: OFF LICENCE	CARPARK: RETAIL PARK	SHOP: PAWNBROKER
: DRY CLEANER	LICENSED PREMISES: PUBLIC HOUSE	CARPARK: RURAL	SHOP: PET
: ELECTRICAL	LICENSED PREMISES: WINE BAR	CARPARK: SHOPPING CENTRE	SHOP: PHOTOGRAPHY
: FAST FOOD	LIFT:	CARPARK: SUBURBAN	SHOP: SECOND HAND
: FISHMONGER	MARKET: STALL	CARPARK: SUPERMARKET	SHOP: SEX
: FLORIST	MONASTERY :	CARPARK: TEMPORARY	SHOP: SHOE
: FOOTPATH	MONUMENT:	CARPARK: UNDERGROUND	SHOP: SPORTS
: FUEL DISTRIBUTION	MUSEUM:	CASH DISPENSER:	SHOP: STATIONERY
: FURNITURE	MUSEUM: OUTDOOR	CASINO:	SHOP: SUPERMARKET

: GENERAL STORE	OFFICE:	CEMETERY/GRAVEYARD/CHURCHYARD:	SHOP: SUPERSTORE
: GIFT SHOP	OFFICE: COMMERCIAL	CHANGING ROOM:	SHOP: TAKEAWAY BURGER
: GREENGROCER	OFFICE: GOVERNMENT	CINEMA:	SHOP: TAKEAWAY CHINESE
: GROUND LEVEL - UNCOVERED	OFFICE: LOCAL AUTHORITY	CLIFF:	SHOP: TAKEAWAY FISH/CHIPS
: HABERDASHERY	OFFICE: RENTED	CLUB SOCIAL:	SHOP: TAKEAWAY INDIAN
: HAIRDRESSER	OUTBUILDING:	CLUB:	SHOP: TELEPHONE/MOBILE
: HALL	PARK:	CLUBHOUSE:	SHOP: TOBACCONIST
: HARBOUR	PARK: AMUSEMENT	COMMUNE:	SHOP: TOOL
: HARDWARE	PARK: CHILD PLAYGROUND	COMMUNITY CENTRE:	SHOP: TOY
: HAULAGE	PARK: COUNTRY	COMPOUND:	SHOP: TRAVEL AGENT
: HEALTH FOOD	PARK: LOCAL	CONFERENCE CENTRE:	SHOP: VIDEO
: HIRE PLANT	PARK: NATIONAL	CONVENT:	SHOP: WATCH
: INDOOR	PARK: RECREATIONAL AREA	CONVEYANCE: BOAT MARINE CRAFT	SHOPPING CENTRE:
: JEWELLER	PARK: THEME	CONVEYANCE: BOAT YACHT	SHOWROOM:
: LANE	PARK: WILDLIFE	CONVEYANCE: BUS COACH	SPORTS GROUND:
: MAIN	PAVILION:	CONVEYANCE: BUS MINIBUS	SPORTS VENUE:
: MATERNITY	PETROL STATION:	CONVEYANCE: BUS PUBLIC SERVICE	SPORTS VENUE: ATHLETICS

: MENTAL	PLACE OF WORSHIP:	CONVEYANCE: CAR ALL TERRAIN	SPORTS VENUE: CLUBHOUSE
: MOBILE	PLACE OF WORSHIP: ABBEY	CONVEYANCE: CAR HATCHBACK	SPORTS VENUE: CRICKET
: MODEL	PLACE OF WORSHIP: CHAPEL	CONVEYANCE: CAR SALOON	SPORTS VENUE: FOOTBALL
: MOTOR ACCESSORIES	PLACE OF WORSHIP: CHURCH	CONVEYANCE: LORRY CONTAINER	SPORTS VENUE: GOLF
: MUSIC	PLACE OF WORSHIP: MOSQUE	CONVEYANCE: MINIBUS	SPORTS VENUE: LEISURE COMPLEX
: NEWSAGENT	POST OFFICE:	CONVEYANCE: PEDAL CYCLE BICYCLE	SPORTS VENUE: RACING
: NURSERY	POST OFFICE: SORTING OFFICE	CONVEYANCE: SHIP	SPORTS VENUE: RIDING STABLE
: OPTICIAN	POST OFFICE: SUB	CONVEYANCE: TAXI HACKNEY	SPORTS VENUE: RUGBY
: OUTDOOR	POWER STATION:	CONVEYANCE: TRAIN	SPORTS VENUE: SNOOKER HALL
: OUTDOOR PURSUITS	PUMPING STATION:	CONVEYANCE: VAN	SPORTS VENUE: SWIMMING BATHS
: PAWNBROKER	QUARRY:	COUNTRYSIDE:	STABLE:
: PEDESTRIAN SUBWAY	RAILWAY PROPERTY:	COUNTRYSIDE: BEAUTY SPOT	STAIRWAY/ESCALATOR:
: PET	RAILWAY PROPERTY: LAND	COUNTRYSIDE: COMMON LAND	STAIRWELL:
: PHOTOGRAPHY	RAILWAY PROPERTY: PREMISES	COUNTRYSIDE: ESTATE	STORAGE AREA:
: POST	RAILWAY PROPERTY: STATION	COUNTRYSIDE: MOORLAND	STUDIO:
: PROMENADE	RAILWAY PROPERTY: TRACK	COUNTRYSIDE: NATURE RESERVE	STUDIO: DANCE

: PUBLIC	RAILWAY ROLLING STOCK:	COUNTRYSIDE: SECLUDED	SURGERY:
: PUBLIC HOUSE	RECYCLING CENTRE:	COUNTRYSIDE: WOODLAND	SURGERY: CLINIC
: RENTED	RESTAURAN T:	COURT:	SURGERY: DENTIST
: RETAIL PARK	ROAD:	COURT: CIVIL	SURGERY: DOCTOR
: RURAL	ROAD: ALLEY	COURT: CROWN	SURGERY: HEALTH CENTRE
: SCHOOL	ROAD: ARCADE	COURT: MAGISTRATES	SURGERY: VETERINARY
: SECOND HAND	ROAD: BRIDGE	CRECHE:	TAXI RANK:
: SEX	ROAD: COURTYARD	CREMATORIUM:	TELEPHONE:
: SHOE	ROAD: CUL DE SAC	DAIRY:	TELEPHONE: EXCHANGE
: SHOPPING CENTRE	ROAD: FOOTPATH	DEPOT:	TELEPHONE: KIOSK
: SPORTS	ROAD: LANE	DEPOT: FUEL DISTRIBUTION	TELEPHONE: PAYPHONE
: STATION	ROAD: LAYBY	DEPOT: HAULAGE	TENT:
: STATIONERY	ROAD: MAIN	DOCKS:	THEATRE:
: STREET	ROAD: MOTORWAY	DOCKS: HARBOUR	TOURIST ATTRACTION:
: SUPERMARKET	ROAD: PEDESTRIAN PRECINCT	DOCKS: MARINA	UNDERTAKERS: FUNERAL PARLOUR
: SUPERSTORE	ROAD: PEDESTRIAN SUBWAY	DOCKS: QUAY	WAITING ROOM:
: TAKEAWAY CHINESE	ROAD: PEDESTRIAN UNDERPASS	DOORSTEP:	WAITING ROOM: DENTIST
: TAKEAWAY INDIAN	ROAD: PROMENAD E	DWELLING: HALL	WAITING ROOM: DOCTOR

: TELEPHONE/MOBILE	ROAD: SIDE	DWELLING: MULTI OCCUPIED	WAITING ROOM: HOSPITAL
: TOBACCONIST	ROAD: STREET	DWELLING: OF OFFENDER	WAITING ROOM: TAXI OFFICE
: TOOL	ROADWORKS:	DWELLING: OF VICTIM	WAREHOUSE:
: TOURING	SALE: CAR BOOT	DWELLING: RENTED	WAREHOUSE: GOODS DEPOT
: TOY	SALE: GARAGE	EDUCATIONAL ESTABLISHMENT:	WASTE GROUND:
: TRAVEL AGENT	SCRAPYARD :	EDUCATIONAL ESTABLISHMENT: COLLEGE	WATER INSTALLATION:
: UNDERGROUND	SCRAPYARD : CAR BREAKERS	EDUCATIONAL ESTABLISHMENT: PLAYGROUND	WATERWAY:
: VETERINARY	SHIPYARD:	EDUCATIONAL ESTABLISHMENT: SCHOOL	WATERWAY: LAKE
: VIDEO	SHIPYARD: BOAT BUILDERS	EDUCATIONAL ESTABLISHMENT: TRAINING CENTRE	WATERWAY: MOORING
ABATTOIR/SLAUGHTERHOUSE:	SHIPYARD: BOATYARDS	EDUCATIONAL ESTABLISHMENT: UNIVERSITY	WATERWAY: RESERVOIR
AIRPORT:	SHOP:	ENTERTAINMENT PLACE:	WORKPLACE:
ALLOTMENT:	SHOP: ANTIQUE	ENTERTAINMENT PLACE: INDOOR	WORKPLACE: OF OFFENDER
AMUSEMENT ARCADE:	SHOP: ART	ENTERTAINMENT PLACE: OUTDOOR	WORKPLACE: OF VICTIM
BAKERY:	SHOP: BAKER	ESTATE AGENTS OFFICE:	YARD:
BANK:	SHOP: BARBER	EXHIBITION VENUE:	YOUTH CLUB:
BEACH HUT:	SHOP: BEAUTY SALON	FACTORY:	YOUTH ORGANISATION PREMISES:
BEACH:	SHOP: BOOK	FAIRGROUND:	ZOO:

# Public Nuisance Complaints in the Cumulative Impact Areas between 2017 – 2022

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## Summary

The report below shows the effect of the concentrated number of premises on the local residents by way of public nuisance and anti-social behaviour and is why we are proposing that these areas should remain in this CIA, on grounds of prevention of public nuisance. For example, reports of noise from the premises and from shouting in the street. A number of these complaints cannot be associated with one particular premises and is caused by the effect of the number of premises and the number of customers frequenting the areas at particular times of day and night.

Unfortunately, there is no data available with regards to the number of complaints from anti-social behaviour such as urination/defecation in the streets, overflowing waste or littering often dropped by customers on their way home or from smoking outside of the premises; drug use; vandalism/graffiti etc. However, it is hoped that this data will be available for future reviews.

## Noise and Odour Complaints

Noise and odour complaints recorded between 1 April 2017 – 31 March 2022, were retrieved from the Environmental Health Departments database platform which collates complaints received.

The data below includes all complaints relating to licensed premises including noise nuisance and odour complaints within each Cumulative Impact Area.

A complaint is recorded when a member of the public raises a concern through one of the council's contact portals. Noise is a subjective experience of sound and complaints depict the prevalence of nuisance individuals are willing to report, not the prevalence of negative experiences of sound.

It should also be noted that the data does not capture whether noise complaints are sources from a serial complainant or multiple concerned residents.

The data below in Figure 1, shows that there was a significant increase of public nuisance complaints received from the Strand in 2021. This is likely to be due to the public returning to premises after Covid-19 and also enjoying the use of the outside areas more than pre-Covid19.

**Figure 1: Number of public nuisance (noise/odour) complaints from Licensed premises per year in each of the two Cumulative Impact Areas**

