

# CITY OF PLYMOUTH



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## Safer Stronger Communities Overview and Scrutiny Panel

### Alternatives to a Saturation Policy

**2006**

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**Preface**



Most modern cities have developed a night-time economy and a lively one can be beneficial to the city's overall economic status. However, it is recognised that with this activity often comes a number of problems, most of which are caused by people who have consumed too much alcohol. Plymouth has a large number of licensed premises many of which, like most cities, are concentrated in particular areas. As a result, the level of alcohol related incidents in those areas is significantly higher than elsewhere in the city.

One of the tools that can be used to help limit the spread of licensed premises is the adoption of a saturation policy. A saturation policy allows for any new license applications received for a premise within the defined saturation zone to be refused on the grounds of 'cumulative impact' (this is explained later in the report) and the onus is placed on the applicant to prove that the premise involved will not add to the problems already being experienced in the area.

When the panel began its initial investigations into the possibility of a saturation policy for Plymouth, as part of the Anti-Social Behaviour scrutiny review, many of us and indeed many of those we spoke to then and during this review, were in favour of its adoption. However, it soon became apparent that as well as the benefits this could bring there were also two significant disadvantages, namely that a saturation policy could –

- restrict new opportunities and thus development of the night-time economy
- open the door to 'bidding wars' for licensed premises within the saturation zone

Bearing this in mind, we thought it would be beneficial to explore fully the alternatives that were available to us and our partners before we made our final recommendations to Cabinet. We thus began our review into 'Alternatives to a Saturation Policy'.

I would like to take this opportunity to thank the members of this overview and scrutiny panel, Lead Officer Robin Carton, all the witnesses who kindly gave up their time to contribute to our evidence base and our Democratic Support Officer, Katey Johns.

Councillor Andy Kerswell  
Chair, Safer Stronger Communities OSP

## 1.0 SUMMARY

The Safer Stronger Communities Overview and Scrutiny Panel has completed its review into alternatives to a saturation policy. The purpose of the review was to investigate effective methods for preventing the cumulative impact of concentrations of licensed premises, within specified areas of the city, creating increased levels of crime, disorder and nuisance, without having to introduce a saturation policy. The recommendations have been made based on the evidence heard and seen during the period of this review and that taken during the course of the Anti-Social Behaviour – Prevention Measures review (see paragraphs 3.1.3/3.1.5) and are what we believe to be in the best interests for the City of Plymouth and its citizens as a whole.

## 2.0 RECOMMENDATIONS

The panel therefore recommends to Cabinet -

- 2.1 that a Saturation Policy not be adopted at this time but that implementation of the proposals set out below be monitored and the situation reviewed in 6 month's time when, if deemed appropriate at that time, the adoption of a Saturation Policy be further considered;
- 2.2 that the City Council uses all of the powers available to it under the -
  - Licensing Act 2003
  - Environmental Protection Act 1990
  - Anti-Social Behaviour Act 2003
  - Town and Country Planning Act 1990
  - Violent Crime Reduction Bill (currently going through parliament)
  - Alcohol Disorder Zones (as a last resort)

in order to control the spread of licensed premises in areas already deemed to be saturated and to work in partnership with the police to ensure appropriate actions are taken against those causing nuisance and public disorder;
- 2.3 that Licensing and Planning Officers work closer together in consultation on respective applications in order to avoid further cumulative impact of a concentration of bars, restaurants and take-away outlets;
- 2.4 that adequate finances and resources are put in place to ensure that Environmental Health Officers can gather the evidence required to take necessary enforcement action, including re-introduction of the 24-hour noise nuisance service;
- 2.5 that the appropriate Cabinet members and officers hold formal discussions with the business community to explore extending the Business Improvement District to include the evening with a view to appointing a Night-time Economy Manager to oversee its development;
- 2.6 that with the implementation of 2.5 above, a scheme along the lines of City Safe be introduced for the benefit of all business in the City;
- 2.7 that a permanent taxi marshalling scheme be implemented at a location to be determined in liaison with the police and taxi trade;

- 2.8 that consideration be given to the provision of alcohol confiscation bins in the City to aid the police in enforcing the new Alcohol Consumption in Designated Public Places Orders legislation;
- 2.9 that consideration be given to a pilot scheme exploring the use of “pissoirs” in the City;
- 2.10 that Greenbank be included in the weekend clean-up campaign, particularly Mount Street which provides access to Mount Street primary school;

## **Tracking Progress**

- 2.11 that the Safer Stronger Communities Overview and Scrutiny Panel receive feedback on this report following its consideration at Cabinet and within 30 days of its receipt;
- 2.12 that the panel receive an update on progress made on the recommendations of this review within six months of it going to Cabinet;
- 2.1.3 that the panel receives, for its information, a copy of the Head of Legal Services report investigating the use of mobile take-away units in the City.

## **3.0 INTRODUCTION**

### **3.1 Safer Stronger Communities Overview and Scrutiny Panel**

3.1.1 The Safer Stronger Communities Overview and Scrutiny Panel has responsibility for a number of wide-ranging policy areas within the City Council, including anti-social behaviour and licensing.

3.1.2 The panel has 9 members, all of whom participated in this review –

Councillor Kerswell (Chair)  
Councillor Michael Leaves (Vice-Chair)  
Councillor Carter  
Councillor Martin Leaves  
Councillor Lock  
Councillor Mrs. Nicholson  
Councillor Rennie  
Councillor Ricketts  
Councillor Simmonds

3.1.3 For the purposes of this review, the panel met on 4 occasions during August and September, 2006.

3.1.4 Between the months of October and December 2004, the panel undertook a review into anti-social behaviour. This involved looking at what measures were already in place and exploring other options that the City Council, and its partners, could introduce to prevent anti-social behaviour. It also included investigating the saturation policy for licensing and the influence that alcohol had on young people and how they behaved on the city's streets.

3.1.5 During the course of the review the panel met with a number of witnesses who had differing opinions regarding the introduction of a Saturation Policy. The panel was concerned that more time should be given to exploring this matter in its own right, together with the alternatives that were available, before a final decision was taken. In this regard, one of the recommendations of the Anti-Social Behaviour – Prevention Measures report was that a separate piece of work should be undertaken exploring alternatives to a saturation policy.

3.1.6 Approval to undertake a separate piece of work looking at alternatives to a saturation policy was given by the Overview and Scrutiny Commission on 22 December 2004, subject to completion and submission of the necessary project initiation document and project plan.

3.1.7 For the purposes of this review, the panel was supported by Robin Carton, Assistant Head of Environmental Regulation Service (Commercial Service), in the Lead Officer role, and Katey Johns, Democratic Support Officer.

### **3.2 Terms of Reference**

3.2.1 The purpose of this review, as recommended in the Anti-Social Behaviour – Prevention Measures scrutiny report and identified within the project plan, was to further investigate effective methods for preventing the cumulative impact of concentrations of licensed premises, within specified areas of the city, as alternatives to the implementation of a saturation policy.

### **3.3 Scope of the Inquiry**

3.3.1 To investigate effective methods for preventing the cumulative impact of concentrations of licensed premises, within specified areas of the city, creating increased levels of crime, disorder and nuisance.

3.3.2 To explore other measures, listed below, including the use of Alcohol Disorder Zones and Alcohol Designated Drinking Orders, in order to identify solutions to restricting the number and type of licensed premises in a given area without having to introduce a saturation policy -

- planning controls
- the creation of a clean and safe environment through a city centre partnership scheme
- use of CCTV
- powers of local authorities to designate areas as places where alcohol cannot be consumed
- police enforcement
- prosecution of personal license holders or staff for selling alcohol to people who are drunk
- the confiscation of alcohol from adults and children
- use of police closure powers for up to 24 hours.
- The power of residents to seek a review of the licence
- Alcohol Disorder Zones
- Alcohol Designated Drinking Orders.

3.3.3 To explore funding opportunities with a view to providing a nightbus and improved taxi rank and private hire operation to achieve a speedy and safe dispersal of people from the city's pubs and clubs.

3.3.4 To identify the indicators and indicator levels that could give warning of the presence of cumulative impact.

3.3.5 To undertake an analysis of the: -

- evidence of the levels of crime, disorder and nuisance within areas where high concentrations of licensed premises exist.
- evidence that directly links those high levels of crime, disorder and nuisance with the operation of the licensed premises.
- effectiveness of the control measures already in place within Plymouth

3.3.6 To explore other options that Plymouth City Council, together with its partners, could introduce to prevent cumulative impact as an alternative to adopting a saturation policy for licensing.

## **4.0 BACKGROUND INFORMATION**

### **4.1 Licensing Act 2003**

4.1.1 The Licensing Act 2003 defines licensable activities as –

- retail sale of alcohol
- supply of alcohol to club members



- provision of regulated entertainment to the public, club members or with a view to profit
- supply of hot food and/or hot drink from any premises between 11.00 p.m. and 5.00 a.m.

4.1.2 The City Council must carry out its functions under the Licensing Act with a view to promoting the following licensing objectives –

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

4.1.3 Plymouth currently has 1,249 personal licenses, e.g. off-licenses, supermarkets etc. and 850 licensed premises –

- 233 in the City Centre
- 35 in Union Street
- 41 on North Hill and Mutley Plain
- 32 in the Barbican
- 11 in Coxside

4.1.4 A number of control measures exist within the Act to ensure that licensed premises can be brought to task where necessary and appropriate. These include powers for the –

*Licensing Authority to –*

- modify the premises conditions
- exclude licensable activities
- remove designated premises supervisors
- suspend the license
- revoke the license

*Police to –*

- close identified premises for up to 24 hours for disorder, anticipated disorder or noise
- close all premises for up to 24 hours situated near a place of disorder or anticipated disorder

## 4.2 **Cumulative Impact**

4.2.1 Plymouth City Council is required to determine its policy with respect to the exercise of its licensing functions and publish that policy. Plymouth published its Statement of Licensing Policy during 1994, Section 5 of which identifies the concept of cumulative impact. Cumulative impact is where the number, type and density of licensed premises are unusually high and serious problems of nuisance and disorder can arise outside and some distance away from the licensed premises. This is described as the cumulative impact of the increasing capacity of all premises taken together. For example, the potential impact on crime and disorder or public nuisance on a town or city centre with a large concentration of licensed premises in that part of a local licensing authority area. The cumulative impact of licensed premises on the promotion of licensing objectives is a proper

consideration for a licensing authority to consider in developing its licensing statement.

4.2.2 A licensing authority may not impose conditions on or refuse to grant a license unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business. It is important that all parties should know, through a statement in the licensing policy, whether the licensing authority already considers that a particular concentration of licensed premises in a particular part of its area is considered already to be causing a cumulative impact on one or more of the licensing objectives.

4.2.3 Where, after considering the available evidence and consulting, a licensing authority is satisfied that it is appropriate and necessary to include an approach to cumulative impact in the licensing policy statement, it should indicate in the statement that it is adopting a special policy (*Saturation Policy*) on refusing license applications whenever it receives relevant representations about the cumulative impact on the licensing objectives. The Statement of Licensing Policy published by Plymouth City Council does not include a Saturation Policy.

#### 4.3 **Saturation Policy**

4.3.1 The impact of a saturation policy is to create a rebuttable presumption that applications for new premises licenses or club premises certificates or material variations will normally be refused if relevant representations are received. The onus is on the person making the representation to prove the cumulative impact. However, if it can be demonstrated that the premises involved will not add to the cumulative impact already being experienced a license can still be granted. Applicants would need to address the special policy issues in their operating schedule.

4.3.2 When considering whether or not to introduce a saturation policy, a local authority should ask itself the following –

*Necessity -*

- Is the area saturated with premises of a particular type
- Will the grant of a new licence lead to exceptional problems of disorder or nuisance being created over and above the impact of the individual premises themselves

*Appropriate -*

- Is it the most effective way of dealing with the problem
- Have all other alternative methods failed
- What impact will it have on the area
- Will it prevent problems increasing
- What economic impact will it have
- Does it support council objectives

#### 4.4 **Violent Crime Reduction Bill**

4.4.1 The Violent Crime Reduction Bill is currently before Parliament but is expected to be published in the autumn. Although the full detail of the Bill is not known, it is expected to introduce –

- Drink banning orders
- Alcohol disorder zones
- Powers for accelerated reviews of licenses
- New penalties for persistently selling alcohol to under 18's
- Power for the police to prohibit an individual from a locality, for up to 48 hours because of alcohol related crime or disorder

## **4.5 Alcohol Disorder Zones**

4.5.1 An Alcohol Disorder Zone (ADZ) is an area which has been designated as such by a local authority where there is –

- Nuisance or annoyance to the public associated with consumption of alcohol in the area
- Likely to be a repetition

4.5.2 In order to designate an area as an ADZ the local authority must publish a notice setting out the proposed area inviting representations. The police and local authority must also prepare an action plan setting out the steps required to remove the problem. Once this had been done the action plan must be published and sent out to the license holders in the proposed zone. The license holders then have a period of 8 weeks to solve the problem themselves (voluntary stage).

4.5.3 Should the license holders fail to address the problems the application for an Alcohol Disorder Zone can proceed. Once the order designating the zone has been made a local authority may impose a charge on license holders in the area of the zone, subject to regulations which will specify the rate of charge and what the income can be used for.

4.5.4 A review of the zone should also be undertaken with the police every 3 months.

## **5.0 EVIDENCE**

### **5.1 Written Evidence**

5.1.1 During the course of the review, the panel received a number of documents to aid them in their deliberations. A list of these documents, and statements from witnesses who could not attend, can be found at Appendices 1 and 3 respectively.

### **5.2 Oral Evidence**

5.2.1 The panel held a number of meetings to hear from a variety of witnesses. The findings from these sessions are detailed at section 6.0 of this report and a list of the witnesses who attended can be found at Appendix 2.

## **6.0 FINDINGS**

### **6.1 City Centre Community Safety Manager, Plymouth City Council**

6.1.1 The panel was advised that the city centre team had been consulting with businesses and license holders in the City on the new Alcohol Consumption in Designated Public Places Orders (ADPO's). This new legislation would come into effect on 13 November, 2006, and replace the existing byelaws. The effect of the Orders being that it would be an offence for any person to drink alcohol in any

public place within the designated area after being required by a police officer not to do so. The police would also have the power to confiscate and dispose of any alcohol and containers in the persons possession. It would be an offence to fail, without a reasonable excuse, to comply with the police officers request.

6.1.2 In order for an ADPO to first be introduced a local authority, together with the police, must provide an evidence base to back up its requirement. This had to involve wide-scale consultation and, in this regard, the panel heard that a notice had been placed in the local press on 23 August advising that Plymouth City Council was considering making 4 designation orders within –

- The area known as the Barbican
- The area known as Union Street
- The area known as North Hill
- The area known as Mutley

and that representations as to whether or not such Orders should be made were invited to be received by the city centre team within 28 days.

6.1.3 The City Council's Licensing Miscellaneous Sub-Committee would be making the decision once the results of the consultation were received. Should the Committee resolve to implement the Orders, appropriate signage would have to be installed as a matter of urgency as the Orders cannot be enforced until this is in place.

## **6.2 MP for Plymouth Sutton**

6.2.1 Following her attendance at the city's Evening and Night-time Economy for Plymouth Conference last October, the MP for Plymouth Sutton was aware of the Council and Local Strategic Partnership's plans to develop the Mackay Vision for the city. The gap between the cessation of daytime shopping activities in the city and commencement of the evening drinking activities needed to be filled and only by encouraging shops and cafes to stay open later and attracting families to stay in the centre longer, could this process begin.

6.2.2 Having initially been in favour of a Saturation Policy, she was now of the opinion that its implementation may bring with it other problems while not ruling such a policy out she welcomed the Panel's investigations into alternative measures and suggested that there were in existence a number of useful tools which were available to local authorities and the police such as –

- Dispersal Disorders
- On the spot fines
- Anti-Social Behaviour Orders
- Alcohol Consumption in Designated Public Places Orders (ADPO's)
- Alcohol Disorder Zones (ADZ)

6.2.3 With regard to the use of Alcohol Disorder Zones and the debate as to whether or not they brought an area into disrepute, she believed that they should be used but only as 'a stick of last reserve'. It was her opinion that an area would already clearly have demonstrated that it had a problem prior to implementation of an ADZ and the ADZ itself would not be the cause of any bad reputation.

6.2.4 During the session, the MP also mentioned two initiatives which could bring people to tackle these issues. These were in respect of –

- Work being done to help practitioners and local communities to take more effective and innovative action to improve the quality of their town centres, neighbourhoods and parks, including where the evening and night-time economy needs to be managed
- Exploring whether emerging community interest companies – for which parliament had passed legislation in recent years – could be a suitable model for developing the sort of partnerships described above as an alternative and less formal model to the business improvement district/levy model

A follow-up letter in this regard is attached at Appendix 4.

### **6.3 Plymouth University Students' Union**

- 6.3.1 The student population in Plymouth is significant and students are amongst the numerous revellers who frequent the city's bars and clubs at evenings and weekends.
- 6.3.2 Concern was expressed regarding the 'dead zone' that existed in the city centre in the hours between shops closing and bars/clubs opening. Some students would finish lectures and, because there was nowhere for them to go, they would go to the supermarket, buy cheap booze to drink in their room/at home before hitting the bars/clubs later in the evening.
- 6.3.3 It was suggested that there were no alternative evening activities for students in the town centre and foreign students frequently complained about the city's lack of a café culture. Not all students want to go to pubs/bars, some simply want somewhere to sit and talk. In this regard, the panel heard that the University was developing an area within the campus solely for this purpose where students could sit and talk, read, or be entertained.
- 6.3.4 They were of the opinion that there was a strong concentration of licensed premises in certain areas of the city and that the Council should be looking at encouraging different types of business to break this up. The student union were keen to work with the City Council and its partners and would like to see more variety on offer through development of the evening and night-time economy.
- 6.3.5 The University's own bar has adopted responsible drinking practices and no longer offers 'happy hours' or other similar incentives. It does themed evenings and usually has some kind of special offer on one product at a time. Staff monitor students drinking and refuse to serve anyone who is not drinking responsibly. They have themselves noticed the trend in people going out later and often find that the student union bar is quiet between 8.00 p.m. and 10.00 p.m. It was suggested that more needs to be done to target and address irresponsible drinking establishments.
- 6.3.6 The student union has developed a 'good behaviour' contract with a number of establishments and this was working well. Quite often students would get blamed for bad behaviour in areas of the city to which they did not actually go. For example, most students, particularly new ones, avoided going to Union Street altogether.

6.3.7 The president of the students' union often attended meetings of the local residents' associations and actively took part in neighbourhood clean-up campaigns. They worked hard to build good relationships with residents.

## **6.4 Environmental Health Officer**

6.4.1 The panel heard that the new Licensing Act would benefit Environmental Health Officers (EHO's) as it contained more useful tools, was easier to apply and had stronger enforcement powers. However, with regard to implementation of Alcohol Disorder Zones, there were issues that would need to be addressed such as –

- Resources to administer the process
- Inability to provide additional policing and local authority services to deliver the action plans in the short timescales (8 weeks)
- Image and reputation of areas designated ADZ's
- Collection of fees

6.4.2 Putting into context the problems with licensed premises from Plymouth City Council's point of view –

- Only 5 per cent of licensed premises have been the subject of complaint
- Only 1 per cent of licensed premises have received multiple complaints
- 90 per cent of complaints are resolved by officers
- 0.5 per cent of licensed premises have entered the review process
- there is a stable alcohol related crime profile

6.4.3 EHO's worked closely with the police and enjoyed a good relationship. Teams of two would carry out spot-checks every two weeks between the hours of 9.00 p.m. and 2.00 a.m. to ensure that licensed premises were operating in accordance with their agreements, private hire taxis were operating on a pre-booked basis only and to monitor noise levels. This was, however, having an impact on other work, both in terms of resourcing and financing. Health and Safety at Work legislation and lone worker policies require that staff cannot work alone in these conditions and therefore two EHO's have to go out together and be paid on overtime because of the hours involved.

6.4.4 Two projects which had proved successful had been the Licensing Task Force and Taxi Marshalling Project. The Licensing Task Force was run in partnership with the police and involved dealing with premises who continued to serve alcohol to people who quite clearly had had too much to drink. The taxi marshalling project had been run in partnership with the taxi companies and had involved the establishment of Royal Parade as an identified taxi rank where marshals had been posted to assist people in getting into taxis and moving them on quickly and safely.

## **6.5 Head of Development Consents, Plymouth City Council**

6.5.1 The Head of Development Consents attended to provide information on how the planning process could be used to assist in restricting the number and type of licensed premises in a given area without having to introduce a saturation policy.

6.5.2 Planning Policy Guidance 6 (Town Centres and Retail) makes reference to the evening economy in relation to town, district and retail centres. Local authorities are advised to develop a strategy for uses that support the evening economy of their town centres. This includes complementary uses such as restaurants, cafes

and pubs. Authorities are also advised to take residential amenity into account in formulating their strategies and to take steps to avoid the 'cumulative' impact of a concentration of restaurants and take-away food outlets through planning measures and not through the granting of licenses.

- 6.5.3 The Panel heard that planning officers were consulted on licensing applications and worked closely with licensing colleagues and the Police to discuss areas of concern.
- 6.5.4 Each planning application had to be considered on its own merit and in accordance with the following –
- vitality and viability of a centre
  - accessibility
  - amenity
- 6.5.5 Use of Section 106 money has to be fairly and reasonably related to the application from which it is derived. Therefore, provision of public toilets outside of a premises which would already have its own facilities inside could not be justified. Provision of litter bins could, however, be specified in the conditions.
- 6.5.6 Licensing controls drill down to the finer detail whereas planning has to be reasonable and enforceable – the balance between the two had to be right.
- 6.5.7 Planning controls should not be seen as a direct replacement for a saturation policy, due to the role of planning being different to that of licensing.
- 6.5.8 Partnership working is the key, planning controls in conjunction with other methods can be used as an alternative to a saturation policy. It cannot do it alone.
- 6.5.9 Although a blanket saturation policy would seem easier to administer from a planning perspective, it could be seen as a negative in planning terms because it would potentially restrict suitable economic growth.

## **6.6 Greenbank Community Association**

- 6.6.1 It is the view of the Greenbank Resident's Association that a Saturation Policy should be implemented in Plymouth and they are concerned that alternatives are being explored when a saturation policy in the area, alongside other measures, could form part of an holistic approach to solving the problems the community are facing.
- 6.6.2 They believe that there are already too many licensed premises in the area and that the problem has got worse over the last 8 years because of the increasing population of young people living in the area. Noise is a particular problem with residents being disturbed on a nightly basis. In the mornings they are faced with the after effects of broken glass, take-away remains, vomit and urine on the pavements with some people having to take their children to school through the mess.
- 6.6.3 Late night parties often continue after the pubs and clubs have closed and it is recommended that the Council's environmental regulation service should be reinstated to its 24-hour status to deal with late-night noise nuisance.

- 6.6.4 Families with young children are continually leaving the area and there is a very real concern that the community is no longer sustainable. The Association has been particularly concerned that the local primary school at Mount Street could close because of the falling numbers on the school roll.
- 6.6.5 Concern was also expressed at the discontinuation of the police's university liaison officer role which was felt to have worked well and benefited the community as a whole.
- 6.6.6 On a more positive note, the panel was pleased to hear of the month-long community drive to deal with graffiti, litter, fly-tipping and dog mess in the Mutley and Greenbank areas and that the Police, University, City Council and Westcountry Housing Association were among the agencies taking part in the campaign.
- 6.6.7 It was suggested that Greenbank was overlooked as one of the City's night-time entertainment districts and that the City Council should include the area in its weekend clean-up campaign similar to that adopted for Union Street, the Barbican and Mutley Plain when the bars and clubs were busiest.
- 6.6.8 It is their opinion that a nightbus or taxi marshalling service are not necessarily the answer for the Greenbank area.
- 6.6.9 They feel that students could be educated in the practice of being good neighbours and that restrictions should be placed on the number of houses in multiple occupation in the area as this only adds to the problem.
- 6.6.10 They welcome the introduction of ADPO's and had seen a significant reduction in the congregation of large groups of youths in the area when one had been in place. However, since the term of the order had expired, the problem had returned and a permanent Dispersal Order for Greenbank would be welcomed if possible.
- 6.7 Clubwatch**
- 6.7.1 The panel heard from the Vice-Chair of Clubwatch, who also happened to be the Vice-Chair of the Licence Victuallers Association, and who had personally been in the licensing trade business in the City for many years. He was accompanied by the Chair of the South West Licence Trade Association who was also Chair of the Licence Victuallers Association. Clubwatch is a partnership group committed to minimising crime and disorder and fear of crime whilst promoting a vibrant, prosperous and appealing evening and night-time economy in the heart of the City. Its membership embraces licensees of premises (currently 20 with late night licences) and many other commercial and agency stakeholders in the city centre. To further develop the night-time vision for the city, they proposed the creation of a Night-time Economy Manager's post for the city centre and Barbican as an extension to the Business Improvement District.
- 6.7.2 Clubwatch has striven to combat the "binge drinking" culture and associated anti-social, alcohol-related behaviour that has regrettably become all too common around many of the city centre's drinking establishments. It has led to elimination of inappropriate discounted drinks promotions, establishment of the "City Safe" scheme for clubs, and an ongoing themed "think safe drink safe" campaign.
- 6.7.3 City Safe is a partnership accreditation initiative developed by the Licensed Trade, Plymouth City Council, Devon Fire and Rescue Service and the Devon and Cornwall Constabulary. Its aim is to raise standards in pubs and clubs to make



Plymouth a safer city for all to enjoy. The scheme identifies seven key areas that collectively support this objective –

- responsible sale of alcohol
- customer safety
- exclusion of troublemakers
- no underage drinking
- good neighbourhood relationship
- drug awareness
- staff training

6.7.4 Currently membership is open to premises in the city centre with a late night licence (after midnight) and a capacity of more than 200 people). However, it is hoped that smaller premises could be brought on board with the scheme being expanded upon to include perhaps the taxi trade and adoption of some form of code of conduct.

6.7.5 Clubwatch members feel that part of the City Centre, particularly Union Street, have already reached saturation point and in this regard would welcome the introduction of a formal saturation policy.

6.7.6 One of their major concerns was the ability of supermarkets to sell alcohol incredibly cheaply. They felt this was a strong contributor to the fact that people now descended on the city centre already heavily under the influence of drink, having bought cheap alcohol at the supermarket and consumed it at home prior to going out for the evening. This was something which had been acknowledged by the students' union in their statement earlier in the review.

6.7.7 Making the city centre safe is one of the City Safe objectives. Many licensed premises have high-quality digital CCTV cameras installed and work closely with the cctv control centre, other establishments and the police in trying to identify potential problem situations before they arise and tracking troublemakers from premise to premise. Identifying bad behaviour before it arises or gets too serious is an important element of making the city centre more appealing to families at night. The appreciation of Clubwatch's members was passed to the City Council for co-ordinating the CCTV function which was working well in this regard.

6.7.8 The City Safe initiative involved close partnership working with the police and this was going well, however, it was felt that there were areas for improvement within their service for -

- provision of consistent shift cover to police trouble hot-spots
- provision of extra policing in the city centre at weekends
- liaison with door staff on underage drinkers and those with Anti-Social Behaviour Orders
- more prosecutions of personal licence holders

6.7.9 It was hoped that the new Community Safety Wardens would play a useful role in this regard. Clubwatch was keen to urge that the police be encouraged to use their existing powers more than they currently did. The use of Dispersal Orders in the city was welcomed and supported, however, use of the proposed Alcohol Disorder Zones was not. These were a cause of great concern and the group believed that there will be pressure to designate central areas of Plymouth and that the ADZ label would only attract those looking for trouble. More importantly, they could

have a negative effect on the prices of houses and businesses in the area. Clubwatch felt very strongly about this and was writing to the City's MP's on the matter.

6.7.10 Another area of concern related to moving people on quickly when leaving pubs and clubs as delays often resulted in –

- litter being generated from the sale of fast foods from burger vans around the city centre
- urinating in the streets

6.7.11 As a result of the late night licences a number of premises in the city were open longer and later and this had created a phased departure from the city by late-night revellers who had previously all come out of the pubs and clubs together at 'closing time'. This meant that the movements of revellers around the city was now spread over a longer period and therefore, for this reason, provision of a nightbus would not help address the dispersal situation. In this regard, it was thought that a taxi marshalling scheme would be the most effective dispersal method.

## **6.8 Cabinet Member for Transport and Environmental Quality**

6.8.1 The panel informed the Cabinet Member for Transport and Environmental Quality of the proposal which had been put forward by an earlier witness for provision of a Night-time Economy Manager as an extension to the City Centre BID and was asked if he would support this proposal. He responded that the City's night-time economy is high on the Council's agenda. At present it is centred around drinking and eating establishments but work is in progress to build on this through the creation of a more mixed economy, to include late-night shopping and other family orientated activities within the centre such as the theatre, cinema and street events. Any proposals that could help with the promotion and development of the night-time economy would be of interest. He was not aware of any current plans to look at provision of a Night-time Economy Manager but it seemed perfectly sensible in principle and he would have no problem supporting it.

6.8.2 A lively evening economy is beneficial to a city, however, it brings with it a number of problems which have to be addressed; noise and litter nuisance from revellers congregating around mobile takeaway units, waiting for taxis, and street urination to name a few.

6.8.3 With regard to the problems around burger vans and the other mobile takeaway outlets located around the City Centre in the evenings, the Council does have various enforcement powers it can use relating to litter, health and safety and noise. However, it would be wrong to curtail people's freedom of choice by removing them altogether. The City Council's legal department has been looking at this and a report on the matter would be available shortly.

6.8.4 On the issue of street urination, the panel were informed of a trial which had been undertaken in Cardiff using 'pissoirs'. Pissoirs are open-air public urinals, usually made of stainless steel, which can be placed at strategic points around the City. They come in a number of forms but the ones used in Cardiff were mobile units which were put in place prior to commencement of the evening's drinking activities and removed early the following morning.

6.8.5 The adoption of a saturation policy should not be completely discounted. It is important to have the ability to make use of all the tools that are available, i.e.

- Planning
- Licensing
- Dispersal disorders
- On the spot fines
- Anti-Social Behaviour Orders
- Alcohol Disorder Zones (but only as a last resort)

It was acknowledged that in recent years the number of drinking establishments had spread from Union Street to Derry's Cross and, had a saturation policy been in place, this may have been prevented. However, variety and choice is the key to a successful night-time economy and a saturation policy on its own could put this at risk.

6.8.6 In response to a suggestion that perhaps more voluntary contributions could be sought through the BID to fund more policing, the cabinet member stated that extra police would always be welcome on the streets, however, it would be down to individual establishments whether or not they would be willing to contribute. There is a big perception of crime and anti-social behaviour around the city's late- night drinking establishments, however, this is not always the case. It is usually only a very small minority of people who cause a disturbance with the majority of people coming into the city, having a good time and going home safely. At a recent conference in Bournemouth, Plymouth had been held up as having best practice in respect of its working relationships with the City's bars/clubs, police force and fire service in recognition of the City Safe partnership.

6.8.7 Problems around the availability of taxis and their ability to pick up and drop off customers were also raised by panel members. The cabinet members was able to advise them that a survey has been undertaken into the unmet demand on the city's taxi service and the results of this survey should be available in January. He pointed out that there were numerous taxi ranks provided around the city as well as the night bus, whose use should be encouraged. However, he took on board the difficulties which were being experienced by some private hire taxis, particularly outside the Grosvenor casino and said he would look at the possibility of providing designated areas for private hire cabs.

## **6.9 Devon and Cornwall Constabulary**

6.9.1 The panel heard from the officer responsible for the south sector of the city which includes the City Centre, Barbican and Coxside. This area has 40 per cent of the total crime committed in the city. He fully accepted that policing in Plymouth was not done as well as it could be and they were keen to address this. He had recently attended a conference in Bristol on "Violence in Public Places" and this had looked at a number of concerns that had been raised during the course of the review.

6.9.2 Recent figures published show that alcohol related crime is on the increase and although this is partly down to the fact that the national crime recording standards have changed it is also acknowledged that this does nothing to allay the public's fears of crime. Policing does need to change in the way it deals with alcohol related incidents, particularly if it is to improve development of the city's night-time economy. As part of a peer review, Plymouth was recently visited by a team from Cardiff which has been awarded National Best Practice City in this regard. The team shared their experiences of policing Cardiff's night-time economy and a

delegation from Plymouth is shortly to make a return visit to see the city's night-time economy in action.

- 6.9.3 A number of measures are shortly to be introduced in the city which it is hoped will help to address the problem of policing the night-time economy. Police officers working in the south sector and central areas of Plymouth will shortly be undertaking a trial of the new headcam and 50 units have been purchased for this purpose. The headcam is a tiny head-mounted camera which can record everything it sees and evidence will be filmed by the cameras and used in prosecutions and convictions.
- 6.9.4 In addition, the introduction of the new Police Community Safety Officers (PCSO's) will free up duty time formerly occupied by community based police officers to assist with covering evening and night-shifts in the city over the weekend period. This will, however, take some time to have any effect on policing the night-time economy as police regulations require a period of 3 months' notice to make changes to duty rosters, so taking resources from one area of the city to cover another is not as straightforward as one would imagine. A total of 124.5 PCSO posts have been allocated to Plymouth, all of which should be in place by April 2007.
- 6.9.5 The role of the PCSO is to provide high visibility foot patrols across the city to reduce the fear of crime and to support police officers in tackling anti-social behaviour. They will wear a uniform similar to that of a police officer but will have limited powers which will include the ability to confiscate alcohol, power to require an individual's name and address, and the issuing of fixed penalty notices to deal with problems such as dog fouling and littering. PCSO's should be seen as the eyes and ears of the community and a vital part of their role is to feed intelligence to the police and other organisations where appropriate. They will work on fixed contracts and will not work after 10.00 p.m. which will preclude them from direct involvement in policing the late-night economy.
- 6.9.6 Lack of resources is a key factor to many of the problems faced by the police today. More officers are required to cover the city, particularly during the evening and weekend periods, and this matter has been raised with Chief Superintendent Watts. Despite this, they still endeavour to achieve gold standard service which guarantees 25 officers on shift between the hours of 9.00 p.m. and 6.00 a.m. over the weekend covering the city's pub and club land districts. The average in Plymouth is currently 24, this includes 1 van which covers Mutley Plain, North Hill and the Barbican Leisure Park. However, it is acknowledged that should any large-scale incidents arise and resources pulled from elsewhere then other areas of the city are left at risk. It is hoped that the visit to Cardiff to look at its model of operation will offer up some solutions although some of their good practices have already been adopted here in Plymouth.
- 6.9.7 The importance of good working relationships with partners across the city was recognised and regular liaison took place between representatives from the police and –
- Plymouth University and its Student Union
  - Clubwatch and City Safe
  - The City Council's planning and licensing departments
  - The licensed trade
  - The taxi trades

6.9.8 Having heard the comments and concerns raised by the representative from Clubwatch, the Police added that –

- (i) they too would be fully supportive of the creation of an Evening and Night-time Economy Manager post for the City;
- (ii) there was in place a special Alcohol Crime Reduction Unit which looked specifically at alcohol misuse and its relationship with crime. This included assisting the City Council in carrying out test purchases and involvement in a recent taxi marshalling scheme which was operated along Royal Parade. It was the view of the police that taxi marshalling was the way ahead with regard to getting people out of town quickly and safely;
- (iii) work was ongoing with the Council's licensing officers to address the concerns raised about noise and litter generated by burger vans;
- (iv) they fully supported the idea of pissoirs.

All of these problems were common causes of complaint and the police were working with their partners to try and address them. Some funding had been allocated for this purpose and work would be undertaken to look at each problem in detail.

## 7.0 CONCLUSIONS

7.1 It was the opinion of many people that we spoke to during the course of the review that some areas of the city were already saturated. However, having looked at the saturation policy and the alternative methods of preventing cumulative impact that were available, the panel was of the opinion that adoption at this time would be to the detriment of the city as it would -

- restrict new opportunities for the night-time economy
- open the door to 'bidding war' on existing licenses within the saturated area

7.2 It was clear from the police report that there was evidence that the levels of crime and nuisance were greater where higher levels of concentrations of licensed premises existed and that the two were directly related, although the level of crime had not increased in the last two years.

7.3 The panel is confident that by making the most of all the powers and tools available to the local authority and the police, levels of crime, disorder and nuisance could be reduced without the need to introduce a blanket saturation policy. Those powers and tools having been identified during the course of the review as –

- Licensing Act 2003
- Environmental Protection Act 1990
- Anti-Social Behaviour Act 2003
- Town and Country Planning Act 1990
- Violent Crime Reduction Bill (currently going through parliament)
- Use of CCTV
- Dispersal disorders
- On the spot fines

- Alcohol Consumption in Designated Public Places Orders (ADPO's)

7.4 A number of measures will be introduced in the City by the police and it is hoped these will also help them deal with the drunken and anti-social behaviour they frequently encounter when policing the city's night-time economy. They include –

- trial of the new headcam
- allocation of 124.5 Police Community Safety Warden posts

7.5 During the panel's discussions with witnesses the importance of partnership working was recognised and the work already undertaken by the Council and its partners is to be commended particularly in regard to the Clubwatch and City Safe schemes. It is hoped that further development of these projects along with a possible night-time economy extension to the BID will also help alleviate many of the problems raised.

7.6 The most common causes of complaint which were highlighted repeatedly during the course of the review were around noise and litter nuisance generated by revellers congregating around mobile takeaway units or waiting for taxis and drunken and disorderly behaviour, including street urination and fighting. Measures are already in place to assist in dealing with a number of these issues and others could be put in place to address the remainder such as –

- continuation of the licensing task force project to target premises repeatedly serving alcohol to those who have had too much to drink
- creation of a permanent taxi marshalling scheme to provide an orderly and peaceful taxi queuing system to move revelers on quickly and safely
- provision of pissoirs to help prevent street urination

7.7 It would appear from various comments made that a night-bus service, although useful, does not address the problem of moving people on quickly and safely and it would therefore seem appropriate to focus on developing the taxi marshalling scheme.

7.8 Concerns had been raised about the use of Alcohol Disorder Zones because of the fears of labelling an area with a bad reputation and attracting trouble as a result. This could also have a knock-on effect to property prices in the area. The panel therefore concluded that Alcohol Disorder Zones should not be discounted but used only as a last resort.

## Appendix 1 – Reference Materials

1. Report of the Safer Stronger Communities Overview and Scrutiny Panel – Anti-Social Behaviour – Prevention Measures (December 2005)
2. ODPM Good Practice in Managing the Evening and Late Night Economy: A Literature Review from an Environmental Perspective
3. PCC Statement of Licensing Policy
4. Powerpoint presentation by Assistant Head of Environmental Regulation Service (Commercial Service) – Saturation Policy and Alternatives
5. Devon and Cornwall Constabulary Problem Profile: Violent and Alcohol Related Crime in Central Plymouth encompassing proposed Alcohol Designated Places Order
6. City Safe: Making Plymouth a Safe City

## **Appendix 2 – Contributors**

The panel would like to express their sincere thanks to all those who provided information and advice to the review:

Robin Carton, Assistant Head of Environmental Regulation Service (Commercial Service)

Catherine O'Connor, Specialist Environmental Health Officer (Health and Safety)

Mike Artherton, City Centre Community Safety Manager

Linda Gilroy, MP for Plymouth Sutton

Joss Cook, Student Union Bars Manager, University of Plymouth

Katherine Rayson, Student Union President, University of Plymouth

Lee McDowell, Specialist Environmental Health Officer (Licensing)

Clive Perkin, Head of Development Control

Jane Gould, Greenbank Community Association

Peter Jones, Clubwatch

Councillor Dafydd Williams, Cabinet Member for Transport and Environmental Quality

Acting Inspector Green (South Sector), Devon and Cornwall Constabulary



**Appendix 3 – Statement from Devon and Cornwall Constabulary re. Summer Policing in Newquay****Summer Policing - Newquay**

Over the last three years, Newquay has developed its Summer Policing Strategy to cope with the massive increase in numbers visiting the area. Newquay has several sides, not least is a vibrant and busy nightlife. The capacity of the pubs and clubs can easily be in excess of 10,000 people and with the changes in the licensing legislation, the town is alive until the very early hours of the morning (nightclubs now have a terminal hour of 0430hrs).

The Summer Policing Strategy is the product of many months' preparation in order that we and our partners can deliver a safe environment for the visitors and residents to enjoy. The Force has recognised the additional demands placed upon us and how we can lessen the demands in specific crucial areas. It includes an arrest strategy, taking into account the recent changes in legislation aimed at freeing up officers' time, a co-ordinated approach to custody issues and vital partnership work.

Last year officers based at Newquay issued more on-street Penalty Notices for Disorder than any other station in the Force area, **recorded 4,138 alcohol seizures** and a great deal was learned which can be applied this year. The operation was formally reviewed and the conclusion was reached that the substantial efforts put into the policing of Newquay's summer demand had resulted in fewer crimes and less disorder. The peak months of July and August saw 29% fewer violent crimes in 2005.

The Summer Policing Strategy is about delivering a menu of tactical options. One of these options is the proactive use of **Sections 12 -16 of the Criminal Justice Police Act 2001** which allow local authorities to adopt powers to designate areas, which have known anti - social drinking, and nuisance associated with them.

**SECTIONS 12 -16 OF THE CRIMINAL JUSTICE POLICE ACT 2001****IN PRACTICE WHAT DOES THIS MEAN ?**

- From the 9<sup>th</sup> February 2006 Restormel Borough Council designated public places within its area as places where alcohol can not be consumed. (previously we used council bye-laws)
- The Order makes it an offence to continue drinking alcohol when requested by a police officer (or PCSO) not to; or fail to hand over any container that an officer reasonably believes to contain alcohol. Failure to comply with a request can lead to arrest and a max. fine of £500.
- The order designates 64 streets or areas AND is very specific about certain areas in Newquay. Examples are:
  1. Crantock Street
  2. Fistral Beach
  3. Porth Beach (10.00pm to 10.00am)
  4. The Fly and Active Cellars – a local term for an area
  5. Manor road carpark **and access to library**
- The specific locations and in some instances times, are essential to cover ALL areas of concern

- The legislation and the enforcing Officer **MUST** be supported by **clear signage**, **adequate council bins** to dispose of seized alcohol and a **regular service** to clear those bins. I would also suggest a clear police policy on alcohol disposal.
- The legislation and support gives the Officer the confidence to seize alcohol and dispose without fear of reprisals (i.e complaints for compensation etc)
- The legislation, if used, must be conducted regularly, consistently and with a “Firm but fair” style.
- In order to achieve this, Newquay used 1 x Sergeant and 6 x Police Constables, every Thursday to Sunday on late shifts to conduct high visibility foot patrols in the town centre. Their remit was to “meet and greet” groups arriving into the town, seize alcohol where seen very early on (to set the standards), and ensure this policy was stuck to. No person is allowed to continue drinking in the streets if a police officer is present.
- If done in the right way, then there will be no complaints – visitors and residents alike get used to the policy and will comply. This year we did not have one arrest for failing to comply with the order.
- It is essential that licensed premises are consulted and that they have written into their operating plans (where possible) making them comply with **NO ALCOHOL** leaving their premises in an open container. Door supervisors need to confiscate on their own doors.
- Public expectations must be managed as well – the press will want the question answered “how about the family picnic and a bottle of wine – will that be confiscated as well?”
- This order has been used successfully alongside Dispersal Orders (for the beaches), Proactive on-street issue of Penalty Notices for Disorder, and Confiscation of Alcohol (Young Persons Act 1997) legislation.

**The results?**

I have provided some figures in the first paragraph showing how much is actually confiscated.

I have no doubt that crime has been prevented accordingly – potential weapons are removed and it is less likely for groups to hang around IN ORDER to drink and assists with crowd dispersal after the pubs/ clubs close

It has been a massive assistance in stopping huge groups congregating on the beaches – which historically has caused massive antisocial behaviour and violent crime for Newquay.

Glass is less likely to be found smashed on the pavements etc – public safety

It has been an essential tool for Newquay Police – and I would fully recommend implementation elsewhere – but it must be supported by measures mentioned within the text.

**A/Insp James PEARCE**  
Newquay Sector Inspector  
Devon & Cornwall Constabulary  
9<sup>th</sup> September 2006.

Public

**Linda Gilroy MP**

HOUSE OF COMMONS  
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06 September 2006

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Our Ref: 061251

Dear Eddie

During the Scrutiny Session I attended last week, I mentioned two things which I said I would let you have further information on. The first was the work being done by the Department of Communities and Local Government to develop a *How to* programme. This is designed to help practitioners and local communities to take more effective and innovative action to improve the quality of their town centres, neighbourhoods and parks, including centres where the evening and night time economy needs to be managed.

The Department has commissioned PricewaterhouseCoopers (PwC), and Nathaniel Litchfield and Partners (NLP) to work with twenty local areas until March 2008, to develop business led partnership approaches. These initiatives will be important tools for demonstrating the potential of business led partnerships to further the success of town centre management and respond to current challenges facing liveability of town centres and commercial areas. It includes managing the consequences of the evening economy, removing opportunities for danger and disorder and promoting positive social behaviour. My understanding is that this is slightly different but a similar approach to business improvement districts. At the end of the project the lessons will be spread more widely. The Department will collate project tools, templates and guidance as a toolkit with practical examples of how to develop partnerships and effective delivery arrangements. Further details of this can be found on [www.cleanersafergreener.gov.uk](http://www.cleanersafergreener.gov.uk)

*Labour & Co-operative Member of Parliament: Plymouth Sutton*

*Compton Drake  
St Peter and the Waterfront*

*Efford and Lipson  
Stoke 28*

*Peeverell  
Sutton and Mount Gould*

*Continued*

Regional events -Share Good Practice - are being planned for November, and will include an event in the South West to which Plymouth will receive an invitation. They will focus on specific approaches on good practice to ensure the continued development of effective, safe and inclusive night time economies. The anticipated audience will be those who work in licensing and other local authority roles, policing and business, community and transport representatives.

I also mentioned another initiative which I heard of through a Breakfast which I attended, run by the Town Centre Management All-Party Group in parliament. At present I cannot find the paperwork related to this. In essence, the model being explored was to see whether emerging community interest companies - which parliament has passed legislation on in recent years -could be a suitable model for developing the sort of partnerships described above, as an alternative to the business improvement district/levy model.

I am making enquiries to see if I can obtain further copies of the material, and if this comes to hand I will certainly let you have it.

I wish you well with your further consideration of this important scrutiny and look forward to reading a copy of your report.

Best wishes

Yours sincerely

A handwritten signature in black ink that reads "Linda". The signature is written in a cursive, flowing style.

**Linda Gilroy MP**

Cc Cllr Michael Leaves  
Democratic Support Services - PCC

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