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SCARBOROUGH BOROUGH COUNCIL

Cumulative Impact Assessment

Licensing Act 2003

2019-2022

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Part 1

Introduction

1.1 Cumulative impact is the potential negative effect on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The licensing objectives are set out in the Licensing Act 2003 ('the Act') and cover four key areas:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.2 A Cumulative Impact Assessment ('the Assessment') helps to inform the Statement of Licensing Policy ('the Policy') with the aim of limiting the number of licence applications granted where there is evidence to show that the number of licensed premises in a particular area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

1.3 This Assessment has been introduced in light of changes to the Act (and associated guidance) and replaces the previous Cumulative Impact Policy published in November 2013. This Assessment will be formally reviewed every 3 years, however may also be reviewed during this period so that amendments can be made as necessary.

1.4 To avoid duplication this Assessment should be read in conjunction with the Policy, the Act, its regulations and the latest edition of the Home Office Revised guidance issued under section 182 of the Licensing Act 2003.

Consultation on the Assessment

1.5 We are required by the Act to consult the following groups of people:

- a) The Chief Officer of Police
- b) The Fire Authority
- c) The Director of Public Health
- d) Representatives of holders of existing premises licences, personal licences and club premises certificates in the Borough.
- e) Such other persons considered to be representatives of business and residents in the area.

1.6 In addition to the groups that we are required to consult, the scope of the consultation has been extended to include the following:

- a) Residents groups
- b) Community associations
- c) Faith groups
- d) Trader's associations
- e) Neighbouring licensing authorities

- f) Relevant Council Departments
- g) Responsible authorities
- h) Ward Councillors
- i) Parish Councils

1.7 In preparing the Assessment, a public consultation was carried out between 15 June 2018 and 10 August 2018 which included the groups listed in paragraphs 1.5 and 1.6 above. Comments received during that consultation were then considered before making the changes included in this Assessment and the Policy.

Part 2

The Assessment

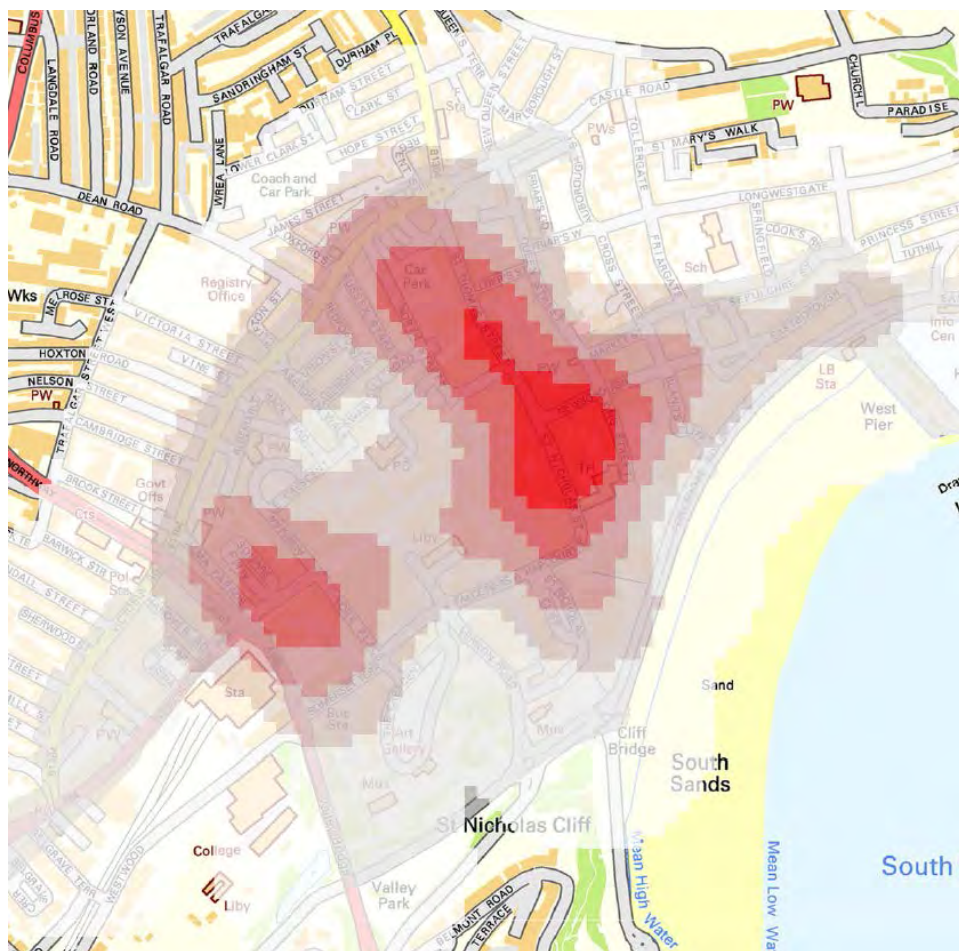
- 2.1 The Borough of Scarborough is home to a number of popular restaurants, bars, entertainment and late night refreshment venues, which operate in an ever changing and dynamic environment.
- 2.2 The Council encourages the development of a variety of premises providing a range of licensed activities catering for a wide range of users. As such this Assessment of the cumulative impact of licensed premises imposes restrictions only to the extent that they are justified by the available evidence having particular regard to the guidance issued by the Secretary of State.
- 2.3 This Assessment relates to all types of licensed premises carrying on licensable activities within the zones proposed, including the sale of alcohol for consumption on or off the premises (or both), the provision of late night refreshment and regulated entertainment. The Assessment does not apply to Temporary Event Notices ('TENs'); however the evidence upon which the Assessment is based may be used by the relevant responsible authorities when submitting objections to TENs.
- 2.4 The Council considers that, in specified parts of the Borough known as Cumulative Impact Zones ('CIZs'), the number of premises licences and/or club premises certificates are such that it is likely that granting further licences or variations to existing relevant authorisations would be inconsistent with our duty to promote the licensing objectives.
- 2.5 Although this Assessment provides an evidential basis for applications within a CIZ to be refused; it does not relieve responsible authorities or any other persons of the need to make a relevant representation. Each application will be considered on a case by case basis and applicants are expected to demonstrate why the operation of the premises would not add to the cumulative impact already being experienced. The Assessment will never be used as a ground for revoking an existing licence or certificate.
- 2.6 The evidential basis for the Assessment is set out in Part 3 below; Part 4 includes maps of the CIZs identified by this Assessment, together with a list of the specific streets to which it applies.
- 2.7 This Assessment shall be kept under review and changes may be made in relation to local circumstances, the Licensing Act, associated regulations or statutory guidance and national legislation

Part 3

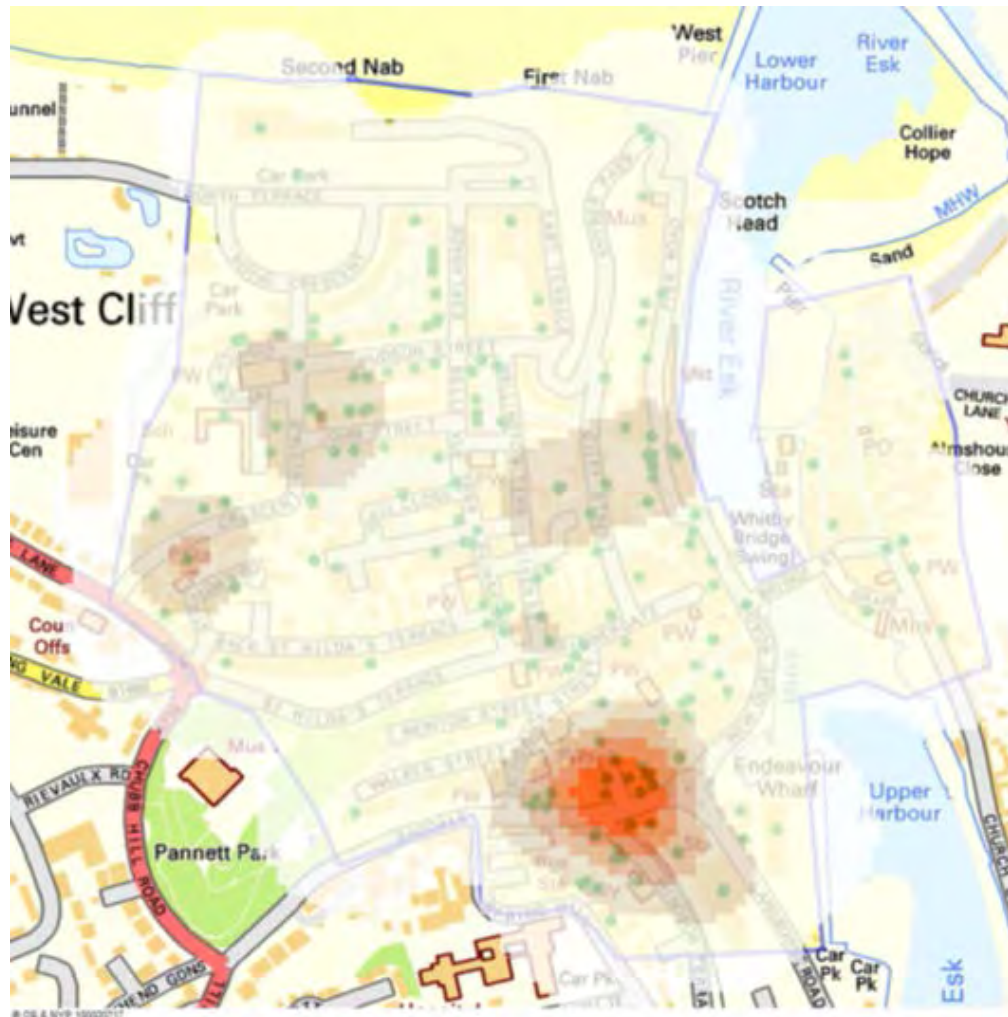
Evidential Basis

- 3.1 The primary evidential basis for the Assessment has been supplied by North Yorkshire Police, which also incorporates data from other partner agencies. Responses to the public consultation also form part of the evidential basis as it is recognised these provide a snapshot of current issues which may not have been captured within the Police evidence.
- 3.2 The statistical data below provided by North Yorkshire Police focusses on three key areas:
- Alcohol related crime
 - Anti-Social behaviour
 - Matters relating to public, safety and welfare
- 3.3 The data relates to occurrences reported within the existing CIZs between 18:00 and 05:59 each day and covers the period 1 April 2015 to 31 March 2017. The hot spot map below shows the concentration of these occurrences in 2016/17 with red indicating the highest density and white/pink shading the lowest density of occurrences:

SCARBOROUGH TOWN CENTRE ZONE



WHITBY TOWN CENTRE ZONE



Statistical Data

- 3.4 The highest concentration of occurrences has been identified within areas of high footfall. These zones encompass a higher concentration of bars, off-licences, late night takeaways as well as hotel and retail premises. The highest levels of activity are recorded at weekends, between 18:00 and 02:00 in Scarborough and between 18:00 and 01:00 in Whitby.
- 3.5 In terms of seasonal variations, occurrences in Scarborough were most prevalent during the summer months (June to September) peaking in August. Increases were also identified in December as a likely result of the Christmas and New Year period. In Whitby occurrences were most prevalent during March, May/June and September.

- 3.6 The following tables provide an additional breakdown of the data focussing on types of occurrences compared against the previous year:

Total number of recorded occurrences:

Area	2015/16	2016/17	Difference
Scarborough	2432	2327	-4.3%
Whitby	488	478	-2%

Alcohol related occurrences:

Area	2015/16	2016/17	Difference
Scarborough	859	799	-7%
Whitby	158	135	-14.6%

ASB occurrences:

Area	Type	2015/16	2016/17	Difference
Scarborough	Nuisance	801	721	-10%
	Personal	72	77	+6.9%
	Environmental	18	22	+22.2%
Whitby	Nuisance	135	115	-14.8%
	Personal	31	19	-38.7%
	Environmental	6	7	+16.7%

ASB occurrences linked to alcohol:

Area	2015/16	2016/17	Difference
Scarborough	419	365	-12.9%
Whitby	74	53	-28.4%

Violence occurrences linked to alcohol:

Area	2015/16	2016/17	Difference
Scarborough	174	155	-10.9%
Whitby	33	34	+3%

Total number of recorded crimes:

Area	2015/16	2016/17	Difference
Scarborough	727	697	-4.1%
Whitby	166	163	-1.8%

Crime groups:

Area	Crime Group	2015/16	2016/17	Difference
	Violence against the person	321	326	+1.6%
	Arson & Criminal Damage	92	76	-17.4%

Scarborough	Drug Offences	45	47	+4.4%
	Public Order Offences	80	88	+10%
	All Other Theft	62	51	-17.7%
	Shoplifting	39	32	-17.9%
	Sexual Offences	17	17	0%
	Theft from Person	14	11	-21.4%
	Possession Weapons	11	10	-9.1%
	Misc Crimes Society	9	9	0%
	Bicycle Theft	8	7	-12.5%
	Robbery	8	6	-25%
	Burglary	5	8	+60%
	Vehicle Offences	5	8	+60%
	Fraud	11	1	-90.9%
Whitby	Violence against the person	71	79	+11.3%
	Arson & Criminal Damage	28	22	-21.4%
	Drug Offences	19	12	-36.7%
	Public Order Offences	11	8	-27.3%
	All Other Theft	10	9	-10%
	Shoplifting	9	8	-11.1%
	Sexual Offences	6	7	+16.7%
	Theft from Person	7	4	-42.9%
	Possession Weapons	2	3	+50%
	Misc Crimes Society	2	2	0%
	Bicycle Theft	0	3	+3 incidents
	Robbery	1	1	0%
	Burglary	0	2	+2 incidents
	Vehicle Offences	0	2	+2 incidents
	Fraud	0	1	+1 incidents

Crimes where there have been notable increases in 2016/17 (=>3 crimes):

Area	Crime Group	Offence Type	2015/16	2016/17	Difference
Scarborough	Violence Against Person	Common Assault & Battery	100	125	+25%
		Wounding with intent to do GBH	8	14	+75%
		Breach of Restraining Order	0	4	+4 incidents
	Public Order Offences	Causing Intentional Harassment, Alarm or Distress	1	9	+800%
	Arson & Criminal Damage	£5000 or under – Other Criminal Damage to a Dwelling	15	20	+33.3%
	Violence	Common Assault & Battery	21	30	+42.9%
		Wounding with	Not	Not	

Whitby	Against Person	intent to do GBH	provided	provided	
		Breach of Restraining Order	Not provided	Not provided	
	Public Order Offences	Causing Intentional Harassment, Alarm or Distress	4	7	+75%
	Arson & Criminal Damage	£5000 or under – Other Criminal Damage to a Dwelling	5	8	+60%

Top tier streets (=>100 occurrences (10 occurrences for Whitby) across the two year period)) affected by 'calls for police service':

Area	Top tier streets	2015/16	2016/17	Difference
Scarborough	St. Nicholas Street	262	197	- 24.8%
	St. Thomas Street	249	262	+5.2%
	Castle Road	185	173	-6.5%
	Westborough	162	184	+13.6%
	Victoria Road	118	104	-11.9%
	Foreshore Road	115	98	-14.8%
	St. Nicholas Cliff	87	100	+14.9%
	Albemarle Back Road	115	70	-39.1%
	Eastborough	70	67	-4.3%
	Huntriss Row	78	57	-26.9%
	Queen Street	65	65	0
	Newborough	52	70	+34.6%
	Albemarle Crescent	63	56	-11.1%
	Sandside	49	56	+14.3%
Whitby	Baxtergate	17	21	+23.5%
	Wellington Road	19	19	0
	Langbourne Road	6	18	+200%
	New Quay Road	11	11	0
	Crescent Avenue	13	6	-53.8%
	Skinner Street	8	7	-12.5%
	Flowergate	11	4	-63.6%
	Church Street	8	6	-25%
	Pier Road	9	3	-66.7%
Endeavour Wharf	2	8	+300%	

- 3.7 This Assessment includes a summary of the evidence considered when formulating the assessment. The full evidential basis is however available and has been published separately.

Conclusion

Scarborough Area

- 3.8 It is considered that the Police statistical data evidenced above clearly supports the need for the Scarborough CIZ to remain, a view generally echoed in the responses received to the public consultation. It is acknowledged that the analysis does indicate a positive year-on-year reduction in reported crimes and occurrences; however this is not considered significant enough to dispense with the CIZ.
- 3.9 Additionally the data does not indicate that any extension to the geographical area of the CIZ is required, however some areas have been identified that could be removed. It is important that the CIZ reflects the data to help ensure the CIZ is focussed on the areas where the greatest cumulative impact is being experienced. Although some concern was raised through the public consultation to this proposal, the areas identified are very much on the periphery of the existing CIZ where the evidential basis and general topography is not considered such to justify their continued inclusion.
- 3.10 The areas to be removed include:
- Area North of Victoria Road surrounding William Street Coach and Car Park
 - The Old Harbour and East Harbour (excluding piers)
 - Northway from the Police Station to the junction with Gladstone Road
 - Ramshill Road (beyond Valley Bridge)
 - Castle Road (from the junction with Aurborough Street)

Whitby Area

- 3.11 The statistical data and hot-spot mapping in respect of the Whitby area provides a picture of steady improvement with significantly less reported crimes and occurrences compared to the Scarborough area. As such North Yorkshire Police have made a recommendation that the Whitby CIZ be rescinded.
- 3.12 However, in addition to the evidence provided by North Yorkshire Police a strong response was received to the public consultation which raised the following key concerns:
- A significant under-reporting of offences including anti-social behaviour and violent crime.
 - A number of lower level unreported occurrences taking place within the existing area but outside the key hot-spots of Baxtergate, Wellington Road and Langbourne Road.
 - Existing and excessive public drunkenness both during the night and day time economies.
 - That the area is vulnerable to any increase in alcohol related crime and anti-social behaviour.

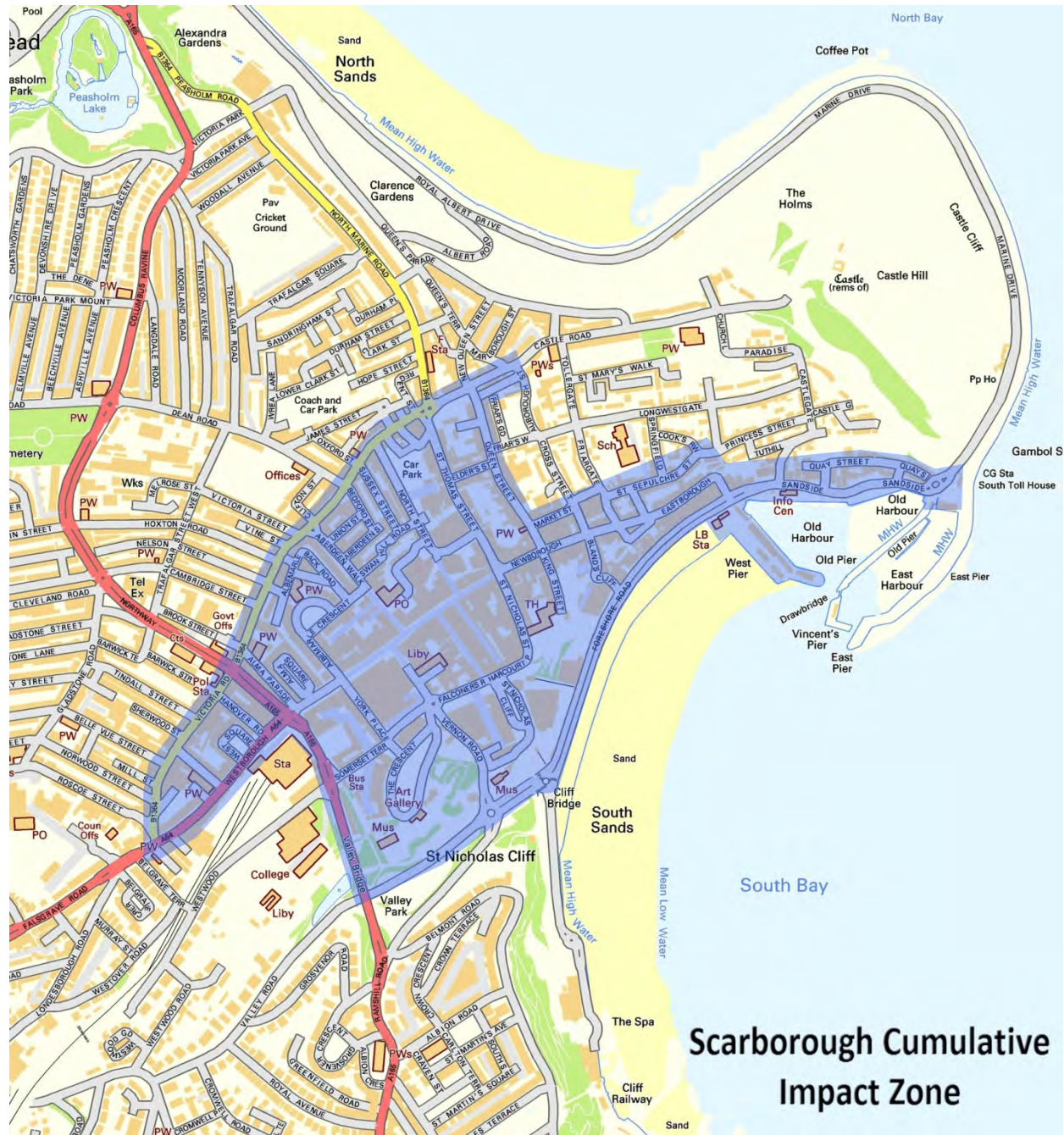
- That further development of alcohol premises may have a detrimental impact on tourism in the area.

3.13 Although it is difficult to quantify these concerns for the purposes of statistical analysis, the views of local residents form an important additional evidence base. Due to the strong response received it is therefore considered justifiable to retain the current CIZ for Whitby with a view that a further, in-depth analysis and consultation be undertaken within the next 3 year review period. This proposal is made in-line with Section 14.29 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 issued in April 2018, which outlines the information licensing authorities may draw upon when formulating an Assessment.

Part 4 Cumulative Impact Zones

Scarborough

4.1 Below is a map indicating the extent of the cumulative impact zone together with a list of the streets included:



Streets included

ABERDEEN PLACE	EASTBOROUGH	LOWER WILLIAM STREET
ABERDEEN STREET	ELDERS STREET	MARIA'S COURT
ABERDEEN TERRACE	FALCONERS ROAD	MARKET STREET
ABERDEEN WALK	FALCONERS SQUARE	MERCHANTS ROW
ALBEMARLE CRESCENT	FLASGRAVE ROAD	MUSEUM TERRACE
ALMA PARADE	FORESHORE ROAD	NEWBOROUGH
ALMA SQUARE	FRIARS WAY	NORTH STREET
BAR STREET	GLOBE STREET	NORTHWAY
BEDFORD STREET	HANOVER ROAD	PAVILION SQUARE
BELGRAVE CRESCENT	HARCOURT PLACE	PAVILION TERRACE
BELLE VUE PARADE	HOWARD STREET	PLANTATION HILL
BLANDS CLIFF	HOXTON ROAD	PRINCESS SQUARE
BLENHEIM STREET	HUNTRISS ROW	PROSPECT PLACE
CASTLE ROAD	JAMES PLACE	PROVIDENCE PLACE
CLIFF BRIDGE PLACE	KING STREET	QUAY STREET
CLIFF BRIDGE TERRACE	LEADING POST STREET	QUEEN STREET
QUEENS PARADE	SUSSEX STREET	VINCENT PIER
SANDSIDE	SWAN HILL ROAD	WEST PIER
SOMERSET TERRACE	SYDNEY STREET	WEST SANDGATE
ST. HELENS SQUARE	THE CRESCENT	WEST SQUARE
ST. NICHOLAS CLIFF	UNION STREET	WESTBOROUGH
ST. NICHOLAS STREET	VALLEY BRIDGE ROAD	YORK PLACE
ST. SEPULCHRE STREET	VERNON ROAD	
ST. THOMAS STREET	VICTORIA ROAD	
STANLEY STREET	VICTORIA STREET	

Whitby

4.2 Below is a map indicating the extent of the cumulative impact zone together with a list of the streets included:



Streets included

Abbey Terrace	Flowergate	Silver Street
Albert Place	Golden Lion Bank	Skinner Street
Bagdale	Grape Lane	South Terrace
Battery Parade	Haggersgate	Springhill
Baxter Gate	Havelock Place	St. Annes Staith
Baxtergate	Hudson Street	St. Annes Lane
Belle Vue Terrace	Hunter Street	St. Hildas Gardens
Borough Place	John Street	St. Hildas Terrace
Bridge Street	Khyber Pass	Station Square
Brunswick Street	Langborne Road	Stonehouse Gardens
Brunswick Terrace	Langdale Terrace	Tate Hill
Church Lane	Marine Parade	The Cragg
Church Square	Market Place	The Paddock
Church Street	Mission Hall Yard	The Spa
Clarence Place	Mulgrave Place	Thorpe Lane
Clarkson Street	New Quay Road	Union Road
Clevedon Square	Newton Street	Upgang Lane
Cliff Street	Normanby Terrace	Victoria Place
Crescent Avenue	North Terrace	Victoria Square
Crescent Place	Old Market Place	Walker Street
Crescent Terrace	Pier Lane	Well Close Square
Cuthberts Yard	Pier Road	Well Close Terrace
East Crescent	Poplar Row	Wellington Road
East Terrace	Princess Place	Wellington Terrace
Ellerby Lane	Routh Walk	West Terrace
Endeavour Wharf	Royal Crescent	Windsor Crescent
Esplanade	Sandgate	Windsor Terrace
Fish Quay	Sandside	