

Cumulative Impact Policy

Torbay Council is designated as a 'Licensing Authority' ('the Authority'), for the purposes of the Licensing Act 2003. Section 5A of the Licensing Act 2003, delegates to the Authority the power to implement a Cumulative Impact Policy, ('the CIP), where the Authority determines that there is a cumulative impact regarding certain types of premises, and this is resulting in significant crime and disorder, anti-social behaviour and public nuisance issue.

The shaded area on the attached plan is the area that has been identified as the Cumulative Impact Area (CIA) since the Authority's first Statement of Principles, which was published in 2005. This was based upon data provided by the Police and the Authority, as being subject to high levels of alcohol related crime and public nuisance. An evidential review undertaken by the Authority in 2020, found that a CIP should be retained to cover part of the existing area, though not all of it. The Authority considers that the number of premises licences in the CIA described, is such that it is likely that granting further licences would be inconsistent with the Authority's duty to promote the licensing objectives. Findings also demonstrated that the CIP should only apply to 'vertical drinking establishments', 'Off Licences', late night refreshment (takeaway) and premises which are predominantly food based during the day; but become a 'vertical drinking establishment' later in the evening'.

It is the Authority's intention to retain a CIA for the areas hatched on the attached map, based upon the continuing cumulative impact. This includes the whole of Torquay's harbourside and Fleet Street and an area around Castle Circus. It seeks opinions on an area between the two hatched areas, bordered in black, with broken hatched lines, notably Market Street, Abbey Road and the area of Union Street between Temperance Street and Abbey Road.

The Authority proposes to remove the remaining areas from the CIP, as there is no evidence of a cumulative impact to retain these.

The effect of a CIP is to indicate that, where relevant representations have been received and accepted by the Authority, an application for a new premises licence, or the variation of an existing premises licence, would normally be refused, if the premises is within the CIA. This is where it is anticipated that the application will add to the problems of crime and disorder, anti-social behaviour or/and public nuisance in these areas, unless the Applicant can demonstrate within their Operating Schedule, that there will be no negative cumulative impacts on one or more of the Licensing Objectives. It is important to remember if no representations are received for an application within the CIA the application must be granted, as applied for, without the need for a hearing.

It would normally not be justifiable to adopt a CIP just on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. The CIP will however help address the impact of a concentration of many licensed premises selling alcohol for consumption on and off the premises, which may give rise to large numbers of people, being under the influence of alcohol who cause anti-social behaviour, nuisance and/or disorder, drinking alcohol on the streets in a particular area.

Where cumulative impact is identified, the problems are not the responsibility of any one premises, but are the result of a number of premises trading in the same, defined area. It is the aim of the CIP to not only reduce crime, disorder, anti-social behaviour and public nuisance within the CIA, but to support and encourage businesses with a focus on providing food, leisure, sports, community and family orientated activities where alcohol is ancillary to the provision of those facilities, which have little or no negative impact on the licensing objectives.

This CIP will be subject to regular review and formal reconsideration every three years, or more frequently, if required. If it is evidenced that the CIP is no longer necessary, because the impact has possibly been remedied by other initiatives or policies, it may be dispensed with. However, where there is an increased cumulative impact, the full extent of the original CIA may re-instated or increased.

Factors considered in reviewing and continuing with the CIP

The Police, in conjunction with Torbay Council have expressed serious concern in relation to crime and disorder and public nuisance incidents in Torquay Town Centre both historically and more recently. Recent evidence demonstrates, for parts of the existing area, that these concerns remain.

Torbay Council has considered the analysis of crime data provided by Devon and Cornwall Police, as well as nuisance data provided from its own database. The crime data compared combined crime figures for 2016 and 2017, against combined data for 2018 and 2019, for the area previously defined under the existing CIP. This showed a 22% decline in alcohol related crimes and a 7.7% decline in more serious offences. In contrast, violence and anti-social behaviour incidents were up for the same period by 55.2% and 13.7%, respectively. The main change between the two sets of figures, is the declines in streets with fewer or no licensed premises and therefore formed the decision to remove these from the CIA. Nuisance figures have also seen a decline and again reflects the changing nature of the area.

There is a well-established link between alcohol and violence and data from the Assault Related Injuries Database (ARID) – (collected from assault victims attending the local hospitals, accident and emergency department in recent years), where findings have showed that the peak time for assaults in Torbay, being late night/early

morning and alcohol was a factor in most of these assaults. The centre of Torquay was the main hotspot, though as reflected above, there has been a decline in this case, of 23%.

The continuation of a CIA, as designated in the CIP, albeit now smaller in size, does not preclude applications being made for new premises licences or variation to existing premises licences in the town centre for any type of business.

Torquay Town Centre is subject to considerable re-development, both currently and over the coming years. Ongoing development will increase both the urban population of Torquay Town Centre and potentially the number of late night commercial premises. It is accepted that the re-development will change the character of Torquay Town Centre, in time. However, it is imperative that Torbay Council protect both residents and businesses against the potential growth of anti-social behaviour and crime and disorder in this re-defined area within the CIP, but equally does not impede growth where there is no current evidence of a cumulative impact.

Remove area west of Castle Circus, including all of Torre, north of Memorial Park.
 Remove Abbey Road, above Warren Road.
 Remove residential areas behind Pimlico and Rock Road
 Consult on removing Union Street area between Abbey Road and Temperance Street

