

# Licensing Committee

2 October 2018

**Thursday 11 October 2018** Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside NE27 0BY **commencing at 6.00 pm** 

Agenda Page

#### 1. Apologies for Absence

To receive apologies for absence from the meeting

#### 2. Declarations of Interest and Dispensations

You are invited to declare any registerable and/or nonregisterable interests in matters appearing on the agenda, and the nature of that interest.

You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.

Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.

#### 3. Cumulative Impact Assessment

To give consideration to a report which seeks the approval of the Authority's Cumulative Impact Assessment and agreement for it to be published.

3

Members of the public are entitled to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information about this meeting please call 0191 643 5316

#### 4. Licensing Sub-committee – Pre-hearing Disclosure

To give consideration to a report which invites the Committee to determine its policy on the publication of information to the press and public in respect of meetings of the Licensing Sub Committee.

#### Members of the Licensing Committee: -

Councillor L Darke
Councillor D Drummond
Councillor A Percy
Councillor M A Green
Councillor Janet Hunter
Councillor John Hunter
Councillor W Lott
Councillor D McMeekan
Councillor A Percy
Councillor K Osborne
Councillor J O'Shea
Councillor J Spillard
Councillor J Walker

Councillor G Madden (Chair) Councillor A Waggott-Fairley (Deputy Chair)

Councillor P McIntyre

Item 3

**Title: Cumulative Impact** 

**Assessment** 

# North Tyneside Council Report to Licensing Committee Date: 11 October 2018

Report Author: Mr P Scott

Head of Environment, Housing and Leisure

Wards affected: All

#### PART 1

#### 1.1 Purpose:

The purpose of this report is to provide Committee with the consultation responses following the development of a draft Cumulative Impact Assessment and to seek agreement from the Committee to the publication of the Cumulative Impact Assessment attached to this report at **Appendix 1**.

#### 1.2 Recommendation

It is recommended that the Committee:

**1.** Agree to the publication of the North Tyneside Council Cumulative Impact Assessment attached to this report at **Appendix 1**.

#### 2.0 Background Information

2.1.1 On 6 April 2018 section 5A of the Licensing Act 2003 came into force. This section permits a Licensing Authority to publish a "Cumulative Impact Assessment" stating that the Licensing Authority considers that the number of premises licenses and club premises certificates in one or more parts of the Borough is such that granting any further licences or club premises certificates in that area, or areas, would not promote the licensing objectives.

The concept of cumulative impact is a recognition that the number of licensed premises or clubs concentrated in one area can result in problems such as public nuisance, crime and disorder or anti-social behaviour at or near licensed premises. Such problems may occur because of a large number of people being concentrated in a particular area.

Prior to April 2018, any Licensing Authority that wished to introduce a "Cumulative Impact Policy" had to do so by making such a Policy part of the Authority's Statement of Licensing Policy. The Authority's Statement of Licensing Policy approved by Council in November 2013 currently has as part of that Policy an Appendix concerning the "Cumulative Impact Policy". The Cumulative Impact Policy creates a rebuttable presumption against granting further premises licences or variations of such licenses in an area around South Parade in Whitley Bay and an area around Front Street in

#### Tynemouth.

By virtue of section 5A of the Licensing Act 2003 it is now a requirement that the issue of cumulative impact is dealt with in a separate document known as a "Cumulative Impact Assessment" and that the Statement of Licensing Policy need do no more than summarise the Cumulative Impact Assessment in the Policy.

Section 5A of the Act requires the Cumulative Impact Assessment to set out the evidence that the Authority has relied upon for arriving at the opinion that issuing further premises licences or club premises certificates would undermine the licensing objectives. As the Committee will see from the Cumulative Impact Assessment at Appendix 1, the evidence relied upon includes crime and disorder statistics for specific areas of Whitley Bay and Tynemouth that account for high levels of crime and disorder.

Following the introduction of section 5A of the Licensing Act, Officers drafted a Cumulative Impact Assessment following consultation with Northumbria Police. The draft Assessment included the two areas already identified as Cumulative Impact Areas in the Authority's Statement of Licensing Policy.

#### Consultation

Before a Cumulative Impact Assessment is published, section 5A of the 2003 Act requires the Authority to consult those listed in section 5(3) of the 2003 Act. The bodies referred to in section 5(3) of the 2003 Act were written to in relation to the proposed Cumulative Impact Assessment. In addition, the proposed Assessment was publicly consulted on from 9 July 2018 to 31 August 2018. This consultation exercise included the document being available through the Engagement Hub, the North Tyneside Residents Panel and a press release. Existing licence holders and Members were also advised of the consultation exercise. An online survey was set established to enable persons to comment on whether or not the proposed Cumulative Impact Assessment should be adopted by the Authority.

The proposed Cumulative Impact Assessment consulted on included reasons why the Authority was considering publishing a Cumulative Impact Assessment, an indication of the Parts of the Borough to be included in the Assessment and the fact that the Assessment would relate to alcohol led premises operating under a premises licence.

The consultation resulted in 102 responses via the on line survey and 26 by email. In addition Northumbria Police supplied the initial statistics supporting the areas included in the proposed Cumulative Impact Assessment. A summary of those responses is attached to this report at **Appendix 2**. The response from Northumbria Police is attached at **Appendix 3**. The responses were as follows:

- 119 from residents:
- 2 from Responsible Authority
- 6 from Organisations
- 1 from visitor;
- 1 from an MP;

Of the 26 representations received via email 25 who expressed an opinion agreed with the areas highlighted in the Assessment. Of the 102 responses via the on line survey 82 (80%) agreed with the area of Whitley Bay to be included and 85 (835) agree with the

area of Tynemouth to be included.

As part of the consultation responses other areas where suggested as possible areas to be included in the proposed Cumulative Impact Assessment. These included the Spanish Battery, Monkseaton, North Shields Town Centre and wider areas than the current identified areas of cumulative impact. These areas have been considered but the level of evidence that currently exists to support these new areas is considered to be insufficient to make amendments to the proposed Cumulative Impact Assessment.

If the draft Cumulative Impact Policy is approved by Committee the Assessment will be published by the Authority. The effect of the Cumulative Impact Assessment would be to create a rebuttable presumption that applications for a premises licence and certain variation applications relating to those licences, that are likely to add to the existing cumulative impact in the area, will be refused. However, it must be stressed that even where a Cumulative Impact Policy exists, there is still a requirement for individuals such as local residents and/or responsible authorities to make representations in relation to a particular application. If no representations are made then the Authority will be obliged, in accordance with the Act, to issue a premises licence or grant any variation, irrespective of whether there is a Cumulative Impact Assessment in force for the area in which the premises is situated. The Cumulative Impact Assessment will therefore only be taken into consideration in circumstances where relevant representations are made.

It must also be stressed that a Cumulative Impact Assessment can never be absolute, and that there may be occasions where it is considered appropriate by a Licensing Sub-Committee, hearing an application, to depart from the Assessment. This may be because, for instance, the premises seeking a licence is different in style and characteristics from the other existing licensed premises in the area, to the extent that it is considered that granting a licence will not have a negative impact on the licensing objectives and can therefore rebut the presumption against granting the licence or variation.

#### 3.0 Decision Options

3.1 The options available to Committee are:

#### Option 1

To approve the publication of the Cumulative Impact Assessment as attached at **Appendix 1**, and that the Assessment applies to applications in respect of premises licence applications, including substantive variation applications, and that such an Assessment policy be incorporated into the draft Statement of Licensing Policy

#### Option 2

Not to approve and publish the Cumulative Impact Assessment and to request officers to carry out additional work.

If Option 1 is chosen the Cumulative Impact Assessment will be summarised in the Authority's Statement of Licensing Policy. The Statement of Licensing Policy is to be considered by Council in November 2018.

If the Cumulative Impact Assessment is agreed and published it will be subject to a three year review.

If Option 2 is chosen then there will be no Cumulative Impact Areas in the Borough and the Statement of Licensing Policy will have to reflect that fact.

#### 4.0 Appendices:

Appendix 1 – Draft Cumulative Impact Assessment

Appendix 2 – Schedule of Consultation Responses

Appendix 3 – Northumbria Police Consultation response

#### 5.0 Contact Officers:

5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 643 6620 Joanne Lee, Public Protection Manager, Tel: 643 6901 Dawn Frankland, Senior Licensing Officer, Tel: 643 6902

#### 6.0 Background Information:

6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

North Tyneside Council Statement of Licensing Policy. The Licensing Act 2003
Policing and Crime Act 2018

#### PART 2 - COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

#### 2.1 Finance and Other Resources:

The costs of preparing and applying the Cumulative Impact Assessment and the associated consultation arrangements can be met from the Licensing revenue budget.

#### 2.2 Legal

#### 2.2.1 Legislative Framework

All licensing functions undertaken by the Authority under the Licensing Act 2003 are the responsibility of Council. This is made clear by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Section 7 of the Licensing Act 2003 states that all matters relating to the discharge of licensing functions are referred to an Authority's Licensing Committee which discharges those functions on behalf of the Authority. This would include the approval of the proposed Cumulative Impact Policy and agreement to have the Cumulative Impact Assessment published.

When the Statement of Licensing Policy is published in November 2018 it will need to summarise the contents of the Cumulative Impact Policy including the need for applicants to rebut the presumption against granting a licence or variation thereof.

#### 2.2 Consultation/Community Engagement:

There has been extensive consultation over a 6 week period as already outlined. There were 128 responses all of which have been properly considered. The responses have been summarised in the summary of responses document at **Appendix 2.** 

Those who were consulted included those listed in section 5(3) of the Act, namely, the Chief Officer of Police, Fire and Rescue Authority, Local Health Board, representatives of licence holders and certificate holders and representatives of businesses and residents in the area in question.

All Councillors were made aware of the consultation exercise and there were articles about the consultation exercise in the local press.

#### 2.4 Human Rights:

There are human rights issues with cumulative impact insofar as such an Assessment will affect existing licence holders wishing to vary their licence in the area in question as well as new applicants seeking a premises licence.

The decisions made by the Licensing Committee/Sub-Committees and officers can have implications under the Human Rights Act 1998. Decisions of the Authority as Licensing Authority could be said to interfere with the property of the licence holder (a licence, or its goodwill, is classed as property) and also impact on the rights of parties to a family and private life. However, these rights are qualified rights and those rights can be interfered with if such interference is permitted in law. Any party who wishes to make representations in relation to a licensing matter has the right to express their views without interference and any person appearing before a Committee/Sub-Committee will be afforded an opportunity to a fair hearing.

There is also an appeal process available to those aggrieved by a decision of a Licensing Sub-Committee.

#### 2.5 Equalities and Diversity:

The Authority ensured that anyone wishing to take part in the consultation process had an equal opportunity to participate. This included ensuring that translated copies of the Assessment are available upon request.

As the licensing authority the Authority ensures that all stakeholders in the licensing process have an equal opportunity to participate.

The Authority will ensure that any decision taken under the Licensing Act 2003 will not discriminate against any person or group in society.

The introduction of this Assessment has the potential to contribute to the achievement of a key aim of our public sector duty under the Equality Act 2010, which is to eliminate unlawful discrimination, victimisation and harassment.

#### 2.6 Risk Management:

There are no significant risk management implications to the Council arising from this report.

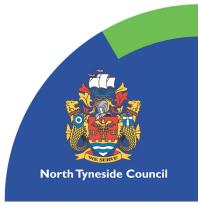
#### 2.7 Crime and Disorder:

The prevention of crime and disorder is one of the licensing objectives that may be engaged when dealing with a licensing application. It is a requirement under the Licensing Act 2003 and subordinate Regulations that the Police are forwarded a copy of an application for a licence or certificate so that the Police are able to scrutinise the application and make representations in relation to the application insofar as the prevention of crime and disorder licensing objective is concerned. The Police have been consulted in relation to the proposed Cumulative Impact Assessment and are supportive of the aims of the Assessment.

#### 2.8 Environment and Sustainability:

There are no sustainability implications arising directly from this report. In terms of environmental implications, one of the licensing objectives is the prevention of public nuisance. Noise created by the number of individuals visiting licensed premises in the area in question has been said to cause a nuisance to the residents.

# NORTH TYNESIDE COUNCIL CUMULATIVE IMPACT ASSESSMENT



# **North Tyneside Council Cumulative Impact Assessment**

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#### Introduction

- Cumulative Impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Serious problems of nuisance or disorder may arise at or near licensed premises and may occur from a large number of people being concentrated in a particular area.
- 2. The cumulative impact of licensed premises on the promotion of the licensing objectives in the Borough is a proper matter for the Authority to consider. The Authority has undertaken a Cumulative Impact Assessment in accordance with section 5A of the Licensing Act 2003 and following that Assessment, the Authority has published this Cumulative Impact Assessment.
- 3. Before Publishing the Cumulative Impact Assessment the Authority consulted those listed in section 5(3) of the Licensing Act 2003 namely:-.
- The Chief Officer of Northumbria Police
- The Tyne and Wear Fire and Rescue Authority
- The Director of Public Health
- Such persons as the Authority considers to be representative of the holders of premises licences
- Such persons as the Authority considers to be representative of the holders of club premises certificates
- Such persons as the Authority considers to be representative of the holders of personal licences
- 4. In addition to those named in paragraph 3 above, the Authority consulted the following:-
- Local Members of Parliament
- All Councillors
- Local residents and businesses
- 5. The Cumulative Impact Assessment will be formally reviewed every 3 years but may be reviewed during this period if appropriate.
- 6. The Cumulative Impact Assessment helps inform the Statement of Licensing Policy and should be read in conjunction with that Policy [hyperlink to policy here].

# **Section 1** Cumulative Impact Assessment

#### **Cumulative Impact Assessment**

- 1 Cumulative Impact is the potential impact on the promotion of the licensing objectives due to the number of licensed premises concentrated in one area.
- 2 The Authority is of the opinion that in specified areas of the Borough, (see the maps at Appendix1) the number and density of alcohol led licensed premises, such as public houses and night clubs, that have the benefit of a premises licence is such that it is likely that it would be inconsistent with the Authority's duty to promote the licensing objectives, set out in the Licensing Act 2003, to grant any further premises licences of this type or variations of such licences in those areas.
- 3 This Assessment only relates to licensed premises that have a premises licence that permits the consumption of alcohol on the premises.
- 4 The evidential basis for the Authority's opinion is set out in Appendix 2 of this Assessment.
- This Assessment creates a rebuttable presumption that an application for a premises licence, or the variation of existing licences, in the areas referred to in this Assessment that relate to alcohol led licensed premises will be refused.
- An applicant wishing to obtain a new premises licence, or seeking to vary an existing licence, must demonstrate within their application that there is likely to be no negative cumulative impact on one or more of the licensing objectives should their application for a licence, or variation of an existing licence, be granted.
- 7 On the receipt of an application for a premises licence or the variation of an existing licence in the areas referred to in this Assessment, the Authority will properly consider the application and the relevant representations received. Those applications that are considered to be unlikely to add to the cumulative impact on the licensing objectives may be granted.
- This Assessment does not relieve the responsible authorities and other persons (such as local residents) from the need to make relevant representations before the Authority can lawfully refuse an application for a premises licence or variation of an existing licence in the areas to which this Assessment relates. If no representations are received by the Authority it will be legally obliged to grant the licence or variation of the licence.
- 9 The Authority welcomes the introduction of well operated, high quality licensed premises into the Borough, including the areas referred to in this Assessment, that will enhance diversity in terms of licensed premises and will add to the economic vitality of the Borough. The Authority on the other hand is aware that large capacity "vertical drinking" premises that are used primarily or exclusively for the sale and consumption of alcohol and have little or no seating for patrons can have a significant impact on the likelihood of crime and disorder. Such establishments are not therefore likely to be granted a licence in the areas referred to in this

Assessment or a variation of such licences that extend the hours of operation of such premises.

10 This Assessment is not absolute and each application received by the Authority will be properly considered and the Assessment will not be used as a ground for revoking a premises licence or club premises certificate.

# **Section 2** Cumulative Impact Area

#### **Cumulative Impact Area**

11 This Assessment relates to two areas of the Borough delineated on the maps at Appendix 1 and described below:-.

#### **Whitley Bay**

12 This Assessment applies to the area of Whitley Bay bordered by Promenade, Park Avenue, Marden Road, Station Road, Whitley Road and Percy Road.

This area has been identified because evidence shows that the cumulative impact of the number and density of licensed premises in the area adversely affects the promotion of the licensing objectives

13 A summary of the evidence of the problems being experienced in the area is included in this Assessment at Appendix 2.

#### **Tynemouth**

- 14 The Assessment applies to the area of Tynemouth bordered by Percy Park Road, Bath Terrace, East Street, Lovaine Row and Prudhoe Terrace.
- 15 This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in the area adversely affect the promotion of the licensing objectives.
- 16 A summary of the evidence of the problems being experienced in the area is included in this Assessment at Appendix 2.

## **Section 3** Contact Information

#### **Contact and Applications**

For further information on this Cumulative Impact Assessment please contact:

Licensing Team
Killingworth Site
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

The Licensing Section can be contacted on the following telephone numbers: (0191) 643 2175

E-mail address: <a href="mailto:licensing@northtyneside.gov.uk">liquor.licensing@northtyneside.gov.uk</a>

Web: http://www.northtyneside.gov.uk

## Appendix 1

#### Cumulative Impact Maps Whitley Bay



# **Tynemouth**

PROPOSED CUMULATIVE IMPACT AREA - TYNEMOUTH \_ \_ \_ \_ Latimer St Lovaine Row St. Oswin's Pl percy St Percy St Middle St Stephenson St Front St Front St Station Terrac Prior's Park

Map data @2014 Google

©2014 Google

#### Appendix 2

The evidential basis for the Assessment has been supplied by Northumbria Police. The data for the cumulative impact areas in Whitley Bay and Tynemouth focuses on four key areas:

- Crime
- · Anti-social behaviour
- Alcohol related anti- social behaviour
- Violent crime.

The data covers the 12 month period from 1 January 2017 to 31 December 2017.

The data relates to incidents within the cumulative impact areas and sets out the days and times when incidents have occured within the cumulative impact areas. The maps show the location of crimes in Whitley Bay and Tynemouth and demonstrate that there is a clear concentration of crime and anti-social behaviour in the cumulative impact areas.

#### Statistical Data

Total number of recorded incidents (crime and anti-social behaviour) in the cumulative impact areas are set out below:-

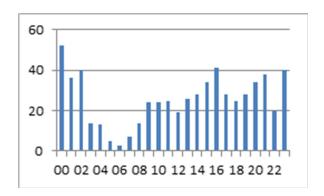
#### **Whitley Bay**

Year	Total Number of Crimes	% of Crime in Whitley Bay
2016	636	15%
2017	618	20%

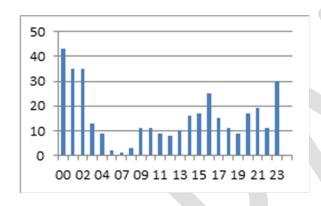
#### Crime levels by day of the week

2016		2017	
Monday	78	Monday	59
Tuesday	60	Tuesday	63
Wednesday	65	Wednesday	67
Thursday	91	Thursday	69
Friday	101	Friday	106
Saturday	110	Saturday	120
Sunday	131	Sunday	134

#### Time analysis for all crime Monday to Sunday



#### Time analysis for all crime Friday to Sunday



Analysis of peak days indicates that offences are linked to the night time economy, due to peak days being over the weekend. Although all crime levels are lower in 2017 (-3%) weekend offences for 2017 are higher (5%).

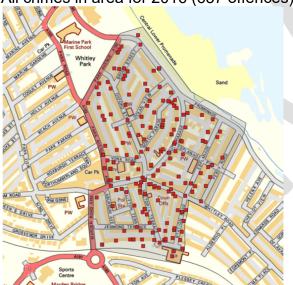
Analysis of the times of day for the whole week shows a spike in offences during midnight. This is more noticeable when viewing the same chart for just Friday, Saturday and Sunday.

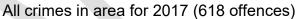
Hour	Mon	Tue	Wed	Thu	Fri	Set	Sun	Total
00	2	1	- 5	1	7	12	24	52
01		1			3	6	26	36
02	2	2	1		8	11	16	40
03		1			1	4	8	14
04	2	1	1		6		3	13
05		2		1	1	1		3
06	1			2				3
07	1	2		3			1	7
08	1	2	3	5	1	2		14
09	4	2	4	3	5	4	2	24
10	2	7	1	3	2	8	1	24
11		6	- 5	5	2	2	- 5	25
12	3	3	3	2	1	4	3	19
13	4	6	2	4	4	2	4	26
14	5	1	4	2	8	5	3	28
15	5	2	- 5	5	4	7	6	34
16	5	3	6	2	11	9	5	41
17	3	5	2	3	7	3	5	28
18	3	3	4	4	4	3	4	25
19	4	4	7	4	4	2	3	28
20	2	3	6	6	6	10	1	34
21	3	5	3	Ø	5	5	9	38
22	4	1	3	1	8	2	1	20
23	1		2	7	8	18	4	40

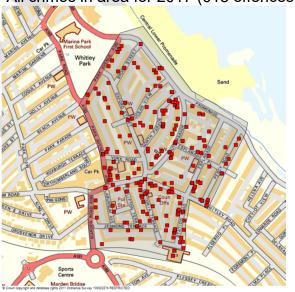
The table above highlights that offences are higher after the Friday and Saturday nights, i.e. between midnight and 2am.

#### Hot spot areas of crime in Whitley Bay

All crimes in area for 2016 (637 offences)







#### Violent Crime

2016 – 25 incidents of violent crime reported 2017 – 30 incidents of violent crime reported

Violent Crime levels by day of the week

2017	
Monday	1

11

North Tyneside Council Cumulative Impact Assessment

Tuesday	1
Wednesday	1
Thursday	3
Friday	4
Saturday	11
Sunday	9

Analysis of peak days shows an increase in violent crime on Saturday and Sunday. These two days account for two thirds of violent crime in the area.

It can be seen from the table below that the increase in violent crime is likely due to the night time economy since the increase is from midnight till 2am on the Sunday morning.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00			3		1	4	10	18
01						3	19	22
02	1	1			6	6	10	24
03					1	1	6	8
04	1				3		1	5
05				1				1
06	1			1				2
07		1		1				2
08		1		1				2
09			1	2	1	1	1	-6
10		3		2	1	3		9
11		2			1		1	4
12		2		1	1	1	1	- 6
13	2	2		2			2	8
14					2		1	3
15		1			1	1	1	4
16	1	2	3	1	2	2	1	12
17	1	1		2		2		6
18		1	_ 2			1	2	-6
19	1		4	1	2			8
20		1	4	2	2	2		11
21	3	1	1	2	1	1	4	13
22	2		1		7		1	11
23			1	3	3	6	4	17

#### Anti- Social behaviour

2016 430 incidents of anti-social behaviour reported 2017 395 incidents of anti-social behaviour reported

Anti-social behaviour incidents by day of the week

2017	
Monday	50
Tuesday	38
Wednesday	48
Thursday	49
Friday	54
Saturday	67
Sunday	89

It can be seen that the number of reported ASB incidents increase over the weekend (Saturday and Sunday). These two days account for nearly 40% of all ASB incidents

The times of the day when incidents of anti-social behaviour are at their highest is between 1600 hours and 2200 hours and then from 0100 hours to 0300 hours with the peak in such incidents occurring between 0100 hours and 0200 hours.

Hour	Mon	Tue	Wed	Thu	Fri	Set	Sun	Total
00	1	1	2	2	2	3	ø,	20
01	1		1	1	5	60	15	31
02	1	1			5	5	18	30
03	1	1					3	5
04			1			1	3	5
05		1	1			1	1	4
06					1			1
07			2		1	1		4
08	1		1			1		3
09	2		2		4	4		12
10	3	1	1	2	1	1		9
11	2		1	2	3	2	4	14
12	1	3		1	5	2	1	13
13	1	3	3	1	1	1	4	14
14	5	4	2	1	1	2	2	17
15	2	2		4	3	6	м	20
16	4	2	2	4	3	6	2	23
17	4	5	4	6	3	4	3	29
18	8	2	3	5	5	7	7	37
19	6	5	4	7	3	5	2	32
20	1	3	5	3	1	3	4	20
21	4	3	7	4	5		1	24
22	1		5	4	2	2	3	17
23	1	1	1	2		2	4	11

The streets where most anti-social behaviour is reported are shown in the table below:

STATION ROAD	90
VICTORIA	55
TERRACE	
SOUTH PARADE	49
WHITLEY ROAD	29
YORK ROAD	29

It should be noted that Station Road and Victoria Terrace do not have any licensed premises on them, but are the main routes that lead to the Metro Station.

#### Alcohol Related Anti – Social Behaviour Incidents

2016 – 104 incidents of alcohol related anti-social behaviour reported 2017 – 70 incidents of alcohol related anti-social behaviour reported

Alcohol related anti-social behaviour incidents by day of the week

2017	
Monday	3
Tuesday	7
Wednesday	5

Thursday	11
Friday	14
Saturday	8
Sunday	22

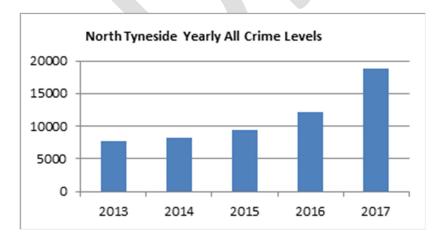
Nearly a third (31%) of alcohol related anti-social behaviour occurs on Sunday after 0100 hours.

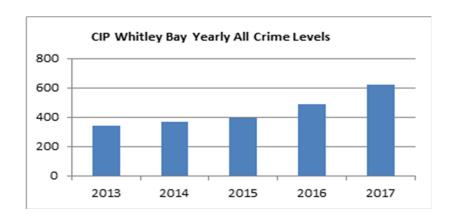
Times of the day when alcohol related anti-social behaviour occurs is shown in the table below:

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00		1		1	2		4	8
01	1				3	1	10	15
02					2	3	4	9
03								
04								
05						1		1
06								
07								
08								
09					1			1
10		1						1
11								
12					2			2
13		1						1
14		1	1					3
15				1	1	1		
16	1	1		2		1		5
17	1		1				1	3
18			1	2	1			4
19		1		4	1	1		7
20							1	1
21			1		1			2
22				1			2	3
23		1	1					2

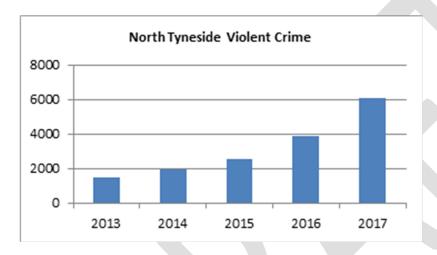
#### Historic crime levels

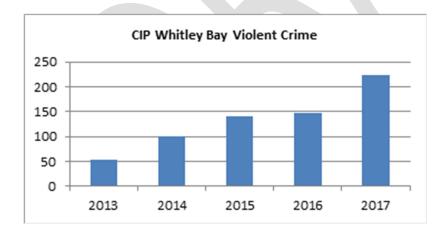
The tables below show the historic crime levels for North Tyneside and for the cumulative impact area of Whitley Bay.





The tables below show the historic violent crime levels for North Tyneside and for the cumulative impact area of Whitley Bay:





#### Conclusion

The cumulative impact area in Whitley Bay accounts for a small percentage of the geographic area covered by the Whitley Bay Policing Sectors. However, despite that small geographic area there is evidence in terms of the crime and disorder statistics

provided by Northumbria Police that show that 15% of all crime recorded in Whitley Bay in 2017 was in the cumulative impact area.

The figures reveal a disproportionate amount of crime and anti-social behaviour, including violent crime and alcohol related anti-social behaviour for such a small area which impacts on the resources needed to police the area due to the Night time Economy.

The Historic Crime Levels information shows a year on year increase in all crime levels across the Borough, including in the cumulative impact area of Whitley Bay.

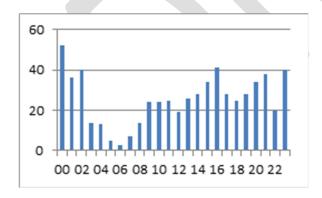
#### **Tynemouth**

Year	Total Number of Crimes	% of Crime in Tynemouth
2016	102	15%
2017	123	13%

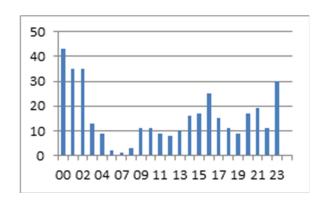
#### Crime levels by day of the week

2016		2017	
Monday	13	Monday	13
Tuesday	10	Tuesday	16
Wednesday	10	Wednesday	10
Thursday	13	Thursday	14
Friday	13	Friday	14
Saturday	25	Saturday	30
Sunday	18	Sunday	26

#### Time analysis for all crime Monday to Sunday



Time analysis for all crime Friday to Sunday



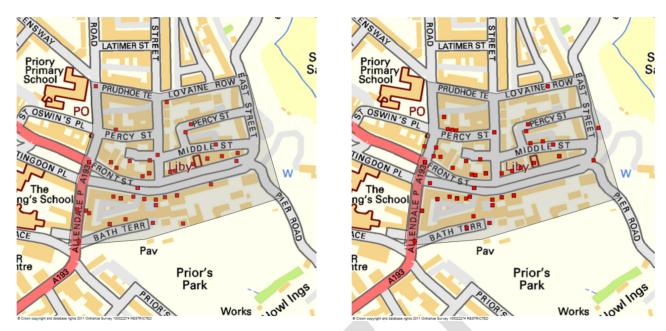
It can be seen that offences increase over the weekend. Offences on Saturday and Sunday account for 45% of all crime in 2017 for the highlighted area.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00			1	1	1	2	4	9
01						2	1	3
02								
03								
02 03 04 05								
05								
06	2							2
07								
08								
09							1	1
10	1					1	1	3
11		1				1	1	3
12	1		1	1		1	1	5
13		1	1		1	1	2	6
14	2	6				1		9
15	1	1	1	1				4
16	1	1		2		3	3	10
17	1	1					1	3
18		1	1	1	2			5
19	1		2	1	2	2	1	9
20	1	1		1	2	2	1	8
21 22		1		2		2	4	9
22		1	1	1	2	6	2	13
23	2	1	2	3	4	6	3	21

The table above highlights that offences are higher after 1600 hours then an increase overnight from 1900 hours to 0100. Saturday into Sunday morning sees the most crime.

#### Hot spot areas of crime in Tynemouth

All crimes in area for 2016 (102 offences) All crimes in area for 2017 (123 offences)



Note: If more than one offence occurs at a location, it will only show as one square on the map above, i.e. the offences are stacked on top of each other.

#### Violent Crime

2017 – 30 incidents of violent crime reported which equates to just under quarter of all offences in the area (24%).

#### Violent Crime levels by day of the week

2017	
Monday	1
Tuesday	1
Wednesday	1
Thursday	3
Friday	4
Saturday	11
Sunday	9

Analysis of peak days shows an increase in violent crime on Saturday and Sunday. These two days account for two thirds of violent crime in the area.

It can be seen from the table below that the increase in violent crime is likely due to the night time economy since the increase is from midnight till 2am on the Sunday morning.

Violent crime table by hour and day of week

Hours	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00						1		1
01						1	1	2
02								
03								
04								
05								
06								
07								
08								
09								
10								
11						1		1
12								
13								
14								
15								
16				1				1
17	1	1					1	3
18								
19					1			1
20								
21						1	3	4
22				1		4	2	7
23			1	1	3	3	2	10

It can be seen form the table above that the majority of violent offences have been late night to early morning.

#### Anti- Social behaviour

2016 114 incidents of anti-social behaviour reported 2017 130 incidents of anti-social behaviour reported

Anti-social behaviour incidents by day of the week

2017	
Monday	16
Tuesday	14
Wednesday	15
Thursday	11
Friday	16
Saturday	23
Sunday	35

It can be seen that the number of reported anti- social behaviour incidents increase over the weekend (Saturday and Sunday). These two days account for over 44% of all ASB incidents

Although anti-social behaviour incidents are higher at the weekend are between 1700 hours and 2000 hours there is not a strong pattern.

2017 ASB incidents table by hour and day of week

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00	1		1			1	4	7
01						2	1	3
02		1						1
03								
04								
05						2		2
06							2	2
07		1	1					2
08	1						1	2
09	1		1	2				4
10	2	1	1	1		1	3	9
11	1	1	1	1			1	5
12	1		1	2		1	1	6
13					1	1		2
14		1			2	1	2	6
15	1		1	1		1	1	5
16	2					з	3	8
17	1	2	1		3	4	2	13
18	1	1	3		2	1	3	11
19		m		1	m	2	з	12
20	1	2	3	1	3	1	5	16
21	1	1			1	1	1	5
22			1	1			1	3
23	2			1	1	1	1	6

#### Alcohol Related Anti - Social Behaviour Incidents

2016 – 22 incidents of alcohol related anti-social behaviour reported

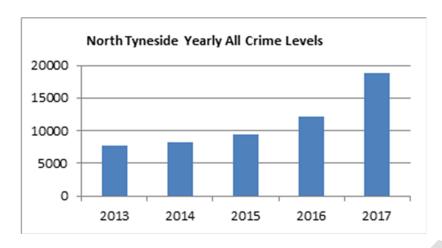
2017 – 18 incidents of alcohol related anti-social behaviour reported

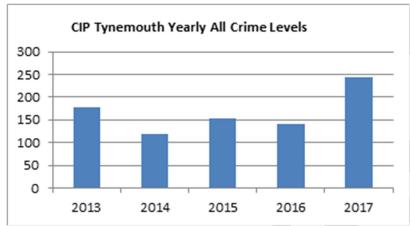
Alcohol related anti-social behaviour incidents by day of the week and time:

		_		_		-	_	-
	Mon	Tue	Wed	Thu	Fri	Sat		Total
00							3	3
01						1		1
02								
03								
04								
05								
06								
07								
08								
09								
10								
11								7
12	1							1
13								
14								
15							1	1
16								
17					2			2
18			2			1		3
19				1		1		2
20			2				1	3
21					1			1
22								
23						1		1

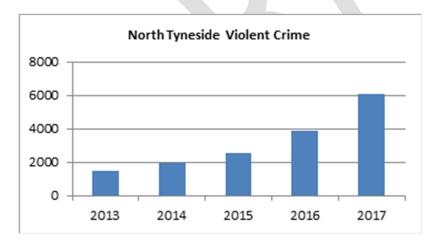
#### Historic crime levels

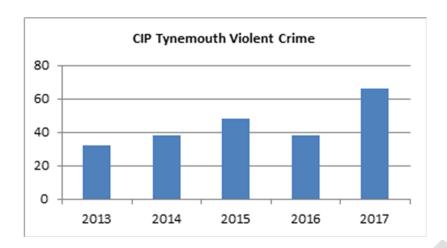
The tables below show the historic crime levels for North Tyneside and for the cumulative impact area of Tynemouth:





The tables below show the historic violent crime levels for North Tyneside and for the cumulative impact area of Tynemouth:





#### **Conclusion**

The cumulative impact area in Tynemouth accounts for a small percentage of the geographic area covered by the Tynemouth Policing Sectors. The Crime and Disorder statistics provided show that 15% of all crime recorded in Tynemouth in 2017 was in this area. The level of crime has increased by 2% from 2016.

The figures reveal a disproportionate amount of crime, including violent crime and antisocial behaviour for such a small geographic area which impacts on the resources needed to police the area due to the Night time Economy.

The Historic Crime Levels information statistic show a year on year increase in all crime levels across the Borough, including in the cumulative impact area of Tynemouth.

# **Appendix 2 Schedule of Responses in relation to Cumulative Impact Assessment**

Reference	Respondent	Comments	Response
CI/1	Resident Panel	Finds arguments well presented in favour of an assessment and may need to consider other areas but also believes that the growth of businesses which run as either clubs or restaurants may reduce levels of anti social behaviour particularly at weekends	Comment noted
CI/2	Organisation	Found it for the most part to be very fair. Grey area regarding vertical drinking establishments and micropubs. Believes that if a premise is well managed that it can bring a lot to the area and that there are a lot of benefits to the smaller independent bars or micropubs.	Comment noted
CI/3	Resident	Would like the Cumulative Impact Policy to remain in place	Comment noted
CI/4	Resident of Tynemouth	Strongly supports both areas remaining. The Cumulative Impact Assessment provides sound evidence for this and as residents of Tynemouth living close to the designated area we are very aware of anti-social behaviour at weekends including noise, litter and petty vandalism.	Comment noted
CI/5	Responsible Authority	Made comments about the wording, format and layout used in the evidence provided by the Police	Comment noted
CI/6	Resident of Tynemouth	Resident believes there should be no new licensed premises as set out in the consultation document for the reasons stated	Comment noted
CI/7	Resident	Information correct on Page 16. Refers to % of crimes in Whitley Bay. Should be Tynemouth	Assessment amended

CI/8	Resident of Tynemouth	Supports Cumulative Impact remaining in place. On a weekend has to regularly pick up bottles in the street.	Comment noted
CI/9	Resident of Tynemouth	Strongly in favour of Policy and wishes area in Tynemouth to be extended to cover Pier Road and Percy Park Road	Comment noted
CI/10	Organisation	Supports existing Policy but wishes area to be extended to Spanish Battery area	Comment noted and request to extend area.
CI/11	Resident	Feels strongly that no more alcohol licences should be issued in Conservation area of Tynemouth and wishes Cumulative Area to be extended to this area also. Numerous problems in Tynemouth area which include clearing up mess and bottles after a weekend, taxi queues and general noise in the area	Comment noted
CI/12	Resident of Tynemouth	Supports the continuation of the Policy. Increase in alcohol and anti social behaviour particularly at weekends. Problem with volume and speed of traffic in Tynemouth Village.	Comment notes
CI/13	Resident of Tynemouth	Wishes current policy to remain in place.	Comment noted
CI/14	Resident of Tynemouth	Wishes restrictions on new licences and extensions of licence to remain and also raises issues in relation to parking	Comment noted
CI/15	Resident of Tynemouth	Wishes current policy to remain in place.	Comment noted
CI/16	Resident of Tynemouth	There are too many pubs, bars and restaurants in Tynemouth area. Problems with traffic on a weekend and volume of people	Comment noted
CI/17	Organisation	There are enough outlets providing alcohol and no need for any new ones or extending hours for existing businesses.	Comment noted

		Wishes boundary of area to encompass current Conservation area.	
CI/18	Resident of Tynemouth	Happy with the existing policy	Comment noted
CI/19	Resident of Tynemouth	Has been an increased in licensed premises in Tynemouth area. Later opening hours causes disturbances to residents. It has become the new South Parade	Comment noted
CI/20	Resident	Believes policy should remain in place and that area should be extended in Tynemouth	Comment noted
CI/21	Resident of Tynemouth	Policy has helped with crime and anti social behaviour in the area and should definitely remain in place	Comment noted
CI/22	Resident	Crime levels in Tynemouth have not reduced and indeed in some areas have increased. Wishes no more licences for vertical drinking establishments	Comment noted
CI/23	Resident	Cumulative Impact Policy seems to be working and would like it to remain in place	Comment noted
CI/24	Member of Parliament	Believes the Policy is working well and strong support for it to continue. A number of residents have indicated that they would like the area extending to cover Spanish Battery area.	Comment noted and request to extend area.
CI/25	Resident	Supports Policy remaining and wishes area extended to cover Conservation Area.	Comment noted and request to extend area.
CI/26	Resident	There are already too many licensed premises particularly in Tynemouth Front Street.	Comment noted

#### **Cumulative Impact Policy (CIP)**

Cumulative Impact Policies (CIPs) are not referred to in the 2003 Licensing Act. However they are discussed in Home Office guidance (March 2015) where "cumulative impact" means "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- · Prevention of public nuisance
- Protection of children from harm

The two sets of statistics provided by Northumbria Police clearly show the impact created by the concentration of licensed premises in the areas of Tynemouth and Whitley Bay.

This provides evidence to the argument to retain North Tyneside Councils current Cumulative Impact Policy (CIP).

Northumbria Police strongly recommends the retention of this CIP and believes that the current policy provides proportionate and effective measures to address matters arising, assisting both Police and Partners to manage the threat around violent crime, whilst also supporting the local economy and social choice.

The residential Community of Tynemouth and Whitley Bay has experienced the significant negative consequences directly linked to the presence of the 'night time economy' in the specified area. Northumbria Police believe that the continuation of the CIP, introduced by North Tyneside Council in April 2011, has been shown to be a proven mechanism in support of key licensing objectives and has clearly assisted in protecting the residential community from issues relating to alcohol related Crime and Disorder.

The CIP forms the foundation of a range of partnership activity in the ongoing efforts by North Tyneside Council, Northumbria Police and other partners, such as the Whitley Bay Street Pastors, to effectively address the significant challenges presented by the 'night time economy' of Tynemouth and Whitley Bay, whether that be alcohol related violence or the protection of those people made vulnerable within that environment.

The current policy does not prevent the granting of licences to applicants who can show that their intended business will not adversely impact upon the key licensing objectives and the local Community.

The area covered by the CIP accounts for a small percentage of the geographic area covered by Tynemouth and Whitley Bay Policing Sectors. The Crime and Disorder statistics provided, show that 31% of all crime recorded in Tynemouth in 2017 was in the CIP area. In Whitley Bay in 2017 this was also 15%.

Tynemouth has increased by 3% from 2016 and Whitley Bay has decreased by 5%, a reflection on the reduction of licensed premises over the previous few years.

However, the figures reveal a disproportionate amount of crimes for such a small geographic area and reflect on the resources needed to Police the area due to the Night time Economy.

The Historic Crime Levels information statistic show a year on year increase in all crime levels, including in the CIP areas of Tynemouth and Whitley Bay.

Context should be given to these increases and It is important to understand the context of these figures as it can be concerning when interpreted that crime is rising by significant amounts.

As a force, Northumbria have acknowledged that we have seen an actual increase in some crime types after years of reductions and this is something that we are looking at with forces across the UK. It is important to recognise that policing is becoming more complex and there are a number of factors as to why recorded crime may be going up.

Most of the increases can be attributed to better recording methods and the fact that officers are now recording some incidents as crimes that would not have been in the past.

It is also extremely encouraging to see victims of hate crime, domestic violence and sexual abuse, are more confident than ever before about reporting crimes to police.

Northumbria Police have carried out a lot of work to engage with victims of these types of crimes and will continue to do so in the future. It is very important that the public understand our crime recording methods and have faith in them.

In 2017, police forces across England and Wales recorded 4.8 million crimes, a 15% increase rise from 4.2 million recorded in 2016.

# Crime and Disorder – Whitley Bay

The 12 month period covered is 01/01/2017 to 31/12/17.

#### All crime

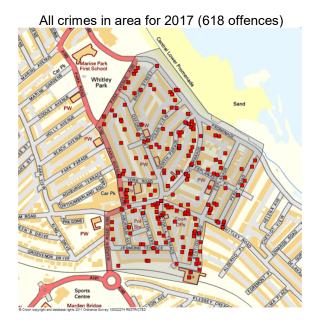
In the highlighted area there were 618 offences in 2017 compared to 636 in 2016.

In 2017 the highlighted area accounts for 15% of all crime in the Whitley Bay area. In 2016 the highlighted area accounts for 20% of all crime in the Whitley Bay area.

The maps below show the distribution of offences in the specified area.

All crimes in area for 2016 (637 offences)





Whitley Bay offences by day

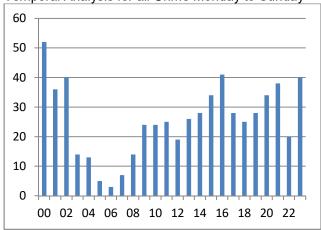
2016		2017		
Mon	78	Mon	59	
Tue	60	Tue	63	
Wed	65	Wed	67	

Thu	91	Thu	69
Fri	101	Fri	106
Sat	110	Sat	120
Sun	131	Sun	134

Analysis of peak days indicates that offences are linked to the night time economy, due to peak days being over the weekend. It should also be noted that although all crime levels are lower in 2017 (-3%) weekend offences for 2017 are higher (5%).

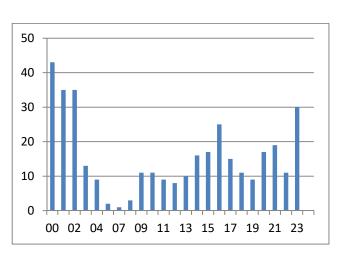
Analysis of the times of day for the whole week shows a spike in offences during midnight. This is more noticeable when viewing the same chart for just Friday, Saturday and Sunday.

Temporal Analysis for all Crime Monday to Sunday



Temporal Analysis for all Crime Friday to Sunday

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00	2	1	5	1	7	12	24	52
01		1			3	6	26	36
02	2	2	1		8	11	16	40
03		1			1	4	8	14
04	2	1	1		6		3	13
05		2		1	1	1		5
06	1			2				3
07	1	2		3			1	7
08	1	2	3	5	1	2		14
09	4	2	4	3	5	4	2	24
10	2	7	1	3	2	8	1	24
11		6	5	5	2	2	5	25
12	3	3	3	2	1	4	3	19
13	4	6	2	4	4	2	4	26
14	5	1	4	2	8	5	3	28
15	5	2	5	5	4	7	6	34
16	5	3	6	2	11	9	5	41
17	3	5	2	3	7	3	5	28
18	3	3	4	4	4	3	4	25
19	4	4	7	4	4	2	3	28
20	2	3	6	6	6	10	1	34
21	5	5	3	6	5	5	9	38
22	4	1	3	1	8	2	1 ,	20 c
23	1		2	7	8	18	4	40



Looking at the time / day table opposite, highlights that offences are higher after the Friday and Saturday nights, i.e. between midnight and 2am.

# Violent Crime

During the period for 2017 there have been 30 violent crimes reported in the area. During 2016 there were 25 offences.

Analysis of peak days shows an increase in violent crime on Saturday and Sunday. These two days account for two thirds of violent crime in the area.

Violent Crime				
Mon	1			
Tue	1			
Wed	1			
Thu	3			
Fri	4			
Sat	11			
Sun	9			

It can be seen from the table below that the increase in violent crime is likely due to the night time economy since the increase is from midnight till 2am on the Sunday morning.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00			3		1	4	10	18
01						3	19	22
02	1	1			6	6	10	24
03					1	1	6	8
04	1				3		1	5
05				1				1
06	1			1				2
07		1		1				2
08		1		1				2
09			1	2	1	1	1	6
10		3		2	1	3		9
11		2			1		1	4
12		2		1	1	1	1	6
13	2	2		2			2	8
14					2		1	3
15		1			1	1	1	4
16	1	2	3	1	2	2	1	12
17	1	1		2		2		6
18		1	2			1	2	6
19	1		4	1	2			8
20		1	4	2	2	2		11
21	3	1	1	2	1	1	4	13
22	2		1		7		1	11
23			1	3	3	6	4	17

# All ASB Incidents

During the period for 2017 there have been 395 ASB incidents reported in the area. During 2016 there were 430 ASB incidents.

The top repeat streets for 2017 are shown in the table below.

STATION ROAD	90
VICTORIA TERRACE	55
SOUTH PARADE	49
WHITLEY ROAD	29
YORK ROAD	29

It should be noted that Station Road and Victoria Terrace do not have any licenced premises on them, but are the main routes that lead to the Metro Station.

# All ASB Incidents

Mon	50
Tue	38
Wed	48

Thu	49
Fri	54
Sat	67
Sun	29

It can be seen that the number of reported ASB incidents increase over the weekend (Saturday and Sunday). These two days account for nearly 40% of all ASB incidents.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00	1	1	2	2	2	3	9	20
01	1		1	1	5	8	15	31
02	1	1			5	5	18	30
03	1	1					3	5
04			1			1	3	5
05		1	1			1	1	4
06					1			1
07			2		1	1		4
08	1		1			1		3
09	2		2		4	4		12
10	3	1	1	2	1	1		9
11	2		1	2	3	2	4	14
12	1	3		1	5	2	1	13
13	1	3	3	1	1	1	4	14
14	5	4	2	1	1	2	2	17
15	2	2		4	3	6	3	20
16	4	2	2	4	3	6	2	23
17	4	5	4	6	3	4	3	29
18	8	2	3	5	5	7	7	37
19	6	5	4	7	3	5	2	32
20	1	3	5	3	1	3	4	20
21	4	3	7	4	5		1	24
22	1		5	4	2	2	3	17
23	1	1	1	2		2	4	11

Analysis of the times of day incidents occurred show an increase from 4pm till 10pm and again from 1am till 3am. The table again shows that there is a concentration of incidents from 1am till 2am on the Sunday morning.

## Alcohol Related ASB Incidents

Incidents coded by Police with an Alcohol final incident code.

During the period for 2017 there have been 70 ASB incidents given an alcohol related marker reported in the area. During 2016 there were 104 ASB incidents coded for alcohol.

The top repeat streets for 2017 are shown in the table below.

SOUTH PARADE	18
EAST PARADE	11
VICTORIA TERRACE	11
WHITLEY ROAD	10

### Alcohol ASB

Mon	3
Tue	7
Wed	5
Thu	11

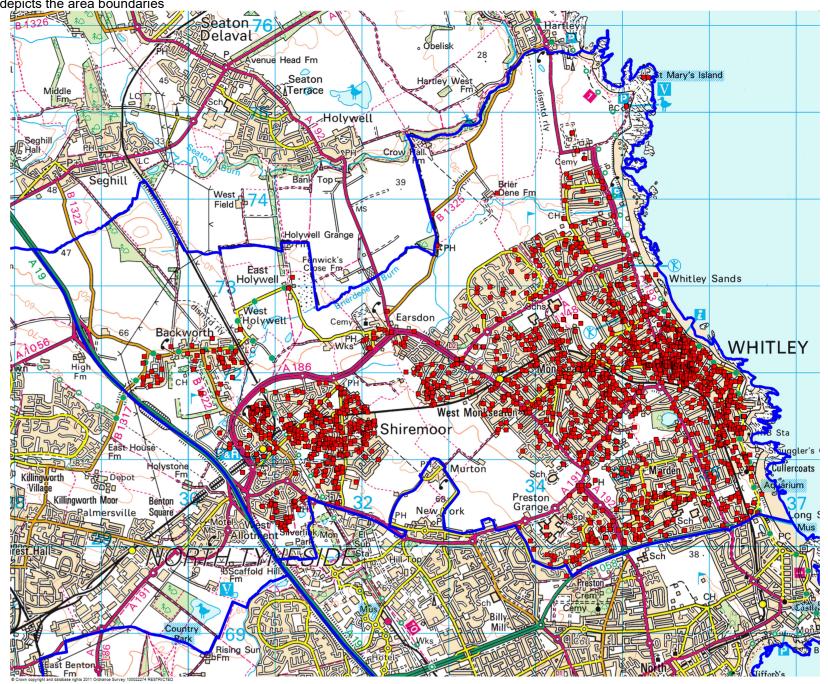
Fri 14 Sat 8 Sun 22

Nearly a third (31%) of alcohol related incidents have occurred on the Sunday.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00		1		1	2		4	8
01	1				3	1	10	15
02					2	3	4	9
03								
04								
05						1		1
06								
07								
08								
09					1			1
10		1						1
11								
12					2			2
13		1						1
14		1	1					2
15				1	1	1		3
16	1	1		2		1		5
17	1		1				1	3
18			1	2	1			4
19		1		4	1	1		7
20							1	1
21			1		1			2
22				1			2	3
23		1	1					2

The majority of offences on the Sunday have occurred at 1am on the Sunday.

The map below shows the locations of all crime in Whitley Bay for 2017. This includes the 15% of crime that is referred to in the Community Impact Policy area. The blue line depicts the area boundaries



# Crime and Disorder - Tynemouth

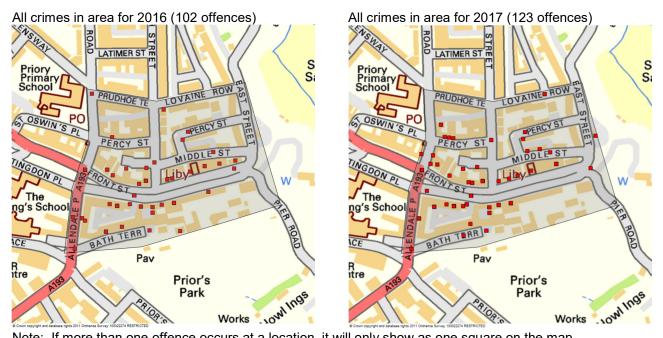
The 12 month period covered is 01/01/2017 to 31/12/17

## All crime

In the highlighted area there were 123 offences in 2017 compared to 102 in 2016.

In 2017 the highlighted area accounts for 31% of all crime in the Tynemouth area. In 2016 the highlighted area accounts for 28% of all crime in the Tynemouth area.

The maps below show the distribution of offences in the specified area.



Note: If more than one offence occurs at a location, it will only show as one square on the map above, i.e. the offences are stacked on top of each other.

All crime levels for the last two years by day of week

2016		2017	
Mon	13	Mon	13
Tue	10	Tue	16
Wed	10	Wed	10
Thu	13	Thu	14
Fri	13	Fri	14
Sat	25	Sat	30
Sun	18	Sun	26

It can be seen that offences increase over the weekend. Offences on Saturday and Sunday account for 45% of all crime in 2017 for the highlighted area.

2017 crime table by hour and day of week

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00			1	1	1	2	4	9
01						2	1	3
02								
03								
04								
05								
06	2							2
07								
08								
09							1	1
10	1					1	1	3
11		1				1	1	3
12	1		1	1		1	1	5
13		1	1		1	1	2	6
14	2	6				1		9
15	1	1	1	1				4
16	1	1		2		3	3	10
17	1	1					1	3
18		1	1	1	2			5
19	1		2	1	2	2	1	9
20	1	1		1	2	2	1	8
21		1		2		2	4	9
22		1	1	1	2	6	2	13
23	2	1	2	3	4	6	3	21

Analysis of the time of day offences were reported shows an increase in offences at 4pm, then an increase overnight from 7pm till 1am. Saturday into Sunday morning sees the most crime.

## Violent crime

During the 12 month period there have been 30 offences of violent crime in the area, this equates to just under quarter of all offences in the area (24%).

It can be seen from the table below that the majority of violent crime occurs in the Saturday and Sunday.

2017 violent crime levels by day of week

Violent Crime				
Mon	1			
Tue	1			
Wed	1			
Thu	3			
Fri	4			
Sat	11			
Sun	9			

2017 violent crime table by hour and day of week

Hours	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00						1		1
01						1	1	2
02								
03								
04								
05								
06								
07								
08								
09								
10								
11						1		1
12								
13								
14								
15								
16				1				1
17	1	1					1	3
18								
19					1			1
20								
21						1	3	4
22				1		4	2	7
23			1	1	3	3	2	10

Temporal analysis shows that violent offences have been late night to early morning. Friday night from 11pm till 1am.

Saturday night from 9pm till 1am.

Sunday night from 9pm till midnight.

## All ASB Incidents

During 2017 there have been 130 ASB incidents reported in the area. During 2016 there were 114 ASB incidents.

83% of ASB incidents in the highlighted area are reported on Front Street, Tynemouth.

ASB incidents by day of week

2017	130
Mon	16
Tue	14
Wed	15
Thu	11
Fri	16
Sat	23
Sun	35

Analysis of peak days shows offences increase over Saturday and Sunday. These two days account for 44% of all ASB incidents in the area.

Although ASB incidents are higher over the weekend temporal analysis does not identify any strong pattern over the weekend, the majority of incidents being reported from 4pm till 8pm.

It can also be seen from the table below that the highest period for reports of ASB for the whole week are from 5pm till 8pm.

2017 ASB incidents table by hour and day of week

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00	1		1			1	4	7
01						2	1	3
02		1						1
03								
04								
05						2		2
06							2	2
07		1	1					2
08	1						1	2
09	1		1	2				4
10	2	1	1	1		1	3	9
11	1	1	1	1			1	5
12	1		1	2		1	1	6
13					1	1		2
14		1			2	1	2	6
15	1		1	1		1	1	5
16	2					3	3	8
17	1	2	1		3	4	2	13
18	1	1	3		2	1	3	11
19		3		1	3	2	3	12
20	1	2	3	1	3	1	5	16
21	1	1			1	1	1	5
22			1	1			1	3
23	2			1	1	1	1	6

## **Alcohol Related ASB Incidents**

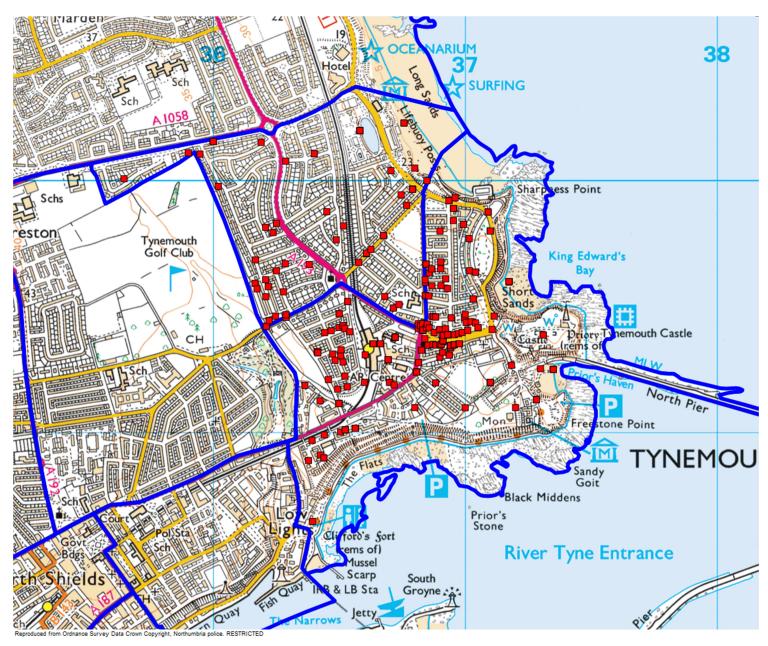
Incidents coded by Police with an Alcohol final incident code.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00							3	3
01						1		1
02								
03								
04								
05								
06								
07								
08								
09								
10								
11								
12	1							1
13								
14								
15							1	1
16								
17					2			2
18			2			1		3
19				1		1		2
20			2				1	3
21					1			1
22								
23						1		1

During 2017 there have been 18 ASB incidents given an alcohol related marker. During 2016 there were 22 ASB incidents coded for alcohol.

Due to the low numbers, viewing the incidents by day of week or hour of day only show that the incidents are generally reported between 5pm and 8pm, the same as with all ASB.

The map below shows the locations of all crime in Tynemouth for 2017. This includes the 31% of crime that is referred to in the Community Impact Policy area. The blue line depicts the area boundaries



# **North Tyneside Council Report to Licensing Committee**

Date: 11 October 2018

## ITEM 4

Title: Licensing Sub-Committee Procedure -**Pre-hearing Disclosure** 

	Cabinet Member:
Community Safety and	
Engagement	Councillor C.
	Burdis

Law and Governance **Report from Service Area:** 

**Responsible Officer:** Miss L Watson – Senior Manager

Tel:(0191)6435325) Law and Governance

Wards affected: All

## PART 1

#### 1.1 **Executive Summary:**

This report seeks approval from the Committee to continue the recent practice of publishing full details of forthcoming licensing hearings on the Authority's website, subject to redaction of personal information as appropriate.

#### 1.2 Recommendation(s):

It is recommended that Committee:-

(1) Approve the disclosure of all documentation referred to in reports prepared by officers for licensing hearings, subject to the appropriate redaction of sensitive information, save for circumstances when it is not in the public interest to publish some or all of the appendices.

#### Forward Plan: 1.3

There is no requirement for this item to appear on the Forward Plan.

#### 1.4 **Council Plan and Policy Framework**

This report links directly to the priority 'Our People will - Be cared for, protected and supported' in the 'Our North Tyneside Plan 2018 -2020'

### 1.5 Information:

## 1.5.1 Background

- 1.5.2 On 14 October 2010 the Committee resolved that no documentation relating to a licensing hearing, save for the officer's report would be disclosed to the press or public prior to a licensing hearing, and that only notification of the date, time and venue of the hearing would be published.
- 1.5.3 Notwithstanding the decision of the Committee taken in October 2010, since June 2018 documentation relating to licensing hearings has been made available to the press and public on the Authority's website. This was following a review of the position by officers in June 2018 after receiving a request from the press to have sight of all documentation relating to forthcoming licensing hearings.
- 1.5.4 As part of the review, the Head of Law and Governance requested specialist Counsel to provide written advice on what information could be legitimately disclosed to the press and public about forthcoming licensing hearings particularly as the normal disclosure rules relating to other Committees of the Authority do not apply to the Licensing Committee and Sub-Committee.
- 1.5.5 As members will be aware, the Licensing Committee is a Committee that the Authority must establish in accordance with the requirements of the Licensing Act 2003. The Committee is responsible for discharging the Authority's licensing functions in relation to the Licensing Act 2003 and the Gambling Act 2005. The Committee may in turn establish one or more Sub-Committees. As it is not a Committee established under the Local Government Act 1972 the usual rules that apply to Committees established under the 1972 Act do not apply to it. This is why the Committee and its Sub-Committees are governed by bespoke Regulations made by the Secretary of State under the Licensing Act 2003 (Hearings) Regulations 2005 and the Licensing Act 2003 (premises licences and club premises certificates) Regulations 2005.
- 1.5.6 The Regulations make provision about the proceedings of the Committee and its Sub-Committees, public access to the meetings and public access to agendas and records.
- 1.5.7 In addition to the requirements of the Licensing Act 2003 and the Regulations made under the 2003 Act, the Authority has to have regard to the Regulator's Code published under the Legislative and Regulatory Reform Act 2006 which amongst other things requires the Authority's regulatory functions, which include Licensing Act functions, to be undertaken in a transparent manner. Such an approach was reinforced in the Court of Appeal decision in R (Guardian News and Media Limited) v Westminster Magistrates' Court.
- 1.5.8 In addition to considering the Regulator's Code and the Guardian News and Media Limited decision, the Authority, through the Committee must be seen to operate in compliance with Article 10 of the European Convention of Human Rights which relates to freedom of expression which includes the right of a person to receive information without interference from a public authority.

1.5.9 The Authority, as part of the review of what information, if any, to make available to the press and public prior to a licensing hearing, has had regard to the requirements of the General Data Protection Regulation (GDPR) that came into force on 25 May 2018. The Authority has to ensure that the disclosure of information relating to a licensing hearing is GDPR compliant.

## 1.6 Next steps

- 1.6.1 As stated above, since June 2018 after discussion with the Chair of the Committee, the Authority has been publishing on its website copies of the Licensing Officer's report which includes application together with copies of any representations, duly redacted, to ensure that personal information is not disclosed to members of the public and the press.
- 1.6.2 The Chair of the Committee agreed to the publication of the additional documentation in line with Counsel's advice, subject to the matter being brought to the Committee's attention at the next meeting of the Committee.
- 1.6.3 In practice, since June 2018 the Democratic Support Officer on receipt of the report from the Licensing Officer together with the appendices to the report publishes both the report and the appendices on the Authority's website, ensuring that appropriate redaction has taken place before publication. There may be occasions when the appendices are not published in advance of the licensing hearing because of the sensitive nature of the representation.

## 1.6 Decision options:

The following decision options are available for consideration by the Committee:-

## Option 1

Approve the disclosure of all documentation referred to in reports prepared by officers for licensing hearings, subject to the appropriate redaction of sensitive information, save for circumstances when it is not in the public interest to publish some or all of such appendices.

## Option 2

Not approve the disclosure of all documentation referred to in reports prepared by officers for licensing hearings.

Option 1 is the recommended option.

## 1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The advice of a specialist licensing barrister was obtained to advise on the balance between publishing the information about licensing hearings that complied with licensing and other regulatory legislation, whilst not falling foul of the General Data Protection Regulations.

There is a wide variance of practice between Licensing Authorities as to what information they publish before a licensing hearing. Most appear to operate in a fashion now adopted by the Authority although there appears to be a wide variance as to the extent of the information published by Authorities. Some publish sensitive information which may leave them susceptible to challenge under the GDPR.

It is considered that the Authority now strikes the right balance between operating in a transparent fashion whilst operating in accordance with the GDPR.

The Authority's Information Governance Team has been made aware of the approach being recommended to the Committee in terms of publishing redacted copies of applications and representations.

## 1.8 Appendices:

There are no appendices to this report.

## 1.9 Contact officers:

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Mr J R Barton – Lawyer (Tel 0191 6435354)
Mrs J Lee – Public Protection Manager (Tel 0191 6436901)
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## 1.10 Background information:

The following background papers/information has been used in the compilation of this report and is available at the office of the author:

(1) Hyperlink to Licensing Committee Report dated 14 October 2010 <a href="http://www.northtyneside.gov.uk/pls/portal/NTC\_PSCM\_Web.download?p\_ID=518905">http://www.northtyneside.gov.uk/pls/portal/NTC\_PSCM\_PSCM\_Web.download?p\_ID=518905</a>