

Item. 7	Classification: Open	Date: 17 March 2009	Meeting name: Licensing Committee
Report title:	The Licensing Act 2003 – Monitoring of Camberwell and Peckham Saturation Policies		
Ward(s) or groups affected:	Camberwell Green, Brunswick Park, Peckham, The Lane, Livesey, Nunhead & adjoining wards		
From:	Strategic Director of Environment and Housing		

RECOMMENDATIONS

1. That the committee considers the latest statistical information provided by the partnership analytical group relevant to the Camberwell and Peckham saturation zones and decides, in both cases, that the saturation zones should remain in place and subject to ongoing six-monthly review.

BACKGROUND INFORMATION

2. Statutory guidance on the Licensing Act 2003, permits licensing authorities to consider the adverse cumulative impact of licensed premises on a local area and to implement a policy that seeks to restrict the further increase of licensed premises in that area. This is known as a saturation policy.
3. Since the introduction of the Licensing Act 2003 in November 2005, the council's licensing committee has been monitoring available information sources that might help to gauge the local cumulative impact of licensed premises, particularly in terms of crime and disorder and nuisance. Reports are provided at six-monthly intervals following the release of the latest relevant statistical information from the partnership analytical group.
4. Based on evidence provided from this analysis and submissions received from the local community following public consultation, the council assembly decided, on 5 November 2008, to establish saturation policies in the Camberwell and Peckham areas.
5. Having established these saturation policies, the committee now has an ongoing duty to monitor their impact and should maintain the policies only for as long as their existence is necessary.
6. This report provides the committee with the first new analysis of statistics (up until November 2008) since the policies were brought into effect.
7. The committee is asked to consider the new analysis and decide whether, on the basis of this information, it is appropriate and necessary for the policies to remain in effect in either their present or amended forms. If amendments to either the boundary or the classes of premises involved in either policy are proposed this will need to be the subject of further public consultation.
8. This report is one of three reports dealing with issues around saturation. A second report considers in detail whether a third policy should be introduced covering the Old Kent Road corridor. The third report provides an ongoing monitor of the Borough & Bankside, Elephant & Castle, Herne Hill and Shad Thames areas and general "hotspot" information.

KEY ISSUES FOR CONSIDERATION

General

The partnership analytical report

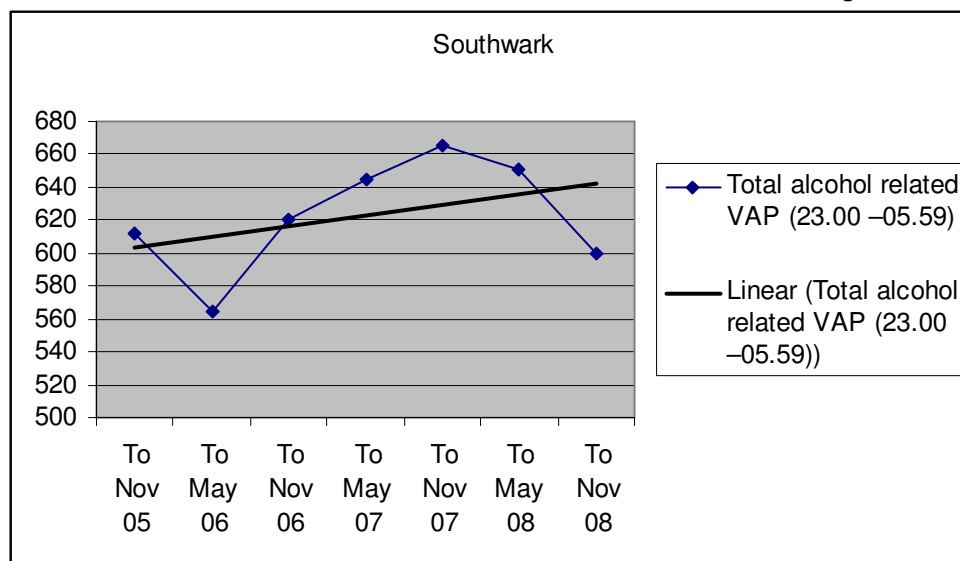
9. The partnership analyst's latest statistical report was released on 14 January 2009. It provides data on the following:
 - Violence against the person (VAP);
 - Disorder and rowdiness; and
 - Ambulance pick-ups
10. A copy of the full analysis is attached as appendix A to this report. Pertinent extracts are included where relevant in the main body of this report.

Violence against the person

11. VAP figures reproduced in the analytical report have attempted to capture incidents that are likely to be related to alcohol, excluding incidents of domestic violence, between the hours of 23.00 and 05.59. The category of violence against the person incorporates a number of individual crime types including murder, grievous bodily harm, actual bodily harm, common assaults, the possession of offensive weapons, harassment and other violent crime.
12. Table 1 below provides comparative figures for VAP within Southwark generally, for the past seven, six-month periods commencing June – November 2005 (the last period preceding the introduction of the 2003 Act) through to June – November 2008. Figure 1 provides a visual representation.

VAP Southwark	Jun 05 – Nov 05 (pre 2003 Act)	Dec 05 – May 06 (post 2003 Act)	Jun 06 – Nov 06	Dec 06 – May 07	Jun 07 – Nov 07	Dec 07 – May 08	Jun 08 – Nov 08
Total alcohol related VAP (23.00 –05.59)	612	565	620	645	666	651	600

Table 1 / figure 1



13. VAP figures across Southwark for the most recent six-month period (June – November 2008) are the lowest recorded since the first period after the introduction of the Act (December 2005 to May 2006). The figures represent:
 - A 2% reduction on the last period (June – November 2005) before the introduction of the Act; and
 - A 10% reduction on the last comparable period (June – November 2007).
14. Total VAP figures for the last 12-month period (December 2007 – November 2008) show a 4.5% decrease on the previous comparable 12 month period (December 2006 – November 2007).

Disorder / rowdiness

15. The analytical report also provides information on disorder / rowdiness figures which collects all calls to the police regarding disturbances in licensed premises, disorder or rowdiness between 23.00 and 05.59. Information is provided in this report specific to the situations in Camberwell and Peckham. An overview of the situation across Southwark generally is not available.

Ambulance pick-ups

16. The third category of information provided in the analytical report deals with data obtained from the London ambulance service on alcohol related pick-ups in Southwark between 23.00 and 05.59.

Assessment of related nuisance by the Southwark Environmental Protection Team

17. The council's environmental protection team including noise nuisance, has separately reported on complaints received by the team over the same seven six-month periods. Full comparative figures for complaints received across Southwark are not available but specific information is given for each of the areas under examination in this report.
18. It should be noted that the complaints detailed are not limited to night time complaints as per the VAP and disorder / rowdiness figures. Additionally, the figures reported relate to nuisance issues associated with licensed premises generally and not noise nuisance from music exclusively. Further detail is given with each area's information

Camberwell

Overview of the situation in Camberwell

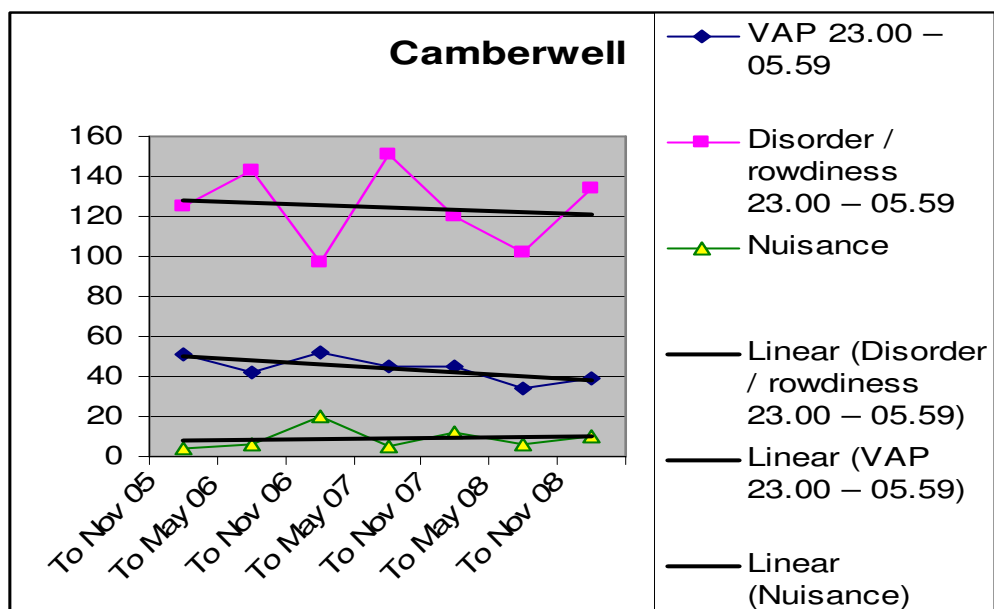
19. The boundary of the Camberwell saturation area, as agreed by Council assembly on 5 November 2008, is defined as follows - Starting at Camberwell New Road at the junction with Wyndham Road progressing to Camberwell Road / Bowyer Place / Edmund Street / Benhill Road / Wilson Road / Graces Road / Graces Mews / Camberwell Grove (via alley) / Grove Lane / De Crispigny Park / Denmark Hill cross Lambeth Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road to the start. A map of the area is provided at appendix B.
20. At the time that this report was prepared there were 94 premises licensed under the Licensing Act 2003 in the Camberwell saturation area for either the sale or supply of alcohol; and / or the provision of regulated entertainment; and / or the provision of late

night refreshment. This figure includes 24 restaurants / cafes, 25 grocers / supermarkets and 21 public houses. It represents 7.8% of total licensed premises in Southwark.

21. The classes of licensed premises to which the saturation policy currently applies are night-clubs; public houses and bars; off-licences, grocers, supermarkets, convenience stores and other similar premises.
22. Table 2 / figure 2 below provide comparative figures for Camberwell across the past seven, six-month periods commencing June to November 2005 through June to November 2008.
 - a) VAP;
 - b) Disorder and rowdiness; and
 - c) Nuisance

Camberwell	Jun 05 – Nov 05 (Pre 2003 Act)	Dec 05 – May 06 (Post 2003 Act)	Jun 06 – Nov 06	Dec 06 – May 07	Jun 07 – Nov 07	Dec 07 – May 08	Jun 08 – Nov 08
VAP 23.00 – 05.59	51	42	52	45	45	34	39
% total VAP in Southwark	8%	7%	8%	7%	7%	6%	6%
Disorder / rowdiness 23.00 – 05.59	125	143	97	151	120	102	134
Nuisance	4	6	20	5	12	6	14

Table 2 / figure 2



23. VAP figures (table 2) for the most recent six-month period (June to November 2008) represent
 - A 24% decrease on last period prior to the introduction of the Act (June to November 2005); and

- A 13% decrease on the last comparable period (June to November 2007).
24. Total VAP figures for the last 12-month period (December 2007 – November 2008) show an 8% decrease on the previous comparable 12 month period (December 2006 – November 2007).
 25. Disorder / rowdiness figures (table 2) for the most recent six-month period (June to November 2008) represent
 - A 7% increase on last period prior to the introduction of the Act (June to November 2005); and
 - A 12% increase on the last comparable period (June to November 2007).
 26. Total disorder / rowdiness figures for the last 12-month period (December 2007 – November 2008) show a 13% decrease on the previous comparable 12 month period (December 2006 – November 2007).
 27. Nuisance figures (table 2) for the most recent six-month period (June to November 2008) represent
 - A 350% increase on the last period prior to the introduction of the Act (June to November 2005); and
 - A 17% increase on the last comparable period (June to November 2007).
 28. Total nuisance figures for the last 12-month period (December 2007 – November 2008) show an 18% increase on the previous comparable 12-month period (December 2006 – November 2007). For information the 14 nuisance complaints received in the period June – November 2008 relate to 10 different premises and comprise 11 music complaints, 1 people noise, 1 fixed plant and 1 DIY / construction work.
 29. No area specific details are available for local ambulance pick-ups. However, hot spot maps provided in the latest analyst's report (page 7 of appendix A) show that Camberwell had a comparatively high number of calls in both the December 2007 to May 2008 and June 2008 to November 2008 periods.

View from the Commissioner of Police for the Metropolis

30. The observations of the commissioner of police for the metropolis on this matter will be reported orally to the committee.

Peckham

Overview of the situation in Peckham

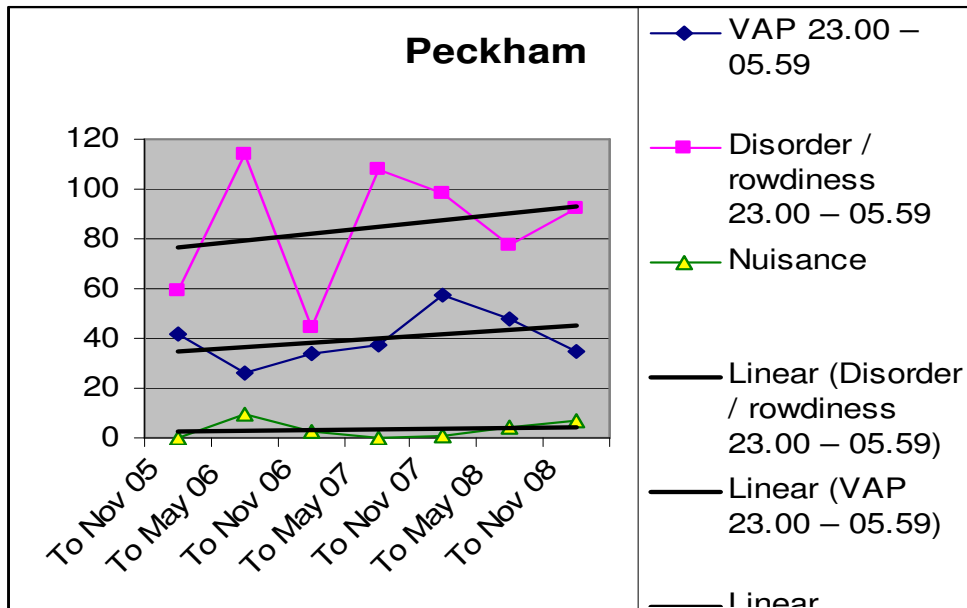
31. The boundary of the Peckham saturation area, as agreed by council assembly on 5 November 2008, is defined as follows - Commencing at Peckham High Street at the junction with Sumner Avenue progressing via Jocelyn Street / Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / Bournemouth Road / Rye Lane / Choumert Road / Bellenden Road North and returning to Peckham High Street at the junction with Sumner Avenue. A map of the area is provided at appendix C.
32. At the time that this report was prepared there were 44 premises licensed under the Licensing Act 2003 for either the sale or supply of alcohol; and / or the provision of

regulated entertainment; and / or the provision of late night refreshment in the proposed Peckham saturation area. This includes 13 restaurants / cafes; 12 supermarkets / grocers / off-licences; and 10 public houses / bars. It represents 3.7% of total licensed premises in Southwark.

33. The classes of licensed premises to which the saturation policy currently applies are night-clubs; public houses and bars; off-licences, grocers, supermarkets, convenience stores and other similar premises.
34. Table 3 / figure 3 below provides comparative figures for Peckham across the past seven, six-month periods commencing June to November 2005 through to June to November 2008 for
- VAP;
 - Disorder and rowdiness; and
 - Nuisance

Peckham	Jun 05 – Nov 05 (Pre 2003 Act)	Dec 05 – May 06 (Post 2003 Act)	Jun 06 – Nov 06	Dec 06 – May 07	Jun 07 – Nov 07	Dec 07 – May 08	Jun 08 – Nov 08
VAP 23.00 – 05.59	42	26	34	37	57	48	35
% total VAP in Southwark	7%	4%	6%	6%	9%	8%	6%
Disorder / rowdiness 23.00 – 05.59	59	114	44	108	98	77	92
Nuisance	0	10	3	0	1	4	7

Table 3 / figure 3



35. VAP figures (table 3 for the most recent six-month period (June to November 2008) represent
- A 17% decrease on last period prior to the introduction of the Act (June to November 2005); and
 - A 39% decrease on the last comparable period (June to November 2007).
36. Total VAP figures for the last 12-month period (December 2007 – November 2008) show an 12% decrease on the previous comparable 12 month period (December 2006 – November 2007).
37. Disorder / rowdiness figures (table 3) for the most recent six-month period (June to November 2008) represent
- A 56% increase on last period prior to the introduction of the Act (June to November 2005); and
 - A 6% decrease on the last comparable period (June to November 2007).
38. Total disorder / rowdiness figures for the last 12-month period (December 2007 – November 2008) show an 18% decrease on the previous comparable 12 month period (December 2006 – November 2007).
39. Nuisance figures (table 3) for the most recent six-month period (June to November 2008) represent a 700% increase on the last comparable period (June – November 2007).
40. Total nuisance figures for the last 12-month period (December 2007 – November 2008) show an 1100% increase on the previous 12-month period (December 2006 – November 2007). For information the 7 nuisance complaints received in the period June – November 2008 relate to 3 different premises. 1 premises generated 5 complaints. Each complaint concerned loud music.
41. No area specific details are available for local ambulance pick-ups. However, hot spot maps provided in the latest analyst's report (page 7 of appendix A) show that Peckham

had a comparatively high number of calls in both the December 2007 to May 2008 and June 2008 to November 2008 periods.

View from the Commissioner of Police for the Metropolis

42. The observations of the commissioner of police for the metropolis on this matter will be reported orally to the committee.

The cumulative impact of a concentration of licensed premises

43. The matter of the cumulative impact of a concentration of licensed premises on the licensing objectives is dealt with under Sections 13.24 through to 13.39 of the guidance to the Act produced by the Department of Culture Media and Sport (DCMS) (last revision approved June 2007). In order to be able to consider the issues around the introduction of saturation policies fully, it is important to understand the concept of cumulative impact and saturation policies, as set out in the guidance. Member's attention is drawn to the key points of the guidance set out in the supplementary advice from the strategic director of legal and democratic services in this report (paragraph 52 onward).

Next steps

44. If the committee considers that it is appropriate and necessary to maintain saturation policies in both areas then the committee need only to confirm this and the matter will be next reviewed upon the release of the next partnership analysis, once figures for the December 2008 – May 2009 period become available.
45. If the committee considers that the boundary of either policy area or the classes of premises to which the policy applies in either area should be amended, then this potentially constitutes a revision of the council's statement of licensing policy and, as such, is required to be the subject of public consultation under section 5(3) of the Licensing Act 2003. Such consultation must take place with:
 - The chief officer of the police for the area;
 - The fire authority;
 - Such persons that are considered to be representative of local premises licence holders, club premises certificate holders and personal licence holders; and
 - Such persons as are considered to be representative of local residents and businesses.
46. If the committee decides that either policy should cease at this time then such recommendation should be made to council assembly for ratification.

COMMUNITY IMPACT STATEMENT

47. This report considers whether it is necessary to maintain saturation policies within the Camberwell and Peckham areas of the borough to help control the direct impacts of the leisure and night-time economy on the respective local communities involved.
48. Saturation policies have the potential to place a check on identified and escalating concerns relating to crime and disorder, anti-social behaviour and nuisance. In doing so

such policies may contribute toward reducing the fear of crime and making Southwark a better place to live, work and visit.

49. The continuation of a policy does not prevent responsible operators from becoming established within the area or from developing existing businesses. However, when making licensing applications operators will have to demonstrate that their business proposals do not further impact on the identified concerns.

RESOURCE IMPLICATIONS

50. Neither the maintenance of the policies nor a decision to bring either policy to a close has significant resource implications.

CONSULTATIONS

51. No formal consultations have taken place in the preparation of this report other than liaison between the various contributors.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director for Legal and Democratic Services

Cumulative Impact and Special/Saturation Policies

52. The Licensing Act 2003 does not, in itself, provide for saturation policies. However, Section 4 of the Act provides that in carrying out its functions a licensing authority must have regard to “the guidance” issued by the Secretary of State under Section 182 of the Act. The guidance acknowledges that saturation policies are a proper matter to be taken into account when developing a licensing policy.
53. Section 5(4) of the Act imposes a duty on licensing authorities to review their licensing policies regularly and make changes where necessary. Paragraph 13.31 of the guidance states that saturation policies once adopted should be reviewed regularly to assess whether they are needed any longer or need to be expanded.

Consultation

54. Sections 5(3) and 5(5) of the Act states that before formulating or revising any such policy the licensing authority must first consult with the local police, fire service and representative bodies of local residents, businesses and premises licence holders.

Evidence

55. It is clear from the guidance that any decision to include or revise a saturation policy within the statement of licensing policy should have an evidential basis which demonstrates that the cumulative impact of licensed premises in an area is having an impact on crime and disorder and/or public nuisance.
56. Members are asked to consider the evidence contained in this report and decide whether the saturation policies in place for Camberwell and Peckham are still considered to be both appropriate and necessary. If members are satisfied that the saturation policies are still required, they must consider whether the policies require any revision.
57. The guidance states that statements of licensing policy should contain information about the alternative mechanisms available for controlling cumulative impact. The licensing

policy should contain details of mechanisms available both within and outside of the licensing regime. (guidance at paragraph 13.39).

58. Members should note that the statement of licensing policy must not be inconsistent with the provisions of the 2003 Act and must not override the right/s of any individual as provided for in that Act. Nor must the statement of licensing policy be inconsistent with obligations placed on the council under any other legislation, including human rights legislation. Members should also note that the council has a duty under Section 17 of the Crime and Disorder Act 1998, when carrying out its functions as a licensing authority under the 2003 Act, to do all it reasonably can to prevent crime and disorder within the borough.
59. The 2003 Act provides that the functions of the licensing authority, except those relating to the making of the statement of licensing policy, are to be taken or carried out by its licensing committee and that the licensing committee may delegate these functions to sub-committees or to licensing authority officials in appropriate cases. The council has delegated its licensing functions in accordance with the 2003 Act as set out in its constitution (2007/2008) at part 3G.

Finance Director's Concurrent (Env/ET/160209

60. The head of community safety and enforcement has confirmed that any costs arising from implementing the proposals, set out in the report, will be fully contained within existing budgets.

BACKGROUND DOCUMENTS

Background papers	Held at	Contact
Licensing Act 2003 Associated secondary regulations DCMS Guidance to the Act Southwark Statement of Licensing Policy Partnership Analyst's Report	The Health Safety & Licensing Unit, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Mrs Kirtikula Read. Telephone: 020 7525 5748

APPENDICES

Appendix No.	Title of Appendix
A	Partnership analyst team report of 14 January 2009
B	Map of the Camberwell saturation area
C	Map of the Peckham saturation area

AUDIT TRAIL

Lead Officer	Jonathon Toy, Head of Community Safety & Enforcement
Report Author	Richard Parkins; Health Safety & Licensing Unit Manager
Version	Final
Dated	6 March 2009
Key Decision	Yes
Consultation with other officers / directorates	
Officer Title	Comments sought and included
Strategic Director	Yes

of Legal and Democratic Services	
Director of Finance	Yes
Executive Member	Yes