

## Licensing Committee

Tuesday 9 March 2010

7.00 pm

Town Hall, Peckham Road, London SE5 8UB

### Membership

Councillor David Hubber (Chair)  
Councillor Dominic Thorncroft (Vice-Chair)  
Councillor Anood Al-Samerai  
Councillor Robin Crookshank Hilton  
Councillor Dora Dixon-Fyle  
Councillor Jelil Ladipo  
Councillor Lorraine Lauder MBE  
Councillor Wilma Nelson

Councillor Sandra Rhule  
Councillor Jane Salmon  
Councillor Mackie Sheik  
Councillor Althea Smith  
Councillor Eliza Mann  
Councillor Abdul Mohamed  
Councillor Ian Wingfield

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#### Contact

Sean Usher on 020 7525 7222 or email: [sean.usher@southwark.gov.uk](mailto:sean.usher@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Annie Shepperd**

Chief Executive

Date: 1 March 2010



# Licensing Committee

Tuesday March 9 2010  
7.00 pm  
Town Hall, Peckham Road, London SE5 8UB

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>MINUTES FROM THE LICENSING COMMITTEE</b>	1 - 3
	To approve as a correct record the Minutes of the open section of the meeting held on 8 October 2009.	
6.	<b>MINUTES FROM THE LICENSING SUB-COMMITTEES</b>	4 - 38

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7.	<b>THE LICENSING ACT 2003 - CONSIDERATION OF LOCAL SATURATION POLICIES DEALING WITH THE "CUMULATIVE IMPACT" OF LICENSED PREMISES - BOROUGH AND BANKSIDE, CAMBERWELL AND PECKHAM AREAS</b>	39 - 106
8.	<b>THE LICENSING ACT 2003 - CONSIDERATION OF LOCAL SATURATION POLICIES DEALING WITH THE "CUMULATIVE IMPACT" OF LICENSED PREMISES - ELEPHANT &amp; CASTLE AND OLD KENT ROAD CORRIDOR</b>	107 - 121
9.	<b>THE LEGISLATIVE REFORM (MINOR VARIATIONS TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES) ORDER 2009 &amp; LICENSING ACT 2003 (PREMISES LICENCES AND CLUB PREMISES CERTIFICATES)(MISCELLANEOUS AMENDMENTS) REGULATIONS 2009</b>	122 - 146
10.	<b>LEGISLATIVE CHANGE RELEVANT TO LICENSING ISSUES 2010</b>	147 - 157
11.	<b>BANKSIDE STREET TRADING - UPDATE</b>	

There will be an update provided at the meeting.

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

#### **EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

#### **PART B - CLOSED BUSINESS**

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 1 March 2010



## Licensing Committee

MINUTES of the OPEN section of the Licensing Committee held on Thursday October 8 2009 at 7.00 pm at Town Hall, Peckham Road, London SE5 8UB

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**PRESENT:** Councillor David Hubber (Chair)  
Councillor Dominic Thorncroft  
Councillor Mackie Sheik  
Councillor Althea Smith  
Councillor Ian Wingfield

**OTHER MEMBERS PRESENT:** Councillor Linda Manchester  
Councillor Adele Morris

**OFFICER SUPPORT:** Bill Legassick, pollution control  
Richard Parkins, licensing unit  
Kate Heap, legal officer  
Sean Usher, constitutional officer

### 1. APOLOGIES

Apologies were received from Councillors Robin Crookshank Hilton, Lorraine Lauder, Anood Al-Samerai, Eliza Mann, Sandra Rhule and Dora Dixon Fyle.

### 2. CONFIRMATION OF VOTING MEMBERS

The members in attendance were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept an addendum report relating to item 10 on the agenda. The addendum report provided further information on the minor variations process.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. MINUTES FROM THE LICENSING COMMITTEE

#### RESOLVED:

1. That the minutes of the meeting held on October 21 2008 and March 17 2009 be agreed as a correct record and signed by the chair.



## **6. MINUTES FROM THE LICENSING SUB-COMMITTEES**

### **RESOLVED:**

1. That the minutes of the meetings held on April 6 2009, April 15 2009, April 20 2009, April 27 2009, May 6 2009, May 11 2009, May 18 2009, June 3 2009, June 8 2009, June 17 2009, June 22 2009, June 29 2009, July 6 2009, July 15 2009, July 27, 2009, July 31 2009, August 19 2009, August 24 2009 and September 2 2009 be agreed as a correct record and signed by the chair.

## **7. THE LICENSING ACT 2003 - CONSIDERATION OF LOCAL SATURATION POLICIES DEALING WITH THE "CUMULATIVE IMPACT" OF LICENSED PREMISES - PECKHAM & CAMBERWELL AREAS**

### **RESOLVED:**

1. That the saturation policy remain in place in Camberwell and be monitored every 6 months and that the category of premises remains the same.
2. That a new proposed boundary for the Peckham saturation zone be recommended to council assembly on November 4 2009 as follows: Commencing Peckham Road at junction with Talfourd Road to Kelly Avenue / Gatonby Street / Sumner Road / Jocelyn Street / cross Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / Heaton Road / Sternhall Lane / McDermott Road / Maxted Road / Bellenden Road / Chadwick Road / Lyndhurst Way / Peckham Road return to start.
3. That the committee agreed that the classes of premises covered by the saturation policy in Peckham that will be recommended to council assembly, be as follows:
  - a. night-clubs; public houses / bars; off-licences, grocers, supermarkets, convenience stores and other similar premises.

## **8. THE LICENSING ACT 2003 – CONSIDERATION OF LOCAL SATURATION POLICIES DEALING WITH THE “CUMULATIVE IMPACT” OF LICENSED PREMISES – BOROUGH AND BANKSIDE AREA**

### **RESOLVED:**

1. That the committee agreed to recommend to council assembly that a third saturation policy be introduced covering the Borough and Bankside area. The boundary of the area and the classes of premises affected to be as per the map in Appendix 2 of the report.
2. That the committee agreed that an expansion of the designated area would be considered in 12 months time and be recommended to council assembly if agreed.

**9. THE LICENSING ACT 2003 – CONSIDERATION OF LOCAL SATURATION POLICIES DEALING WITH THE “CUMULATIVE IMPACT” OF LICENSED PREMISES – OLD KENT ROAD CORRIDOR AND ELEPHANT & CASTLE AREAS**

**RESOLVED:**

1. That the committee considered, on the basis of the partnership analytical report, the situation within the Old Kent Road corridor and decided to continue to monitor the situation for a further 6 month period.
2. That the committee considered, on the basis of the partnership analytical report, the situation within the Elephant & Castle and decided to continue to monitor the situation for a further 6 month period.

**10. THE LICENSING ACT 2003 (PREMISES LICENCES AND CLUB PREMISES CERTIFICATES)(MISCELLANEOUS AMENDMENTS) REGULATIONS 2009**

**RESOLVED:**

1. That the committee noted the legislative amendments and section 182 guidance provision to allow all applications for minor variations made under section 41 of the Licensing Act 2003 (as amended) to be determined at officer level (the Community Safety & Enforcement Business Unit Manager).
2. That the committee noted the intention to seek an amendment of the matters reserved to the licensing sub-committee to bring the constitution in line with these requirements.
3. That the committee be further consulted on the protocols put in place for officers to deal with minor variations.
4. That the committee agreed that any minor variations will be dealt with by a licensing sub-committee until the constitutional changes have been approved.

The meeting ended at 9.00pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday November 2 2009 at 10.00 am at Ground Floor Meeting Room G02A, 160 Tooley Street, London SE1 2TZ

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- PRESENT:** Councillor David Hubber  
Councillor Lorraine Lauder MBE  
Councillor Dominic Thorncroft
- OTHERS:** Mr. Glen Lake, applicant's agent  
Mr. Carlos Naranjo, applicant's witness  
Councillor Tim McNally, ward councillor  
Matthew Cullen, planning officer  
Debbie Lawless, environmental protection  
Mr. Fred Sharrock, objector  
Ms. Emma Beardmore, witness for objector  
Mr. Darren Gillett, resident
- OFFICER SUPPORT:** David Franklin, licensing  
Kate Heap, legal officer  
Paula Thornton, constitutional team

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

Voting members were confirmed.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

#### **5. LICENSING ACT 2003 - SORRISO, 5-7 ROCKINGHAM ST, LONDON SE1 6PD**

The licensing officer confirmed that Luis Naranjo was the licence holder for the premises. An opportunity was provided to all parties to ask questions of the officer.

The applicant's agent addressed the sub-committee, calling on Carlos Naranjo to give evidence. An opportunity was provided to all parties to ask questions of the agent and witness.

Representations were also heard from a council planning officer, Councillor McNally (ward councillor), Mr. Sharrock and his witness (Emma Beardmore). An opportunity was provided to all parties to ask questions.

All parties were offered the opportunity to have 5 minutes to sum up.

At 11.35am all parties were requested to leave the room while the meeting went into closed session. At 12 noon all parties were recalled to the meeting and the chair read out the sub-committee's decision as follows:

#### **RESOLVED:**

1. That the application made by Luis Naranjo to vary a Premises Licence granted under the Licensing Act 2003 in respect of the premises known as: Sorriso, 5 – 7 Rockingham Street, London SE1 6PD be refused.

#### **Reasons**

The reasons for the decision are as follows:

The sub-committee heard oral representations from Mr. Glen Lake (representing the applicant), Mr. Carlos Naranjo, Dave Franklin (licensing officer), Debbie Lawless (environmental protection team), Mr. Fred Sharrock (resident), Ms. Emma Beardmore (witness of Mr. Sharrock), Matthew Cullen (planning officer) and Councillor McNally (who had written authority to speak on behalf of the residents association).

The sub-committee noted that no satisfactory explanation was provided for the absence of the applicant.

The sub-committee also considered the written representations contained in the report, including those of Mr. Vassen and Mr. Holborow.

The sub-committee heard evidence (which was not disputed by Mr. Lake) that Mr. Carlos Naranjo had applied for a variation of the existing planning permission, which was granted on the 26<sup>th</sup> January 2009. Also that he and Luis Naranjo had been served with a Stop Notice and Planning Enforcement Notice on the 31<sup>st</sup> March 2009. The sub-committee also heard evidence that Carlos Naranjo and Luis Naranjo had been served

with a Noise Abatement Notice on the 11<sup>th</sup> August 2009 and that Carlos Naranjo had not appealed against that Notice. The sub-committee heard evidence from Matthew Cullen and Councillor McNally that Carlos Naranjo had been present on a number of occasions, specifically the 5<sup>th</sup> and 24<sup>th</sup> July 2009, when the premises remained open and music was playing after permitted hours. The sub-committee heard evidence from Mr. Sharrock that on the night of the 22<sup>nd</sup>/23<sup>rd</sup> August 2009 people were entering the premises between 12 midnight – 2.45am, some with musical instruments.

The sub-committee was accordingly not satisfied by the evidence of Carlos Naranjo that he had not been involved in, or had control over, the management of the premises prior to August 2009. The sub-committee was not satisfied by Carlos Naranjo's assurances that he would bring a new and responsible management ethos into being when the premises re-opened. The sub-committee noted the observations of Mr. Sharrock and Councillor McNally that, given the history of breaches, a new management team would need to establish a record of compliance.

The sub-committee concluded that it was necessary and proportionate to refuse the application having regard to the licensing objective of the prevention of public nuisance.

### **Appeal Rights**

This decision is open to appeal by either:

The applicant and any person who made relevant representations in relation to the application may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

### **EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

#### **RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

**6. LICENSING ACT 2003 - APPLICATION FOR A PERSONAL LICENCE**

This application was refused.

The meeting ended at 12.30am.

**CHAIR:**

**DATED:**

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 16 November 2009 at 10.00am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2TZ

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<b>PRESENT:</b>	Councillor David Hubber Councillor Mackie Sheik Councillor Althea Smith
<b>OTHERS PRESENT:</b>	Personal licence applicant Mark Ames, applicant James McNeil, applicant Claire Eames, applicants' representative Ali Al-Hamdani, local resident Monica Humphries, local resident Shirley White, local resident Brian White, local resident Marion Marples, local resident Councillor Adele Morris, ward councillor PC Paul Compton, Metropolitan Police
<b>OFFICER SUPPORT:</b>	Kristie Ashenden, licensing officer Felix Rechtman, legal officer Andrew Weir, constitutional officer

### 1. APOLOGIES

There were no apologies for absence.

### 2. CONFIRMATION OF VOTING MEMBERS

The three voting members were confirmed.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. LICENSING ACT 2003 - PULSE - 1-4 BLACKFRIARS ARCHES, LONDON SE1

The licensing officer presented his report. Members had no questions for the officer.

The applicants and their representative presented their application to the sub-committee. Members had questions for the applicants.

Local residents and the ward councillor addressed the sub-committee regarding their objections to the application. Members had questions for the local residents.

All parties were given 5 minutes to sum up then the sub-committee went into closed session, and then made the following decision.

**RESOLVED:**

That the application by A&M Leisure Limited for a new premises licence in respect of the premises known as Pulse, Invicta Plaza, 1 – 4 Blackfriars Arches, London, SE1 be approved in so far as:

The following licensable activities will be permitted under the licence during the times shown.

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>A. Plays</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>B. Films</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>C. Indoor Sporting Events</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>D. Boxing or Wrestling Entertainments</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>E. Live Music</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>F. Recorded Music</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>G. Performance of Dance</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>H. Anything Similar to E, F, G</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>I. Provision for Making Music</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>J. Provision for Dancing</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>K. Provision of facilities similar to I or J</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00
<b>L. Late night Refreshment</b>	23.00-05.00	23.00-05.00	23.00-05.00	23.00-05.00	23.00-05.00	23.00-05.00	23.00-05.00
<b>M. Supply of Alcohol (no off-sales)</b>	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00	00.00-00.00



## Conditions

The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section P of the application form and the following conditions:-

- a) All mandatory conditions set out in the Licensing Act 2003 relating to:
- Authorisation of the retail sale of alcohol; and
  - The provision of door supervision
- b) The following additional special conditions developed through discussion from the original operating schedule attached to the variation application as follows:-
- (i) That during key trading times the premises will be covered by a trained security team.
  - (ii) That a security log is maintained, detailing the hours of duty for all staff employed in security roles, this is to include SIA badge numbers.
  - (iii) That the premises will be linked to the Police via panic buttons.
  - (iv) That metal detectors will be placed in both lobbies and security searches will take place.
  - (v) That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No search no entry, management reserve the right to refuse entry'.
  - (vi) That the toilets will be checked by staff who will be trained to look out for any suspicious events taking place.
  - (vii) That all staff will be trained to look out for any signs of drug use or sale.
  - (viii) That a drugs drop box, which must be secure and have a tamper proof entrance, shall be fixed to the wall in the entrance foyer to the premises and an agreement must be established with the local Police over the emptying and collection of any drugs deposited in the box.
  - (ix) That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.
  - (x) That all CCTV footage shall be kept for a period of fourteen (14) days and shall, on request, be made immediately available to officers of the police and council.
  - (xi) That the premises will be refurbished in accordance with the enclosed supporting proposed plans or in the case of alterations to that drawing, any further drawings served on the responsible authorities prior to the re-opening of the premises.
  - (xii) That a risk assessment will be conducted and the local Fire Safety Officer will be notified of the capacity.
  - (xiii) That an adequate supply of free drinking water shall be provided for all customers.
  - (xiv) That risk assessments (including a fire risk assessment) will be carried out and following such risk assessment an action plan will be prepared and any additional action required will be implemented. This will be reviewed annually.
  - (xv) That the only time children will be allowed in the premises is when charitable events involve them.

- (xvi) That a Challenge 21 policy will be in place so anyone appearing to be under the age of 21 will be asked for photographic ID and anyone unable to provide such, service will be refused.
- (xvii) That photographic driving licences, passports or, in agreement with police, a form of identification with the PASS hologram will be used as evidence of anyone who appears to be under the age of 18.
- (xviii) That signs within the premises shall be erected directing patrons to the use of the services of the dedicated taxi company.
- (xix) That taxi drivers of the dedicated taxi company and local firms shall be instructed not to sound car horns to attract customer attention.
- (xx) That all audio and musical equipment on the premises shall be played through the approved sound limiting/ cut out device.
- (xxi) That there shall be no movement of musical or amplification equipment from the premises between the hours of 12 midnight and 8am.
- (xxii) That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
- (xxiii) That the  $L_{max}$  noise level from amplified music and speech shall be no greater than the existing  $L_{90}$  1metre from the facade of the nearest noise sensitive premises at all octave bands between 63Hz and 8kHz. Prior to the commencement of regulated entertainment at the premises, and after completion of sound insulation measures an acoustic report confirming previous details and subsequent measurement data of the sound insulation to demonstrate compliance with the above requirements will be submitted to the environmental protection team for approval
- (xxiv) That the management of the premises shall notify the Police and Southwark Licensing Service in writing seven (7) days in advance what event is being hosted, either club or corporate and what part of the licence would be applicable. This must include the details of the date and time it will be in operation. A 'corporate' event would be a private party for a group of individuals employed by or associated to the company which has made the booking – it would not be open to the public and would be by invitation only by that company. The 'normal' club night is a night promoted either internally by the club or by an external promoter, where it is advertised in the press and on websites, where people pre-purchase a ticket or pay at the door and it is open to individuals aged 18+.

The following conditions apply when the premises is operating as a nightclub:

- (xxv) That SIA registered door supervisors shall be employed at all times after 22.00hrs and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded. On nights when events are aimed at both male and female customers, there will be a requirement to employ a female SIA registered door supervisor.
- (xxvi) That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search, No Entry, Management reserve the right to refuse entry'.

- (xxvii) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing clear facial image of all that enter the premises.
- (xxviii) That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council.
- (xxix) That you shall require any regular and external promoters hiring the premises to complete the Metropolitan Police Risk Assessment ('Venue Hire Agreement' form 696) once completed, you shall ensure that a copy of the agreement is provided to the police a minimum of fourteen days prior to the date of hire.
- (xxx) That a personal licence holder is on the premises and on duty at ALL times that intoxicating liquor is supplied.
- (xxxi) The licensee shall not permit conduct on the premises that is likely to cause disorder, violence, a breach of the peace or drug misuse.
- (xxxii) That the venue will train its staff in all aspects of relevant legislation.
- (xxxiii) That a risk assessment will be conducted and the local fire safety officer will be notified of the capacity.
- (xxxiv) That an accurate record shall be kept of the number of persons admitted to each part of the premises, such records shall be retained for 6 months and made available to the responsible authorities.
- (xxxv) That there shall be a suitable number of adequately trained staff to prevent overcrowding in parts of the premises, keep exit routes clear and to ensure safe evacuation of people from the premises. In the event of an emergency such staff will have been issued with specific duties in the event of an emergency.
- (xxxvi) That all staff shall have received training on the safe evacuation of the premises in the event of an emergency and such training shall be repeated at least annually. A record of the training provided shall be kept at the premises for at least 12 months and shall be made available to the fire service or the council upon request.
- (xxxvii) That adequate arrangements will be made in the fire evacuation plan to ensure the safe evacuation of any disabled persons in the event of an emergency.
- (xxxviii) That all escape doors and escape routes will be checked before the premises open for trading to the public and records of the check shall be maintained.
- (xxxix) That all fire exit doors shall be available and shall be capable of opening without the use of any key, card, code or similar means.
- (xl) That fire doors will be self closing and shall not be held open other than by devices approved by the fire service.
- (xli) That the edges to steps and stairways shall be maintained so as to be conspicuous.
- (xlii) That notices detailing the action to be taken in the event of fire or other emergency will be prominently displayed in the premises.
- (xliii) That fire alarm/fire evacuation/emergency lighting tests will be carried out at least monthly and a record maintained of those tests. Such records to be kept at the premises for at least 12 months and made available to the fire service and the council.
- (xliv) That an adequate supply of free drinking water shall be provided for all

- customers.
- (xlv) That risk assessments (including a fire risk assessment) will be carried out and following such risk assessment an action plan will be prepared and any additional action required will be implemented. This will be reviewed annually.
  - (xlvi) That the licensee shall make available and display the telephone number of the premises so that they can be contacted immediately by neighbours disturbed by noise.
  - (xlvii) That door supervisors and staff will endeavour to ensure that customers leaving or attending the premises do so in a quiet and orderly manner.
  - (xlviii) That signs shall be displayed at the bar stating that any person who appears to be under the age of 18 will not be allowed on the premises.
  - (xlix) That the licensee shall instruct SIA door supervisors to inspect the neighbourhood at one hour intervals for any sound escape from the premises. Where sound from the premises is audible in the neighbourhood, the licensee shall take all reasonable steps to ensure that a noise nuisance will not be caused to local residents.

c) Subject to the following additional conditions agreed by the sub committee:

- i) No off-sales
- ii) No open containers to be taken outside the premises.

### **Reasons**

The reasons for the decision are as follows:

The sub-committee was satisfied that all the conditions offered and added addressed the four licensing objectives.

The council expects that all terms, conditions and restriction of the premises licence will be complied with at all times that the premises are used under the licence. The failure to comply with terms, conditions and restrictions of the premises of the premises licence is a matter to which the licensing sub-committee may have regard in the event that any request is made for the review of the licence.

### **Appeal Rights**

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that

- a) That licence ought not to have been granted; or
- b) That on granting the licence, the licensing authority ought to have modified the conditions of the licence, or ought to have modified them in a different way or to exclude from the scope of the licence any of the licensable activities to which the application relates

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

### **EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

### **RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

### **6. LICENSING ACT 2003 - APPLICATION FOR A PERSONAL LICENCE**

This application was refused.

The meeting ended at 1.05pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday November 25 2009 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

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**PRESENT:** Councillor David Hubber  
Councillor Eliza Mann  
Councillor Wilma Nelson

**OTHERS PRESENT:** Mr Daniel McCoughlin, DPS, Club Traffik  
Mr Lopez, Megamusic Ltd, Club Traffik  
Mr Kearse, local resident  
PC Ian Clements, Southwark Police Licensing officer  
Miss Sandra Da Costa, applicant, Banana's Bar  
Mr Rodrigues, applicant, Banana's Bar  
Mr Alan Blissett, environmental protection team

**OFFICER SUPPORT:** Mr Dave Franklin, licensing unit  
Felix Rechtman, legal support  
Sean Usher, constitutional team

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members attending were confirmed as voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair and sub-committee agreed to accept the papers for the temporary event notices and they would hear them at the end of the meeting.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003 - CLUB TRAFFIK, (GROUND FLOOR), 512-516 OLD KENT ROAD, LONDON SE1 5BA**

The licensing officer presented his report to the sub-committee. Members had questions for the officer.

The applicants addressed the sub-committee. Members had questions for the applicants.

The environmental protection officer addressed the sub-committee. Members had questions for the officer. The local resident addressed the sub-committee and members and the applicant had questions for the local resident.

The meeting went into closed session to consider the application.

**RESOLVED:**

That the application by Megamusic Entertainment Limited for a variation of premises licence in respect of the premises known as Club Traffik, (Ground Floor) 512-516 Old Kent Road, SE1 be granted.

The following licensable activities will be permitted under the licence during the times shown.

	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
Supply of alcohol				03.00-04.00	04.00-05.00	04.00-05.00	02.00-04.00
Hours premises open to public	09.00-23.30	09.00-23.30	09.00-04.30	09.00-04.30	09.00-06.30	09.00-06.30	09.00-04.30

**Conditions**

The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section Q of the application form and the following conditions:-

All mandatory conditions set out in the Licensing Act 2003 relating to

1. Authorisation of the retail sale of alcohol; and
2. The provision of door supervision.

**Reasons**

The reasons for this decision are as follows:

As the premises already holds a music license until 6am on a Friday and a Saturday the licensing sub-committee do not consider that extending the license for sale of alcohol, by

one hour, to 5am will have an adverse impact on the licensing objectives.

### **Appeal Rights**

1. The applicant may appeal against any decision to modify the conditions of the licence; and
2. Any person who made relevant representations in relation to the application who desire to contend that :
  - That variation ought not to have been made; or
  - That, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way.

May appeal against the decision

3. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

### **6. LICENSING ACT 2003 - SIERRA SPOT 6 ARNSIDE STREET, LONDON SE17 2AP**

This item was withdrawn prior to the meeting.

### **7. LICENSING ACT 2003 - TEMPORARY EVENT NOTICES - BANANA'S BAR, 374 WALWORTH ROAD, LONDON SE17 2NF**

The licensing officer presented his report to the sub-committee. Members had questions. The applicants addressed the sub-committee. Members had questions. The Police addressed the sub-committee and raised their concerns over crime and disorder The meeting went into closed session to consider the application.

### **RESOLVED:**

That the application for four temporary event notices, on December 4/5, December 11/12, December 18/19 and December 25/26 2009 by Miss Sandra Da Costa to be held at Banana's Bar, 374 Walworth Road, London SE17 2NF be rejected and counter notices be issued under Section 105 of the Licensing Act 2003.

### **Reasons**

The licensing sub-committee have considered the objection notice submitted by the Metropolitan Police Licensing Service on the four temporary Events Notice under Section 100 of the Licensing Act 2003 and having considered each of the four events, the sub-committee accept the evidence of the Police that a number of crime & disorder incidents had occurred in and outside the premises in recent weeks and as a result, consider that granting the Temporary Event Notices would have an adverse impact on the crime &



disorder objective.

**Appeal rights**

Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision. An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

The meeting closed at 12.45pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday December 2 2009 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

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**PRESENT:** Councillor David Hubber  
Councillor Lorraine Lauder MBE  
Councillor Abdul Mohamed

**OTHERS PRESENT:** Mr M. Mahfoon, applicant, MAM Cafe  
Ms D. Silvester, licening agent for MAM Cafe  
Mr C. Power, applicant, MAM Cafe  
Mr B. Miller, South Bank University  
Ms R. Holmes, local resident  
Ms D. Arnold, South Bank University  
Mr A. Marsh, local resident  
Ms C. Jewell, local resident  
Mr C. Owalla, local resident  
Councillor Adele Morris, ward councillor  
PC Ian Clements, Southwark Police licensing officer  
Matt Cullen, planning department  
Debbie Lawless, environmental protection team

**OFFICER SUPPORT:** Wesley McArthur, licensing officer  
Felix Rechtman, legal officer  
Sean Usher, constitutional team

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

Voting members confirmed.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There was none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003 - MAM CAFE & RESTAURANT, 282 - 302 BOROUGH HIGH STREET, LONDON, SE1 1JJ.**

The licensing officer presented the application. Members had questions for the officer.

The applicant then addressed the sub-committee and members had questions for the applicant and local residents had questions for the applicant

The planning and environmental protection officers addressed the sub-committee and members had questions for them.

The police addressed the sub-committee and had questions for the officer.

The local residents addressed the sub-committee, members had questions for the residents who spoke. Apologies were received by Ms Patricia Gelthoof, one of the local residents who had submitted an objection, her objections were considered by the sub-committee. The sub-committee then went into closed session to consider the application.

**RESOLVED:**

That the application submitted by Mr. Mohamed Mahfoon Mohamed Ajmal for a premises licence in respect of MAM Cafe & Restaurant, 282 – 302 Borough High Street, SE1 1JJ BE granted follows:

The following licensable activities will be permitted under the licence during the times shown.

<b>Licensable Activity</b>	<b>Sunday to Thursday</b>	<b>Friday and Saturday</b>
Opening Hours	06:00 – 00:00	06:00 – 01:30
Supply of alcohol (on premises only, no off-sales)	11:00 – 23:30	11:00 – 01:00
Late night refreshment	23:00 – 23:30	23:00 – 24:00
Regulated entertainment (items e,f,g,h, i, j, k,)	19:00 – 23:30	19:00 – 01:00

**Conditions**

In addition to the hours granted above, the following conditions will apply:

- I. No entry to the premises after 23:30 Sunday to Thursday and no entry after 00:00 Fridays and Saturdays.
- II. That all alcoholic drinks / beverages are to be sold / supplied ancillary to a substantial meal that is to be consumed at the premises.

And the following conditions from the police:

- III. That SIA registered door supervisors, one of whom shall be a female shall be

employed from 22:00 on Friday and Saturdays when the premises is being used for regulated entertainment and shall remain at the premises until the terminal hour that the premises are in use under this license. They shall be provided with hand-held metal detection units and mechanical counting devices and shall ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants, and to ensure that the maximum accommodation limit of the premises is not exceeded.

- IV. All SIA staff are required to record their details, including SIA Badge number in a booking on/off register.
- V. A security search of the premises is conducted prior to the opening to the public and a record kept of who conducted the search.
- VI. That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.
- VII. That clearly legible notices shall be prominently displayed to the satisfaction of the licensing authority at each exit at the premises and announcements shall be made, requesting that people leave the premises in a quiet and orderly manner so as not to disturb the local residents.
- VIII. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the license. The CCTV system must be capable of capturing an image of every person who enters the premises.
- IX. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request be made immediately available to Officers of the Police and the Council.
- X. That the licensee shall require any external promoters hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Police Licensing Office and once completed shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.
- XI. That a personal license holder is on the premises and on duty at all times that intoxicating liquor is supplied.
- XII. That the premises licence holder and/or Designated Premises Supervisor (DPS) join and support a local Pub Watch Scheme should there be one in existence for the area in which the premises is located.
- XIII. Customers shall use no outside area after 22:00 other than those who temporarily leave the premises to smoke a cigarette. Those leaving the premises should not be permitted to consume drinks whilst outside. Those who do temporarily leave for this reason shall be subjected to the requirement of a further search (when SIA door persons are on duty).
- XIV. Security staff will ensure that those queuing to enter the premises will do so in an orderly manner. Staff should monitor those entering and refuse entry to those who appear intoxicated or behaving in a disorderly manner.

And the following conditions from the Environmental Protection Team:

- XV. That adequate extract ventilation / air cooling system(s) are installed at the premises to prevent door/windows being opened in summer months and that the specification of such systems are to be submitted to and agreed with by the Environmental Protection Team.
- XVI. All sound amplification equipment permanently in use at the premises or imported into the premises should be played through a sound limiting device. The sound limiting device shall be calibrated in conjunction with the Council's Environmental Protection Team to levels / settings agreed with the Council's Environmental Protection Team.

### **Reasons**

The reasons for this decision are as follows:

The sub-committee considered it necessary to limit the hours of the licensable activities and to add the additional conditions in order to promote the licensing objectives, in particular, the prevention of public nuisance and the prevention of crime and disorder.

### **Appeal Rights**

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 12:15pm

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 14 December 2009 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

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**PRESENT:** Councillor Mackie Sheik (in the chair)  
Councillor Althea Smith  
Councillor Sandra Rhule

**OTHERS PRESENT:** **Sebastian's**  
Dave Swaby – Licensing Officer  
Alan Blissett – Environmental Protection Officer  
Mathew Cullen - Planning Enforcement Officer  
Courtney Sebastian Millanaise - Applicant  
Cotton George Folkes – Applicant  
Timothy Moore - Applicant's Representative  
John Brunton - Herne Hill Society 2 Representatives (2<sup>nd</sup> person not known)  
Christina Bell - 89–91 Norwood Road Management Company Representative  
PC Paul Compton – Police Representative

**Capalina News/Walworth Convenience Store**

Dave Franklin – Licensing Officer  
Dorcas Mills – Licensing Officer  
Paul Gander – Trading Standards Officer

**Banana's Bar**

Dave Franklin – Licensing Officer  
Dorcas Mills – Licensing Officer  
Debbie Lawless – Environmental Protection Officer  
PC. Paul Compton – Police Representative  
Ms Pershard – Local Resident  
Candido Rodrigues – Applicant  
Sandra Da Costa - Applicant's Partner  
Mr. Glazebrook – Applicant's Representative

**OFFICER SUPPORT:** Kate Heap, Legal Officer  
Lesley John, Constitutional Officer

### 1. CONFIRMATION OF VOTING MEMBERS

The three members were confirmed. The members confirmed that Councillor Mackie Sheik would be acting in the chair for this meeting.

## **2. APOLOGIES**

There were none.

## **3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

The meeting agreed to accept the following in relation to the premises listed below:

- Sebastian's Night Club – A copy of the food menu was circulated at the meeting.
- Banana's Bar – Photographs of the interior and exterior of the property were circulated at the meeting.

Following legal advice the sub-committee declined to accept late evidence from the police and an interested party in relation to Banana's Bar.

## **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

## **5. LICENSING ACT 2003 - SEBASTIAN NIGHT CLUB**

The licensing officer highlighted the main points of his report.

The applicants representative presented their case. Members of the sub-committee questioned the applicants and their representative.

The police representative outlined his case. The sub-committee and the applicants representative then questioned the police representative.

The environmental protection officer outlined his case. The sub-committee and a local resident questioned the environmental protection officer.

The planning enforcement officer outlined his case. The sub-committee and the applicants representative then questioned the planning enforcement officer.

One member of the Herne Hill Society and the representative for 89 Norwood Road Management Company outlined their cases as local residents. The sub-committee and the applicants representative then questioned the local residents.

The applicants representative, the police, the environmental protection officer and the local residents then summarised their cases.

At 11.37am all parties were requested to leave the room while the meeting went into



closed session. At 12.45pm all parties were recalled to the meeting and the chair read out the sub-committee's decision:

**RESOLVED:**

That the licensing sub-committee having considered the written representations contained in the report and oral representations of those present decided that the application be granted and that condition 135 be removed from the licence.

**Conditions**

In addition to the decision above, the following conditions will apply to the licence.

1. The premises be fitted with non-opening windows as agreed with the council's environmental protection team.
2. The premises be fitted with an air conditioning system which must be in operation at all times that the premises are open to the public.
3. The premises be fitted with an enclosed entrance lobby with an inner and an outer door.
4. The entrance lobby is to be manned in accordance with condition 791 at all times that the premises are open to the public to ensure that both lobby doors are not open at the same time.
5. A sound limiter is to be installed, set and maintained at all times as directed by the council's environmental protection team.
6. The internal lights will be turned up to a level agreed with the council's environmental protection team thirty minutes before closing.
7. Prominent notices will be displayed at all times on the exterior of the premises, in the entrance lobby and in the restaurant/bar requesting customers leave the premises quietly and travel away from the area quietly.
8. Door staff will limit to five the number of smokers permitted to remain outside the premises at any one time.
9. Entry will be refused to any person behaving in a disorderly manner outside the premises.

**Reasons**

The licensing sub-committee considered that the additional conditions were both necessary and proportionate in order to meet the four licensing objectives, in particular the prevention of public nuisance.

**ADJOURNMENT**

At 12.50pm the meeting adjourned for a comfort break, reconvening at 1.25pm.

**6. LICENSING ACT 2003 - BANANA'S BAR, 374 WALWORTH ROAD, LONDON SE17**

The licensing officer presented his case. The applicant's representative and the sub-committee questioned the licensing officer.

The applicant's representative outlined his case. The sub-committee, the police representative and the environmental protection officer questioned the applicant and his representative.

The police representative presented his case. The applicant's representative and the sub-committee asked questions of the police representative.

The environmental protection officer outlined her case. The sub-committee and the applicant's representative asked questions of the environmental protection officer.

A local resident outlined her case. The sub-committee and the applicant's representative asked questions of the local resident.

The applicant's representative, the police and the local resident summarised their cases.

At 3.25pm all parties were requested to leave the room while the meeting went into closed session. At 3.48pm all parties were recalled to the meeting and the chair read out the sub-committee's decision:

**RESOLVED:**

That the application by Candido Rodrigues for a variation of premises licence in respect of the premises known as Banana's Bar, 374 Walworth Road, London SE17 be refused.

**Reasons**

The licensing sub-committee considered the written representations contained in the report and the oral representations of PC Compton, Debbie Lawless and Ms Pershard, in addition to hearing the oral report of David Franklin. The licensing sub-committee did not receive late documentation other than photographs, following objections from Mr. Glazebrook on behalf of the applicant. The licensing sub-committee heard representations from Mr. Glazebrook on behalf of the applicant.

The licensing sub-committee was satisfied that the applicant had not to date managed the premises having regard to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The licensing sub-committee noted that a Noise Abatement Notice was served on 12 July 2009 and was breached on 31 August 2009. The applicant did not appeal but paid the fixed penalty notice. The licensing sub-committee noted that despite counter-notices being served in respect of temporary event notice applications for the weekends of 4/5 December and 11/12 December 2009 the applicant operated outside licensing hours on those dates. In all the circumstances the licensing sub-committee concluded that it was necessary and proportionate, having regard to the licensing objectives, to refuse the application.

**Appeal rights**

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way.

May appeal against the decision

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

## **7. REGISTRATION UNDER THE MANUFACTURE AND STORAGE OF EXPLOSIVES REGULATIONS 2005: 365 WALWORTH ROAD, LONDON SE17 2AL**

The licensing officer outlined his case. The licensing officer informed the sub-committee that the licensee would not be attending. The licensing officer had contacted the licensee to confirm this.

The sub-committee agreed to consider the revocation in the applicant's absence.

The trading standards officer outlined his case.

The licensing officer and trading standards officer summarised their cases.

At 1.40pm all parties were requested to leave the room while the meeting went into closed session. At 1.48pm all parties were recalled to the meeting and the chair read out the sub-committee's decision:

### **RESOLVED:**

That the registration issued under the Manufacture and Storage of Explosives Regulations 2005 granted to Capalina News/Walworth Convenience Store, situated at 365 Walworth Road SE17 2AL, be revoked.

### **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee revoked the registration in respect of 365 Walworth Road.

The licensing sub-committee was satisfied that the applicant was aware of today's hearing and had chosen not to attend.

The licensing sub-committee heard from David Franklin, Dorcas Mills and Paul Gander, trading standards officer. The licensing sub-committee was satisfied by the evidence of Paul Gander and concluded that Mr. Sivaguru Sivaruban, the registration holder, was not a fit person to store explosives.

### **Appeal rights**

A person may appeal to the Secretary of State against a decision of a licensing authority to refuse to register him or to revoke his registration and the provisions of section 44(2) to (6) of the 1974 Act (appeals in connection with licensing provisions) shall apply in respect of any such appeal.

The meeting closed at 3.50pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 18 December 2009 at 2.00 pm at 160 Tooley Street, London SE1 2TZ

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**PRESENT:** Councillor David Hubber  
Councillor Dora Dixon-Fyle  
Councillor Dominic Thorncroft

**OTHERS  
PRESENT:** Street trader

**OFFICER  
SUPPORT:** Sharon Coleman, street trading officer  
Kate Heap, legal officer  
Sean Usher, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

Voting members were confirmed.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. STREET TRADING REVOCATIONS - OPEN

The item was dealt with in closed session.

**EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

**RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

**6. REVOCATION OF STREET TRADING LICENCES - CLOSED**

The sub-committee agreed that the trader be allowed additional time to pay the arrears and to review the case in January 2010.

The meeting closed at 10.35am.

**CHAIR:**

**DATED:**

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday January 11 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

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<b>PRESENT:</b>	Councillor David Hubber Councillor Wilma Nelson Councillor Ian Wingfield
<b>OTHERS PRESENT:</b>	<b>Dulwich College Preparatory School</b> Dave Swaby, licensing officer Nicholas Holliday, applicant Suzanne Warner, local resident Lesley P M Bingham, local resident
	<b>Sierra Spot</b> Dorcas Mills, licensing officer Ishmail S Koroma, applicant Stella Pieh, applicant Councillor Paul Bates, ward councillor
<b>OFFICER SUPPORT:</b>	Felix Rechtman, legal services Virginia Wynn-Jones, constitutional officer

### 1. APOLOGIES

There were no apologies.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The sub-committee agreed to accept the following in relation to:

- Dulwich College Preparatory School – colour photos by the licensing officer; correspondence between the school and an objector.
- Sierra Spot – colour photos by the licensing officer.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003 - DULWICH COLLEGE PREPARATORY SCHOOL, 38-44 ALLEYN PARK SE21 7AA**

The licensing officer highlighted the main points of the report.

The applicant presented his case. Members of the sub-committee questioned the applicant. Objectors questioned the applicant.

Local residents objecting to the application outlined their case. The sub-committee and the applicant then questioned the local residents.

The applicant and objectors then summarised their cases.

At 10.45 all parties were requested to leave the room while the meeting went into closed session. At 11.05 all parties were recalled to the meeting and the chair read out the sub-committee's decision:

**RESOLVED:**

That the licensing sub-committee having considered the written representations contained in the report and oral representations of those present decided that the application be granted with minor amendments.

**Conditions:**

- That there be no music outside the premises after 2100 on any night.
- That no third party shall be permitted to play music outside.
- That no third party shall serve alcohol at any time.

**Reasons for the decision:**

The sub-committee considered it necessary to limit the hours of sale of alcohol in view of protection of children from harm.

**Appeal rights:**

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

**6. LICENSING ACT 2003 - SIERRA SPOT, 6 ARNSIDE ST, LONDON SE17 2AP**

The licensing officer highlighted the main points of the report.



The applicants presented their case. Members of the sub-committee questioned the applicants. The ward councillor, representing local objectors, questioned the applicant.

The ward councillor outlined his case objecting to the application. The sub-committee and the applicants then questioned the ward councillor.

The applicants and ward councillor then summarised their cases.

At 11.45 all parties were requested to leave the room while the meeting went into closed session. At 12.10 all parties were recalled to the meeting and the chair read out the sub-committee's decision:

**RESOLVED:**

That the licensing sub-committee having considered the written representations contained in the report and oral representations of those present decided that the application be granted with minor amendments.

**Conditions:**

1. A security search of the premises is conducted prior to opening to the public and a record kept of who conducted the search.
2. That signs shall be displayed in the entrance foyer to the premises that state 'Drugs Free Zone' and 'No Search No Entry, Management reserve the right to refuse entry'.
3. That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs.
4. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
5. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.
6. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. That you shall require any regular and external promoters hiring the premises to complete the 'Venue Hire Agreement' provided by Southwark Council and, once completed, you shall ensure that a copy of the agreement is provided to the Police and Licensing Unit a minimum of fourteen days prior to the date of hire.
8. That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.
9. That there will be no loading or removal of equipment from the premises between

the terminal hours and 0800 the following day.

10. That the use of the smoking area shall be limited to no more than 6 patrons and that smokers shall be prohibited from taking drinks outside.
11. That recorded music be limited to background noise levels only throughout the opening hours.

**Reasons for the decision:**

The sub-committee consider it necessary to limit the hours in view of the prevention of public nuisance as premises are located in a residential area.

**Appeal rights:**

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 12.10pm.

**CHAIR:**

**DATED:**



## LICENSING SUB-COMMITTEE

MINUTES of the Open section of the Licensing Sub-Committee held on Monday January 25 2010 at 10.00 am at Ground Floor Meeting Room G02A, 160 Tooley Street, London SE1 2TZ

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**PRESENT:** Councillor David Hubber  
Councillor Lorraine Lauder MBE  
Councillor Eliza Mann

**OTHERS PRESENT:** Mr D. Wright, The Globe Theatre  
Ms L Fosbury, The Globe Theatre  
Mr K. Bedell-Pearce, Benbow Tenants & Residents

**OFFICER SUPPORT:** Kristie Ashenden, licensing officer  
Felix Rechtman, legal officer  
Sean Usher, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. LICENSING ACT 2003 - THE SWAN, 21 NEW GLOBE WALK, LONDON, SE1 9DT

The application was conciliated prior to the meeting taking place. All parties had reached agreement. The licensing officer presented the sub-committee with the agreed times and conditions. The representatives of the applicant and the objector discussed the conciliation and confirmed they had reached agreement and the final agreed licence could be issued.

The sub-committee were asked to note this agreement.

The conciliation meeting held on 21 January 2010 had resulted in additional conditions agreed between the applicant, responsible authorities and interested parties. Following the meeting, the objections had been withdrawn and the sub-committee was asked to note the additional conditions to be sufficient to promote the licensing objectives and the application was therefore granted.

**RESOLVED:**

That the sub-committee noted the conciliation had taken place and that the application had been granted with the additional conditions mutually agreed by the applicant and local residents.

**6. LICENSING ACT 2003 - THE SHAKESPEARE GLOBE THEATRE, 21 NEW GLOBE WALK, LONDON, SE1 9DT**

The application was conciliated prior to the meeting taking place. All parties had reached agreement. The licensing officer presented the sub-committee with the agreed times and conditions. The representatives of the applicant and the objector discussed the conciliation and confirmed they had reached agreement and the final agreed licence could be issued. The sub-committee were asked to note this agreement.

The conciliation meeting held on 21 January 2010 had resulted in additional conditions agreed between the applicant, responsible authorities and interested parties. Following the meeting, the objections had been withdrawn and the sub-committee was asked to note the additional conditions to be sufficient to promote the licensing objectives and the application was therefore granted.

**RESOLVED:**

That the sub-committee noted the conciliation had taken place and that the application had been granted with the additional conditions mutually agreed by the applicant and local residents.

**7. LICENSING ACT 2003 - THE SHAKESPEARE UNDERGLOBE & EVENTS AREAS, 21 NEW GLOBE WALK, LONDON, SE1 9DT**

The application was conciliated prior to the meeting taking place. All parties had reached agreement. The licensing officer presented the sub-committee with the agreed times and conditions. The representatives of the applicant and the objector discussed the conciliation and confirmed they had reached agreement and the final agreed licence could be issued. The sub-committee were asked to note this agreement.

The conciliation meeting held on 21 January 2010 had resulted in additional conditions agreed between the Applicant, responsible authorities and interested parties. Following the meeting, the objections had been withdrawn and the sub-committee was asked to note the additional conditions to be sufficient to promote the licensing objectives and the

application was therefore granted.

**RESOLVED:**

That the sub-committee noted the conciliation had taken place and that the application had been granted with the additional conditions mutually agreed by the applicant and local residents.

The meeting closed at 10.40am.

**CHAIR:**

**DATED:**

# Agenda Item 7

<b>Item No:</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 9 March 2010	<b>Meeting name:</b> Licensing Committee
<b>Report title:</b>	The Licensing Act 2003 – Consideration of local saturation policies dealing with the “cumulative impact” of licensed premises – Borough and Bankside, Camberwell and Peckham areas		
<b>Ward(s) or groups affected:</b>	Cathedral, Chaucer, Grange, Newington, Faraday, Camberwell Green, Brunswick Park, Peckham, Livesey, South Camberwell, The Lane, Peckham Rye and Nunhead		
<b>From:</b>	Strategic Director of Environment and Housing		

## RECOMMENDATION

1. That the committee agrees, that on the basis of the partnership analytical report and the report from the environmental protection team, it is appropriate and necessary to maintain the existing saturation policies in
  - a) Borough and Bankside;
  - b) Camberwell; and
  - c) Peckham.
2. That the committee further agrees, on the basis of the partnership analytical report and the report from the environmental protection team, to monitor for a further period of six months:
  - a) An extension of the western boundary of the Borough and Bankside saturation area to take in The Cut and Isabella Street; and
  - b) An extension of the north-eastern boundary of the Peckham saturation area to take in the entirety of Meeting House Lane.

## BACKGROUND INFORMATION

3. Statutory guidance 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 escalation of licensed premises in that area. This is known as a “special” or “saturation” policy.
4. A saturation policy may be declared where there is an evidential basis showing that the concentration of licensed premises in an area is impacting upon the licensing objectives and the addition of each further additional licence is likely to have a disproportionate impact on crime and disorder or nuisance in that area.
5. Essentially, the evidential basis needs to:
  - Be factual, quantitative, and proximate;
  - Demonstrate a positive correlation between alcohol/entertainment/late night refreshment premises, and crime and disorder and nuisance issues within the particular areas under consideration; and
  - Examine trends over a period of time.

6. 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 cumulative impact of licensed premises on the Southwark community, 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 analyst and the environmental protection team.
7. On 5 November 2008, council assembly approved the introduction of two saturation policies within the borough, in the Camberwell and Peckham areas.
8. On 4 November 2009, council assembly approved a third saturation area, covering Borough and Bankside and an extension of the boundary of the Peckham saturation area. At the same meeting the assembly asked the licensing committee to further consider whether to
  - extend the western boundary of the Borough and Bankside saturation zone, and in doing so look at the possibility of including The Cut and Isabella Street; and
  - extend the boundary of the Peckham area to cover the entirety of Meeting House Lane.
9. This report updates the committee on the latest analysis from the partnership analytical team and the environmental protection team with particular regard to the situations in Borough and Bankside, Camberwell and Peckham. It also considers the matters raised by council assembly on 4 November 2009. A separate report on the agenda considers the position in other current "hotspot areas".

## **KEY ISSUES FOR CONSIDERATION**

### **General**

#### **Partnership analytical report**

10. The latest partnership analytical report was published on 16 December 2009. It provides statistical information on alcohol related "violence against the person" (VAP), together with information taken from police CAD data (dealing with alcohol related "disorder and rowdiness") up to and including the period June – November 2009. The analysis also incorporates information on alcohol related ambulance calls for the period June – October 2009. A copy of the full analysis is attached at appendix 1 to 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. 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. Other crimes broadly included are robbery of the person and sexual offences.

#### **Alcohol related CAD data**

12. Statistics reproduced in the analytical report from police CAD data collects information on calls to the police regarding
  - rowdy / inconsiderate behaviour
  - licensed premises
  - street drinking

### **Analysis of nuisance data provided by the environmental protection team**

13. The council's environmental protection team also reported, on 16 February 2010, on the number of nuisance service requests received by the community safety enforcement team, in connection with licensed premises, during the period November 2006 to November 2009. Area specific details are included within the main body of this report and a copy of the full analysis is provided at appendix 2. The report includes detail of the methodology used in capturing the information.

### **Borough and Bankside saturation area**

14. The Borough and Bankside saturation area is defined by the following boundary - Blackfriars Bridge / Blackfriars Road / Borough Road / Borough High Street / Long Lane / Crosby Row / Snowsfields / Bermondsey Street then heading directly north to the river frontage and then westward back to Blackfriars Bridge. A map of the area is provided as appendix 3.
15. The Borough and Bankside saturation policy currently applies to the following classes of premises - night-clubs / public houses & bars / restaurants & cafes / off-licences, supermarkets and grocers.
16. At the time of writing of this report, 235 premises licensed under the 2003 Licensing Act for either the sale or supply of alcohol; the provision of regulated entertainment or the provision of late night refreshment trade within the boundary of the saturation area. This represents 19% of the total licensed premises in the borough. This figure includes 78 restaurants / cafes; 67 public houses / bars; 23 off-licences / supermarkets / grocers; 8 hotels; 8 theatres; and 3 night-clubs.

### **Borough and Bankside analysis**

17. Analysis for the Borough and Bankside saturation area is contained within the latest partnership analytical report at appendix 1 to this report with further area specific analysis contained within appendix 4.
18. In brief, analysis shows both falling alcohol related VAP and CAD figures with figures for the latest six-month period (Jun – Nov 09) providing some of the lowest reported levels of VAP within the periods under examination. VAP figures for the most recent six-month period are down 29% on the previous comparable period, while figures for the most recent twelve-month period (Dec 08 – Nov 09) show a 15% decrease on the previous year. Figures for alcohol related CAD calls show slight decreases of 1% when comparing the past six-months with the previous comparable period and 0.2% this past year against the previous year. In the most recent six-month period (Jun – Nov 2009), the area accounted for a proportionately low 14.4% of the borough's total evening period VAP.

### **Borough and Bankside – extended area analysis**

19. Following the request from council assembly that the committee considers extending the western boundary of the Borough and Bankside saturation area to take in The Cut and Isabella Street, separate analysis has been carried out on an area also.
20. For the purpose of this further analysis the boundary is extended westward from St George's Circus along Waterloo Road to the Lambeth boundary, northward to the river frontage and eastward to Blackfriars Bridge.
21. The effect of extending the boundary of the area is to provide for a small increase in both VAP and CAD figures. Overall, however, VAP shows similar significant decreases - 29% for the past six months compared with the previous comparable period and 17%



over the past year, while CAD shows a 5% decrease in the past six months but a 1% rise over the last year.

### **Borough and Bankside – extended area analysis – comments from the environmental protection team**

22. An analysis of nuisance service requests within the extended Borough and Bankside area is provided in appendix 2 to this report. Figures show a considerable increase in the number of service complaints received in the most recent period June – November 2009 with 27 complaints received relating to 19 different premises. The previous highest number on record in the periods under monitor was 17 requests between June – November 2007. It is believed that this rise is at least partially attributable to improved recording.

### **Borough and Bankside – next steps**

23. While the recent substantial decreases in alcohol related VAP in the area are welcome, the saturation policy has only recently come into effect and it's impact on cumulative impact can not yet be fully gauged. Furthermore, the falls in VAP are balanced somewhat by the smaller movement in CAD calls. For these reasons it is recommended that the saturation area be maintained at this stage with further monitor prepared in six months time.
24. The committee will also have regard, however, to the request made by council assembly to consider an extension of the western boundary of the policy area. Based on the current analytical information, it is recommended to committee that a further monitoring period of 6 months be undertaken. In the event that the committee should decide to pursue council assembly's suggestion, a new round of public consultation will be required under section 5(5) of the Licensing Act 2003. Consultation will necessarily include
- the chief officer of police;
  - the fire authority;
  - representatives of holders of premises licences, club premises certificates and personal licences; and
  - representatives of local businesses and residents
25. Should the committee decide to go out to public consultation on this matter it is proposed that the consultation should comprise
- notices in the local press and on the Southwark licensing web site;
  - direct mail shots to all licence / certificate holders in and around the proposed extended area;
  - direct mail shot to all responsible authorities;
  - direct mail shot to all known local resident and business representative groups;
  - announcements at the local community councils; and
  - a public meeting on the issue within the local area.
26. The consultation should aim to seek views on whether it is appropriate and necessary to extend the saturation area to control the impacts of licensed premises on the licensing objectives and, if so, to establish the new proposed boundary.

### **Borough and Bankside – comments from the commissioner of police for the metropolis**

27. The commissioner of police for the metropolis supports the maintenance of the saturation policy within the Borough and Bankside area for the present time.

### **Camberwell saturation area**

28. The boundary of the Camberwell saturation area begins at Camberwell New Road at the junction with Wyndham Road and progresses 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 across Lambeth to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road to the start. A map of the area is provided at appendix 5.
29. The classes of premises to which the policy currently applies are night-clubs; public houses and bars; off-licences, grocers, supermarkets, convenience stores and other similar premises
30. At the time of writing of this report, there are 75 premises licensed under the 2003 Licensing Act for either the sale or supply of alcohol; the provision of regulated entertainment; or the provision of late night refreshment trading within the Camberwell area. This figure includes 24 restaurant / cafes; 23 off-licences / grocers / supermarkets / convenience stores; 18 public houses / bars; and 6 take-aways. This represents 6.2% of the total licensed premises in Southwark.

### **Camberwell analysis**

31. Analysis for the Camberwell area is contained within the latest partnership analytical report at appendix 1 to this report with further area specific analysis contained within appendix 6.
32. In brief, analysis shows reductions in both VAP and CAD figures with VAP now at it's lowest recorded levels and accounting for (an almost proportional) 6.7% of the borough's total evening period VAP. Figures for the most recent six-month period (Jun – Nov 09) are down 21% on the previous comparable period, while figures for the most recent twelve-month period (Dec 08 – Nov 09) show a 3% decrease on the previous year. Figures for alcohol related CAD calls provide a substantial 28% fall when comparing the past six-months with the previous comparable period and a 10% decrease this past year against last.

### **Camberwell area – comments from the environmental protection team**

33. An analysis of nuisance service requests within the Camberwell area is provided in appendix 2 to this report. Figures show an increase in the number of service complaints received in the most recent period June – November 2009 with 9 complaints relating to 3 different premises. This provides a substantial increase on the previous similar periods (June – November 2007 and 2008 both recorded 4 requests. It is believed, however, that this rise is at least partially attributable to improved recording.

### **Camberwell – next steps**

34. The analysis indicates very encouraging recent decreases in both alcohol related VAP and CAD calls. It is suggested, however, that downward trends should be shown to be continuing across an extended period of time before consideration is given to the removal of the saturation area. It is recommended thereby that the saturation area be maintained at this stage with further monitor prepared in six months time

### **Camberwell – comments from the commissioner of police for the metropolis**

35. The commissioner of police for the metropolis supports the maintenance of the saturation policy within the Camberwell area for the present time.

### **Peckham saturation area**

36. The boundary of the Peckham saturation area is defined as: Commencing on Peckham High Street at the junction with Kelly Avenue progressing to Gatony Street / Sumner

Road / Jocelyn Street / cross Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / Heaton Road / Sternhall Lane / McDermott Road / Maxted Road / Bellenden Road / Chadwick Road / Lyndhurst Way / Peckham Road to the junction with Talfourd Road and back to start. A map of the area is provided at appendix 7.

37. The classes of premises within the area to which the policy applies are: night-clubs; public houses / bars; off-licences, grocers, supermarkets, convenience stores and other similar premises.
38. At the time of writing of this report there are 66 premises licensed under the 2003 Licensing Act for either the sale or supply of alcohol; the provision of regulated entertainment or the provision of late night refreshment trading within the Peckham saturation area. This represents 5.4% of the total licensed premises in the borough. This figure includes 21 off-licences / grocers / supermarkets / convenience stores; 16 restaurant / cafes; and 13 public houses / bars.

### **Peckham analysis**

39. Analysis for the Peckham area is contained within the latest partnership analytical report at appendix 1 to this report with further area specific analysis contained within appendix 8.
40. In brief, analysis shows both falling VAP and CAD figures with some of the lowest recorded levels reported for VAP. Peckham VAP now accounts for proportionately slightly high 6.7% total evening period VAP across the borough. Figures for the most recent six-month period (Jun – Nov 09) are down 26% on the previous comparable period, while figures for the most recent twelve-month period (Dec 08 – Nov 09) show a 18% decrease on the previous year. Figures for alcohol related CAD calls are also falling, with a 13% decrease indicated when comparing the past six-months with the previous comparable period and a 7% decrease this past year against the previous.

### **Peckham – comments from the environmental protection team**

41. An analysis of nuisance service requests within the Peckham area is provided in appendix 2 to this report. Figures show that 6 service requests relating to 4 different premises were received in the period June – November 2009. This is high in comparison with similar reporting periods (3 requests in June - November 2008) but is still fairly insignificant.

### **Peckham – Extended area analysis**

42. Following the request from council assembly that the committee considers extending the north-eastern boundary of the Peckham saturation area to take in the whole of Meeting House Lane, separate analysis has been carried out on this extended area also.
43. For the purpose of this further analysis the boundary is extended from Consort Road via Cossall Walk and Asylum Road to take the eastern end of Meeting House Lane and back to meet with the original boundary.
44. The effect of extending the north-eastern boundary of the area is to provide for a small increase in both VAP and CAD figures. Both VAP and CAD continue to be shown to be falling. VAP continues to show decreases - 24% for the past six months compared with the previous comparable period and 14% over the past year, while CAD shows a 12% decrease in the past six months and a 5% decrease over the last year.

### **Peckham – Next steps**

45. Similar to Camberwell, the analysis for Peckham indicates very encouraging recent decreases in both alcohol related VAP and CAD calls. Again it is suggested, however, that downward trends should be shown to be continuing across an extended period of time before consideration is given to the removal of the saturation area. It is recommended thereby that the saturation area be maintained at this stage with further monitor prepared in six months time.
46. The committee will also have regard, however, to the request made by council assembly to consider an extension of the north-eastern boundary of the policy area. Again, based on the current analytical information, it is recommended to committee that a further monitoring period of six months be undertaken in this area also. In the event that the committee should decide to pursue council assembly's suggestion, a new round of public consultation will be required under section 5(5) of the Licensing Act 2003. The advice given in sections 24 to 26 of this report applies.

#### **Peckham – comments from the commissioner of police for the metropolis**

47. The commissioner of police for the metropolis supports the maintenance of the saturation policy within the Peckham area for the present time.

#### **The cumulative impact of a concentration of licensed premises**

48. The cumulative impact of a concentration of licensed premises 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 published December 2009). 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. Members' attention is drawn to the key points of the guidance set out in the supplementary advice from the strategic director of law and governance in this report (paragraph 56 onward).
49. The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant, or variation, of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

#### **Moving toward saturation policies**

50. The steps toward a special policy on saturation are set out in the DCMS guidance as follows
- Identify concern about crime and disorder or public nuisance;
  - Consider whether there is good substantiated and reliable evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises or that the risk of cumulative impact is imminent;
  - Identify the boundaries of the area where problems are occurring;
  - Consult with those in Section 5(3) of the 2003 Act, and subject to the outcome of that consultation; and
  - Include and publish details of the special policy in the licensing policy statement.

#### **Community Impact Statement**

51. This report considers the extent to which saturation policies continue to be appropriate and necessary within the Borough and Bankside, Camberwell and Peckham areas, to help control the direct impacts of the leisure and night-time economy on the local community.
52. 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

a policy can contribute toward reducing the fear of crime and making Southwark a better place to live, work and visit.

53. While, conversely, saturation policies may also impact on business growth and development of the area concerned, it should be understood that the existence of a policy does not prevent responsible operators from becoming established within the area or from developing existing businesses. Instead operators will have to demonstrate that their business proposals do not further impact on the identified concerns within the locality.

#### **Resource implications**

54. While it is accepted that the existence of a saturation policy does result in every relevant new licence application or variation application being considered in the light of the new policy, it is not considered that this will have any significant impact on resources.

#### **Consultations**

55. Details of public consultations that will be necessary before any further development of the policy may take place are detailed within this report.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Strategic Director of Communities, Law & Governance**

##### **Cumulative Impact and Special/Saturation Policies**

56. 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.
57. In considering whether a statement of licensing policy should include a saturation policy in respect to an area, the licensing authority should consider the cumulative impact of licensed premises, in the particular area(s) concerned.
58. Cumulative impact is defined in the guidance at paragraph 13.24 as “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area”.

##### **Consultation**

59. Section 5(3) of the Act requires that before formulating 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**

60. It is clear from the guidance that any decision to include any saturation policy within the statement of licensing policy should have an evidential basis which demonstrates that the cumulative impact of licensed premises in that area is having an impact on crime and disorder and/or public nuisance.
61. The decision to include a saturation policy should only be made where, after considering the available evidence and consulting those individuals and organizations listed in section 5(3) of the Act, the licensing authority is satisfied that it is appropriate and necessary to include an approach to cumulative impact in the statement of licensing policy (guidance at paragraph 13.27).

62. Members are asked to consider the most recent analysis and evidence collated following consultations. If members wish to recommend the introduction of any new or extended saturation policy within the borough, members must first be satisfied that there is sufficient evidence to show that the cumulative impact of premises in the area is having an impact on local crime and disorder and/or public nuisance.

#### **The effect of adopting a special policy**

63. The adoption of a special policy creates a rebuttable presumption that applications for new licences and variations that are likely to add to the existing cumulative impact of premises within the area to which the special policy applies, will normally be refused where relevant representations are received.
64. The special policy must stress that this presumption does not relieve responsible authorities and interested parties of the need to make representations in respect of applications for premises within the special policy area(s). It will not be possible to refuse to grant such applications, or seek to impose conditions if no representations are received.
65. If no representations are received in respect of applications within the special policy area, it will remain the case that an application must be granted in the terms that are consistent with the operating schedule submitted.
66. Applicants will be expected to provide information in their operating schedules to address the special policy issues in order to rebut the presumption of refusal. Applicants will need to demonstrate why the operation of their premises will not add to the cumulative impact being experienced.
67. Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or require expansion.

#### **Limitations**

68. It would not normally be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises (guidance at paragraph 13.33). Members will note that the classes of premises to which the saturation may apply, includes off-licences, supermarkets, grocers and take-aways in each of the three areas. Members should be satisfied that the inclusion of such premises is justifiable, having regard to the evidence obtained through the consultation process.
69. A special policy should never be absolute, i.e. cannot have a blanket policy to refuse all applications but rather a rebuttable presumption that they will be refused. Each application will have to be considered on its own merits and should only be refused if after receiving representations, the licensing authority is satisfied that the grant of the application would undermine the promotion of the licensing objectives and, that necessary conditions would be ineffective in preventing the problems involved.
70. Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises, i.e. by way of a review. A review must relate specifically to individual premises whereas cumulative impact relates to the effect of a concentration of many premises.
71. A special policy cannot be used to justify rejecting applications to vary an existing licence except where the proposed changes are directly relevant to the policy and the refusal is necessary for the promotion of the licensing objectives.

72. Special policies cannot justify and should not include provisions for a terminal hour in a particular area.
73. Special policies must not impose quotas that would restrict the consideration of any application on its individual merits.
74. 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).
75. 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.
76. 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 (2008/2009) at part 3G.

#### **Finance Director (ENV/SMR/210110)**

77. There are no financial implications as a result of accepting the proposals set out in the report. Any costs arising from implementing the proposals will be fully contained within the existing budgets of the division.

#### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Associated secondary regulations DCMS Guidance to the Act Southwark Statement of Licensing Policy Mayors Best Practice Guide for Managing the Late Night Economy Analysis reports	The Health Safety & Licensing Unit, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Name: Mrs Kirtikula Read Phone number: 020 7525 5748

#### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Partnership analysts report dated 16 December 2009
Appendix 2	Environmental protection team report of 16 February 2010
Appendix 3	Map of the Borough and Bankside saturation area
Appendix 4	Further analysis for Borough and Bankside

Appendix 5	Map of the Camberwell saturation area
Appendix 6	Further analysis for Camberwell
Appendix 7	Map of the Peckham saturation area
Appendix 8	Further analysis for Peckham

### AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Richard Parkins; Health Safety & Licensing Unit Manager	
Version	Final	
Dated	26 February 10 2010	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
List other officers here	None	None
Executive Member	Yes	Yes
Date final report sent to Constitutional Team	26 February 2010	





# Community Desk

## Alcohol Related Violence

Saturation Areas, June – November 2009

<b>Protective Marking:</b>	Restricted
<b>Publication scheme:</b>	Yes/No
<b>FOIA Exemption:</b>	Yes/No
<b>Title &amp; Version:</b>	Alcohol related violence in Southwark's saturation areas
<b>Purpose:</b>	To inform the SSP of changes to crime numbers and trends in the identified saturation areas within Southwark.
<b>Relevant to:</b>	SSP; MPS; Licensing
<b>Summary:</b>	
<b>Author:</b>	Kelly Bentley
<b>Business:</b>	Southwark SSP
<b>Date created:</b>	16/12/2009
<b>Ratification date:</b>	
<b>Review date:</b>	

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## 1.0 Introduction

### 1.1 Objectives

The objective of this analysis is to provide an update of alcohol related violence within the saturation areas identified within Southwark, as requested by Richard Parkins, to include new geographical boundaries for Borough and Bankside and Peckham, and to give an overview of alcohol related violence which occurs in the daytime. It was also requested that a hotspot map for both the evening and daytime alcohol related violence be created, in order to identify any emerging locations. It was requested that the Herne Hill saturation area be reinstated, in order to gauge the level of a recently perceived increase. There was very little data for this area, and for this reason, the Herne Hill Saturation Area will be subjected to a more qualitative research document, to follow.

### 1.2 Methodology

Data was taken from MPS crime reporting system (CRIS) using WEBBI. A query was written which searched for all violent crime excluding business robbery. All domestic violence flagged violent crimes were removed, in order to give a more accurate picture of violent crime. However this is dependant on domestic violence incidents being flagged as domestic violence.

It is very difficult to ascertain exactly how significant a part alcohol consumption and over –consumption plays in the occurrence of violent crime. Within crime reports, it is often flagged or noted that either victims or suspects had been drinking. The three feature codes on crime reports relating to alcohol are:

MF-Suspect/Accused had been drinking before the offence.

GA-Alcohol consumes at scene by suspect/accused

MV-Victim had been prior to the offence.

However this information may be recorded in a variety of ways or places within the report. Therefore another method for measuring alcohol-related violent crime is based on a free-text search for '%alcohol%' and/or '%dr\_nk%' within the crime report text. Clearly this is an imprecise measure and will exclude, for instance, '*suspect was intoxicated*' while including '*suspect did not smell of alcohol*' – it is also heavily reliant on reporting standards and practices. The data in this report is based on the use of both of the above methods and is based on crime reports from 1<sup>st</sup> June 2009 to 30<sup>th</sup> November 2009.

In addition, Police CAD (DARIS) data has been used for the same period. It must be remembered that this dataset is inherently flawed, due to its lack of accuracy pertaining to the locations of incidents. In the northern half of the borough all incidents are placed to the centre of a 250m-grid square, which means that this data has not been mapped accurately. In the southern half of the borough CAD calls are mapped to specific locations. The following type codes have been used:

26 – Rowdy/inconsiderate behaviour

27 – Licensing

34 – Street Drinking

## 1.3 Key Findings

### **Borough and Bankside**

Main crimes of note are serious wounding, assault with Injury and common assault, with peak times on Saturday between 0000 and 0300, with a daytime peak of 2100 – 2200 hours. CAD calls in this area traditionally increase in the June – November period, with this season being no exception. The peak areas for disorder in this area are around Guys Hospital and around the licensed premises and on Borough High Street. The peak time for alcohol related calls is 2200 – 2300 hours.

### **Camberwell**

The main crimes of note are Robbery, Assault with Injury and Harassment, with a peak time of Saturdays, between 0300 and 0500. There has been a substantial decrease in the amount of all types of CAD calls when compared to the same period last year, and also in the previous analysis period. Evening calls typically related once more to the night time economy, though there are few calls occurring at specific venues, most being on the street (most notably Camberwell Church Street and Camberwell Green).

### **Elephant and Castle**

Main offences in this area are Assault with Injury, with levels of both robbery of the person and serious wounding falling since the last period. There are no specific peak time periods in the daytime, but significant peaks of offending are experienced on Saturdays and Sundays in the early hours of the morning, generally 0100 – 0400 hours. Levels of ASB calls have increased, which is exclusively rowdy behaviour; street drinking has remained at a constant, averaging between 13 and 19 per period.

### **Old Kent Road**

The main alcohol related offences in this area were Assault with Injury and serious wounding. For the evening period, peak times are 0400 – 0500 on Saturdays, and 0300 – 0400 on Sundays. Daytime offending is generally of a lower severity, with peaks on Friday, Saturday and Sunday nights, between 2000 and 2300 hours. Levels of ASB calls in the Old Kent Road area have dramatically increased since the last assessment, though it must be remembered that in that report, levels had gone down. Levels of street drinking and licensing have not significantly changed over the time periods. In the evening, most calls are made from the street, approximately a third of which are outside licensed premises.

### **Peckham**

The main offences in Peckham are typically assault with injury, common assault and harassment, a much lower level of crime type than last year, when robbery and serious wounding were the principal crime types. Numbers have steadily fallen in the evening, but are at a fairly steady level for the daytime period. Peak times are in the early hours of Saturday, and Wednesday evenings, (2000 – 2300). CAD calls generally increase in this area during the June – November period, which has occurred in this period. The peak times are 1800 - 2100.

### **Ambulance Data**

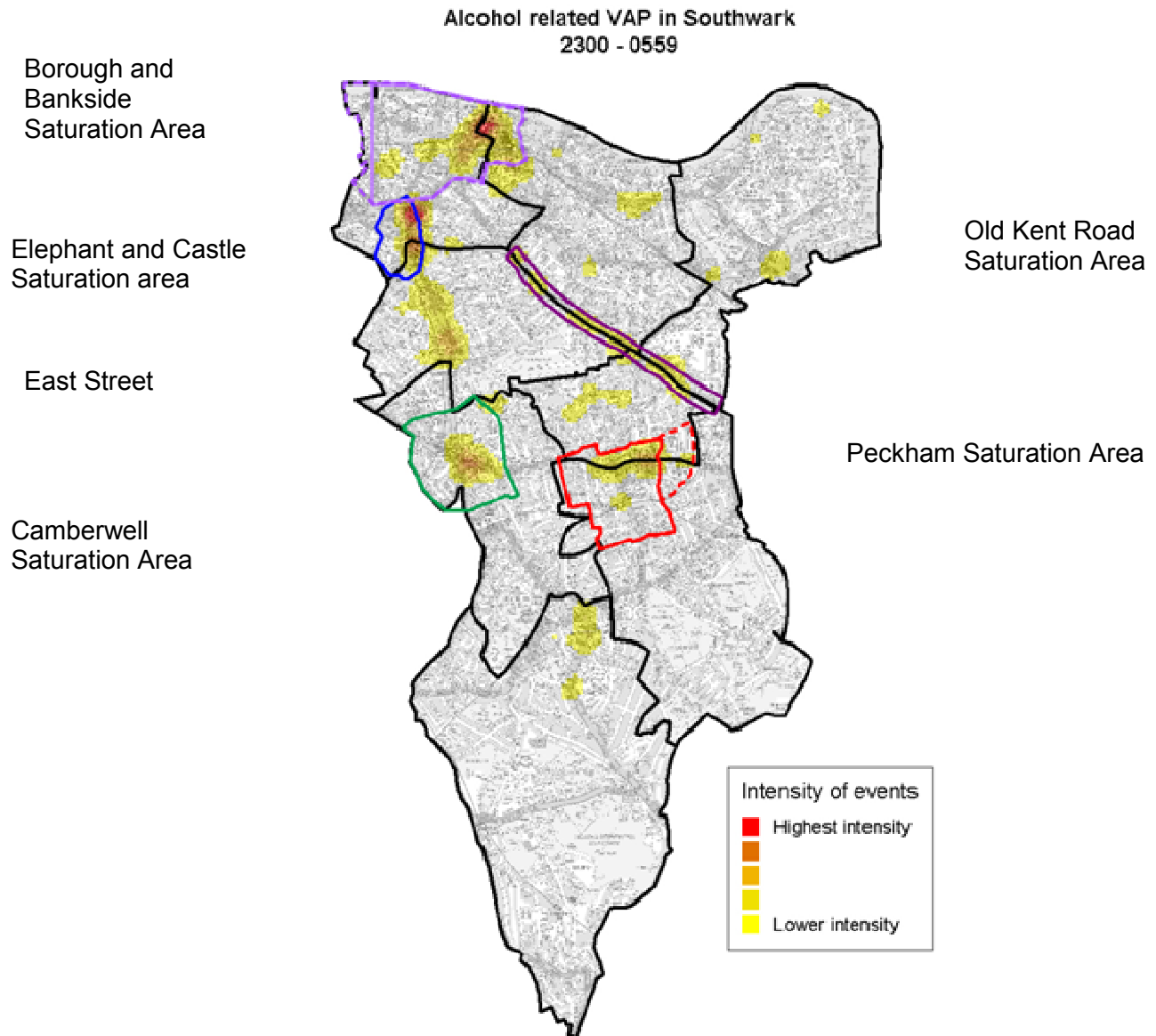
Alcohol related ambulance calls are mostly located in the north of the borough, in Cathedrals, Grange and Chaucer wards. For this period there were four areas experiencing more calls than others, these were located around Guys Hospital / Borough High Street, Clink Street and Camberwell Green.

There was an increase of 9.7% FYTD (to October) in alcohol related ambulance calls, (120 calls). Peak times are overnight Fri/Sat and Sat/Sun.

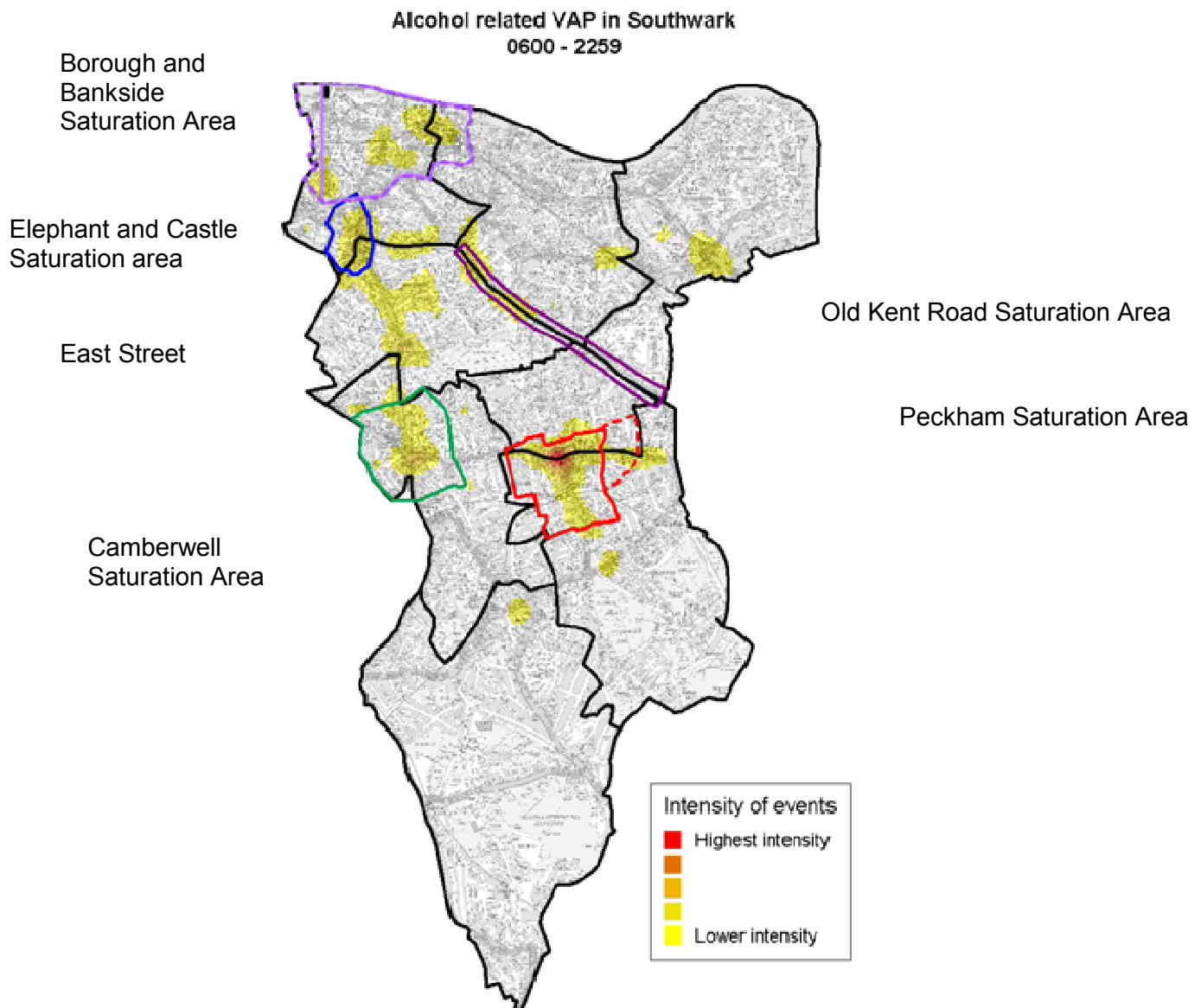
Just under a quarter of patients attended to for alcohol related calls are female. However, for the younger age groups this is not the case. Indeed, for the 15-19 age groups there are more females than males are seen to by paramedics owing to alcohol related problems.

## 2.0 Context

### 2.1 Alcohol related Violent crime in Southwark - evening



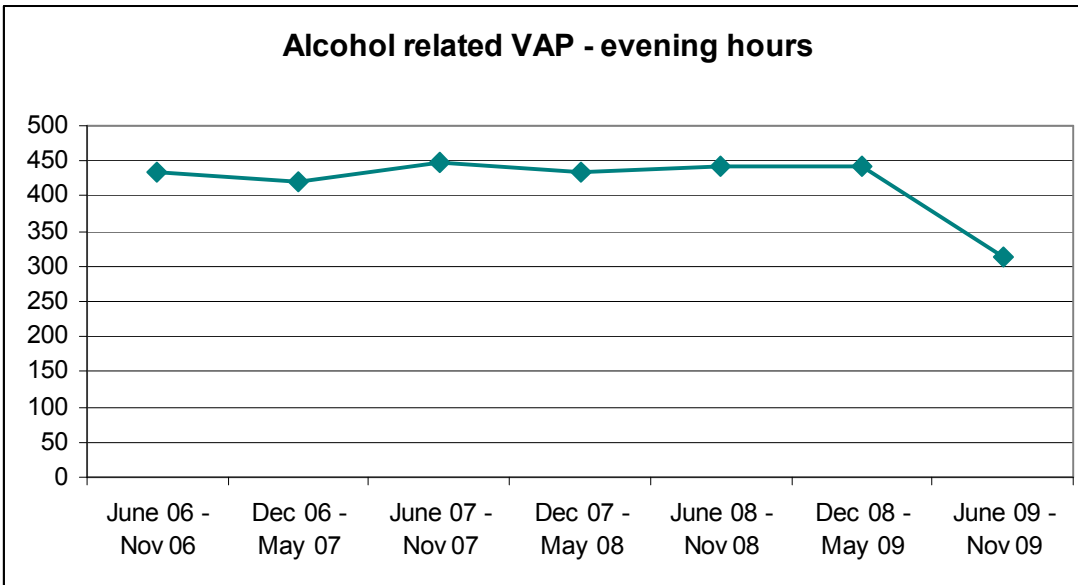
## 2.2 Alcohol related Violent crime in Southwark - daytime



**Finding:** - East Street, to the west of the borough is an enduring hotspot for alcohol related VAP, both in the daytime and the evening. It is possible that similarly to the Old Kent Road, crimes do not generate a hotspot, owing to its length. This need to be verified, and shall be a recommendation from this report.

### 3.0 Evening offences (2300 – 0559 hours)

#### 3.1 Southwark Overview



The above graph indicates that alcohol related violence in Southwark remained at a similar level for a number of months, before recently falling, between May and November 2009.

	Jun 06 - Nov 06	Dec 06 - May 07	Jun 07 - Nov 07	Dec 07 - May 08	Jun 08 - Nov 08	Dec 08 - May 09	Jun 09 - Nov 09
No	433	419	448	434	441	442	313
Proportion of violence alcohol related	42.8	46.5	46.8	49.5	50.3	54.3	59.5

The table above represents the amount of alcohol related crime in the borough per period, and the proportion of violence that is alcohol related. It can be seen that even though the level of crime has fallen, the proportion of these crimes influenced by alcohol has once more significantly increased.

## Appendix 1

### 3.2 Saturation Areas

The category of violence against the person incorporates a number of individual crime types, each differing in their level of severity and the impact on the victim. These include murder, grievous bodily harm, actual bodily harm, common assaults, and the possession of offensive weapons, harassment and other violent crime. Other crimes broadly included are robbery of the person and sexual offences.

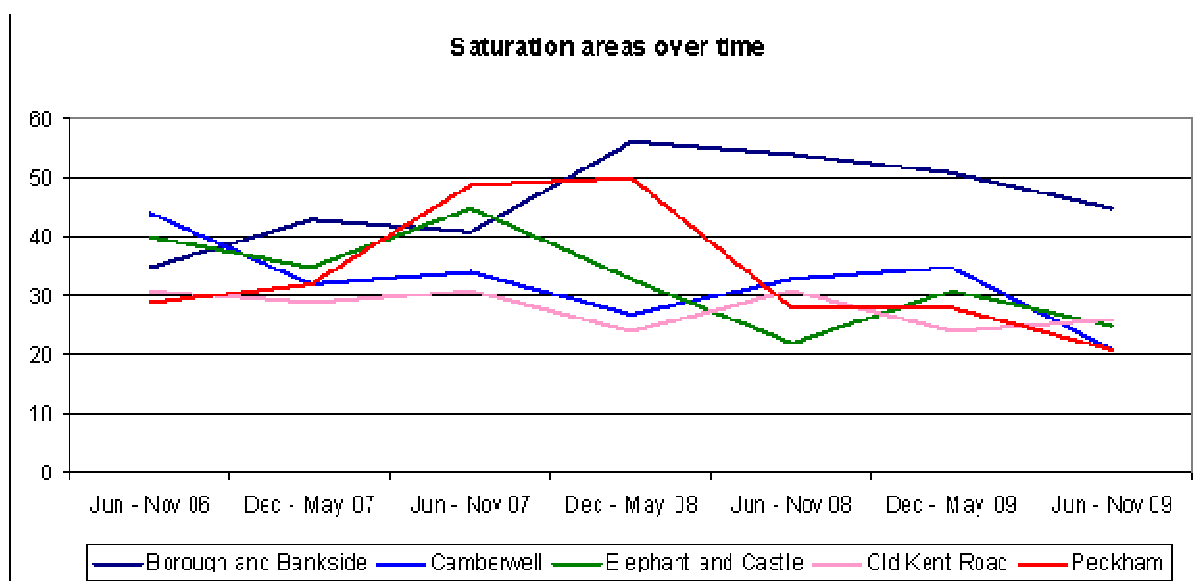
The table below gives a break down of alcohol related VAP in all saturation areas in six month blocks. Generally, each saturation area also saw a decrease in alcohol related violent crime, with the exception of Old Kent Road. The extended Peckham area saw the largest decrease.

Saturation Areas	Jun - Nov 06	Dec 06 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Borough and Bankside	35	43	41	58	54	51	45
Borough and Bankside extended	38	45	44	61	62	52	47
Camberwell	44	32	34	27	33	35	21
Elephant and Castle	40	35	45	33	22	31	25
Old Kent Road	31	29	31	24	31	24	26
Peckham	29	32	49	50	28	28	21
Peckham extended	32	36	51	57	32	37	26

The following chart shows these numbers as a percentage of Southwark's total alcohol related VAP for each time block. All areas have been of significance at some point within this three year period; however, of most recent concern is the extended Borough and Bankside area (15% of the borough's alcohol related violence takes place within this boundary) and the Old Kent Road, which has seen the largest increase when compared to the previous period.

Saturation Areas	Jun - Nov 06	Dec 06 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Borough and Bankside	8.1	9.6	9.2	12.7	12.2	11.5	14.4
Borough and Bankside extended	8.8	10.0	9.8	13.8	14.1	11.8	15.0
Camberwell	10.2	7.1	7.6	6.1	7.5	7.9	6.7
Elephant and Castle	9.2	7.8	10.0	7.5	5.0	7.0	8.0
Old Kent Road	7.2	6.5	6.9	5.4	7.0	5.4	8.3
Peckham	6.7	7.1	10.9	11.3	6.3	6.3	6.7
Peckham extended	7.4	8.0	11.4	12.9	7.3	8.4	8.3
Percentage of boroughs VAP taking place in these areas	<b>42.7</b>	<b>39.5</b>	<b>45.8</b>	<b>45.8</b>	<b>40.8</b>	<b>40.5</b>	<b>46.3</b>

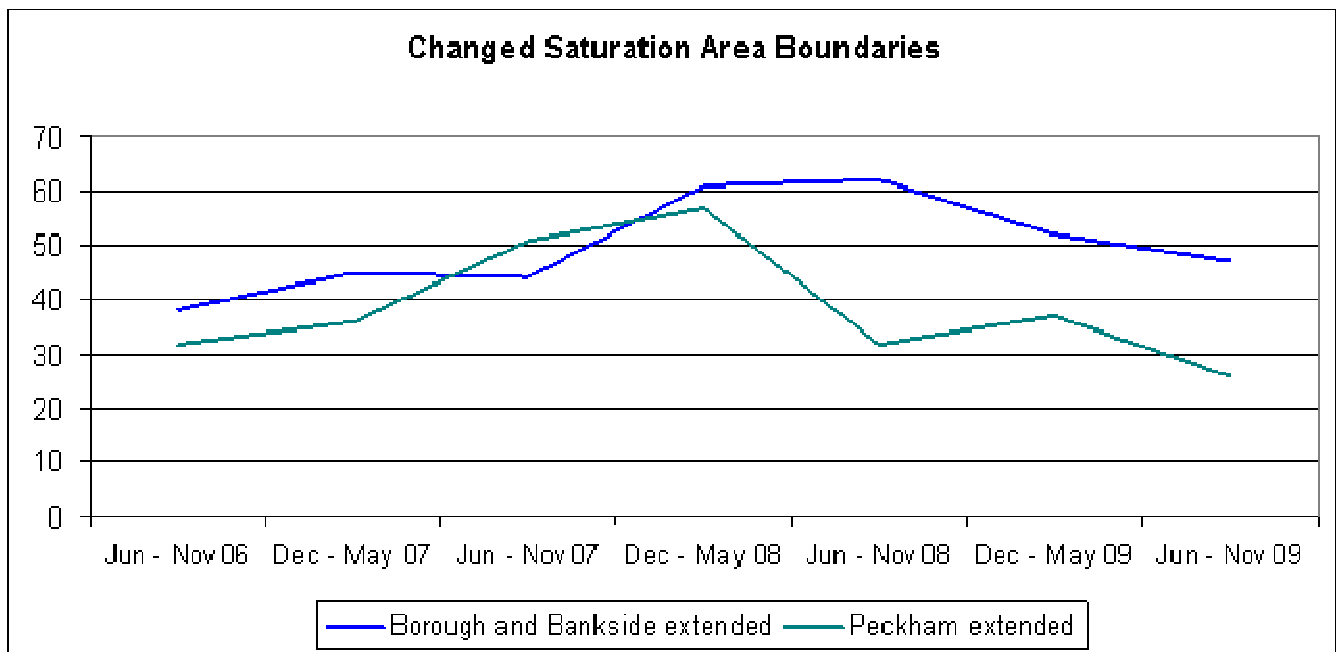
The following graph displays how these areas have changed over time. Elephant and Castle, having been decreasing, has recently begun to experience more crime.





## Appendix 1

As previously stated, it has been decided to alter the boundaries of the Borough and Bankside and Peckham Saturation areas. The graph below depicts how crime has changed in these 'new' boundaries.



Peckham has dramatically reduced in number since December 2007, and though there was an increase between December and May 2009, levels have once more decreased in the most recent period.

The Borough and Bankside extended area has tailed off considerably in recent months, since November 2008.

## Appendix 1

### 3.3 Borough and Bankside

The following table is a breakdown of VAP, Robbery and Sexual offences within this saturation area.

Saturation Areas	Dec 08 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	16	12	15	10	17	16
Common Assault	1	1	5	1	7	9
Harassment	16	18	19	13	8	5
Murder	0	0	0	0	0	0
Offensive Weapon	0	3	1	1	0	1
Other Sexual	3	2	2	1	2	1
Other Violence	1	0	1	2	0	1
Personal Property	4	4	9	4	4	4
Rape	0	0	1	1	1	0
Serious Wounding	2	1	3	9	7	7

Primary crime types of concern within the original area are Assault with Injury and common assault, which have not significantly changed in number in recent months. Harassment has significantly fallen when compared to the previous periods. Similarly to the last assessment, serious wounding is still of concern, with numbers maintaining at a higher level since June 2008.

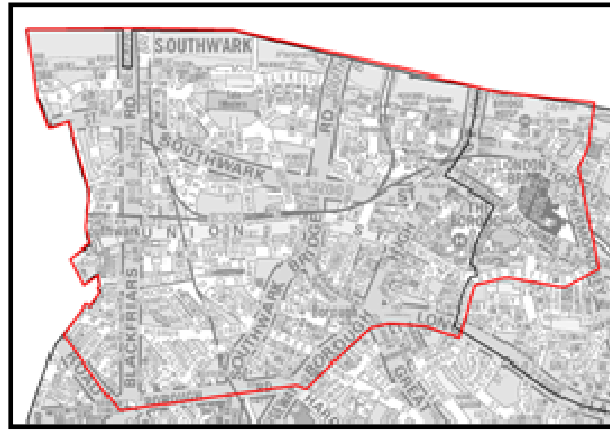
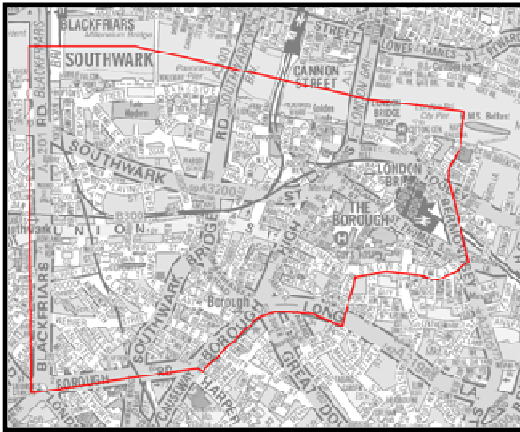
#### Extended Borough and Bankside Saturation Area

Saturation Areas	Dec 08 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	18	12	17	13	18	17
Common Assault	1	2	5	1	7	9
Harassment	16	18	19	16	8	6
Murder	0	0	0	0	0	0
Offensive Weapon	0	3	1	1	0	1
Other Sexual	3	2	3	1	2	1
Other Violence	2	0	2	2	0	1
Personal Property	10	4	9	5	4	4
Rape	1	0	1	1	1	0
Serious Wounding	1	2	3	9	7	7

There was no great change between the two saturation areas, with just two additional crimes recorded.

## Appendix 1

## Where



The map to the left is the original boundary for the Borough and Bankside saturation area. This area is densely filled with shops, restaurants and bars, not to mention those bars which have a late licence and nightclubs. Moreover, within this area is London Bridge train station, which is a crime attractor, as many people choose to come to the borough to drink alcohol and socialise, as it is easy for them to get home. In the last assessment, the premises to the east of Borough High Street, as well as the Hospital and London Bridge train station were also added.

The map to the right is the remodelled saturation area, with the same eastern boundary as before, but additional roads incorporated to the west (as far as Lambeth's border). Within this small amendment are numerous licensed premises, most notably around the Cut area (around Southwark London Underground station).

## When

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Grand Total
2300 - 0000			2	1	1			4
0000 - 0100	1		2			4	3	10
0100 - 0200	1	1		1	1	5	1	10
0200 - 0300		1	3			4	3	11
0300 - 0400		1		1		1	4	7
0400 - 0500						3	1	4
<b>Grand Total</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>17</b>	<b>12</b>	<b>46</b>

Key



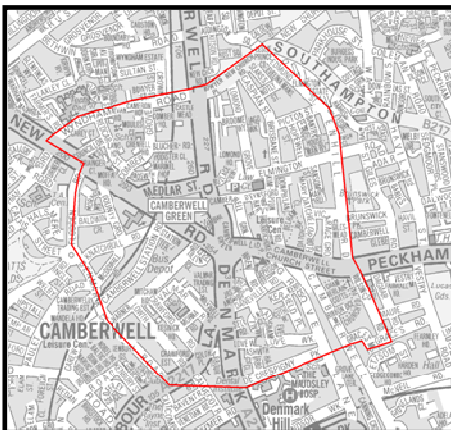
## Appendix 1

### 3.4 Camberwell

Crime Type	Jun - Nov 06	Dec - May 07	Jun - Nov 07	Dec - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	8	4	7	9	8	8	10
Common Assault	3	2	4	3	3	3	4
Harassment	4	10	11	5	3	5	1
Offensive Weapon	1	2	0	0	0	2	0
Other Sexual	2	3	2	1	1	1	1
Other Violence	2	2	0	0	0	4	0
Personal Property	23	7	9	4	15	5	2
Rape	1	0	1	2	0	0	0
Serious Wounding	0	2	0	3	3	7	3
<b>Grand Total</b>	<b>44</b>	<b>32</b>	<b>34</b>	<b>27</b>	<b>33</b>	<b>35</b>	<b>21</b>

Robberies, Assault with Injury and Harassment have been the main crimes of note in this area for the past three years. It was a finding of the previous assessment that robbery appears to occur mostly in the spring/summer months. However, the anticipated increase did not occur, and levels in this area were lower than in any of the recorded periods. Assault with Injury and common assault both slightly increase in this period.

### Where



The saturation area is concentrated at the crossroads, and the licensed premises in this area. This area has been subject to focussed work on street drinking in recent years. There are numerous bars/pubs and nightclubs in this relatively small area.

This area, although there is no train station within it, is easily accessible by bus (and night buses) as it is one of the main bus interchanges in the borough.

### When

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Grand Total
2300 - 0000	1					1		2
0000 - 0100	1	2				3	2	8
0100 - 0200								0
0200 - 0300						2	1	3
0300 - 0400						4		4
0400 - 0500						3	1	4
<b>Grand Total</b>	<b>2</b>	<b>2</b>				<b>13</b>	<b>4</b>	

Key



## Appendix 1

### 3.5 Elephant & Castle

Crime Type	Jun - Nov 06	Dec - May 07	Jun - Nov 07	Dec - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	13	9	13	7	10	12	10
Common Assault	0	6	7	2	2	1	4
Harassment	7	12	11	6	-	2	1
Offensive Weapon	1	0	1	2	2	0	0
Other Sexual	0	0	0	1	-	0	1
Other Violence	2	1	0	1	-	1	0
Personal Property	13	6	8	8	5	7	2
Rape	0	1	1	0	0	0	0
Serious Wounding	4	1	4	6	0	8	3
Grand Total	40	35	45	33	22	31	25

Levels of crime in this area have decreased since the previous six month period (where an increase had been reported), however, are still slightly higher than the same period last year. The main crime type is Assault with Injury (10), followed by common assault (4) and Serious Wounding (3).

### Where



This saturation area is located at Elephant and Castle station, and its surrounds, as the map to the left depicts. There are numerous bars, café's and nightclubs in this area, most notably the Ministry of Sound nightclub in Gaunt Street. Elephant and Castle is the second busiest train station in Southwark, after London Bridge, and again, many people choose to travel here to socialise in the evening, as an abundance of transport makes it easy for them to get home. The hotspot map on page four suggests that there is more activity slightly to the east of the boundary (along the New Kent Road) and it may be beneficial to adjust the boundary for the next assessment.

### When

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Grand Total
2300 - 0000	1	0	0	1	1	0	2	5
0000 - 0100	0	0	0	0	0	0	2	2
0100 - 0200	0	0	0	0	0	2	3	5
0200 - 0300	0	0	1	1	0	2	1	4
0300 - 0400	0	0	0	1	0	2	1	4
0400 - 0500	0	0	0	0	0	1	2	3
0500 - 0600	0	0	0	0	0	1	1	2
Grand Total	1	0	1	3	1	8	11	25

Key



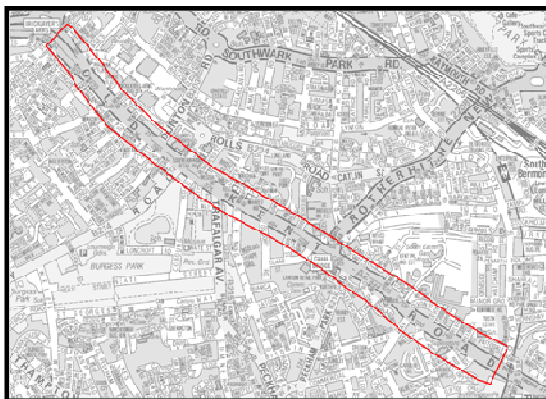
## Appendix 1

### 3.6 Old Kent Road

Crime Type	Jun - Nov 06	Dec - May 07	Jun - Nov 07	Dec - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	9	9	11	7	12	8	10
Common Assault	1	2	2	1	4	3	4
Harrasment	6	6	8	8	3	3	4
Offensive Weapon	0	0	1	0	1	0	0
Other Sexual	0	1	2	0	1	0	0
Other Violence	1	1	2	1	0	1	1
Personal Property	8	5	2	6	3	5	2
Rape	0	0	0	0	0	0	0
Serious Wounding	6	5	3	1	7	4	5
Grand Total	31	29	31	24	31	24	21

The most pressing crime types in this area remain to be Assault with Injury and Serious Wounding, both of which have experienced an increase in this period when compared to the previous one.

### Where



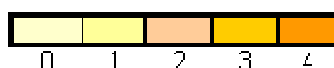
This saturation area runs along the Old Kent Road, from the Bricklayers roundabout to the point at which it exits Southwark.

This is an extremely diverse area, with commercial, residential and industrial premises alongside one another. Bars and such are common along the Old Kent Road, and, being one of the arterial routes of the borough, transportation to and from such venues is abundant.

### When

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Grand Total
2300 - 0000	0	0	0	0	1	3	0	4
0000 - 0100	1	0	0	0	0	1	0	2
0100 - 0200	0	0	2	1	0	0	0	3
0200 - 0300	1	0	0	0	0	0	0	1
0300 - 0400	0	1	0	1	1	0	2	5
0400 - 0500	2	0	0	0	0	2	2	6
0500 - 0600	0	0	0	0	1	4	0	5
Grand Total	4	1	2	2	3	10	4	26

Key



## Appendix 1

### 3.7 Peckham

Saturation Areas	Dec 06 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	12	15	12	7	12	6
Common Assault	2	6	2	5	3	5
Harassment	5	11	19	5	3	4
Murder	0	0	0	0	0	0
Offensive Weapon	1	3	1	1	1	0
Other Sexual	1	1	0	1	1	0
Other Violence	3	2	3	0	0	4
Personal Property	7	7	7	1	1	0
Rape	0	2	2	1	1	0
Serious Wounding	1	2	4	2	2	2

Alcohol related crime in the area has steadily fallen, since Jun – November 2008. The reductions have principally been in the form of robbery, which no longer appears to be an alcohol-related issue in this area. Serious Wounding has remained at a fairly constant level for the periods examined; the main issues of note in this area are of the lower level violence and public order offences.

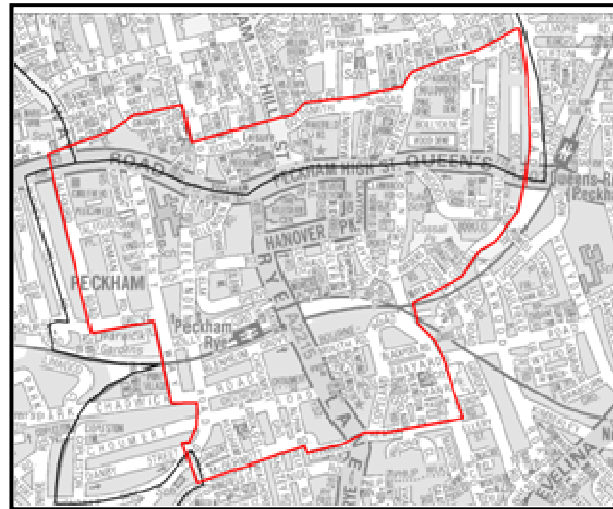
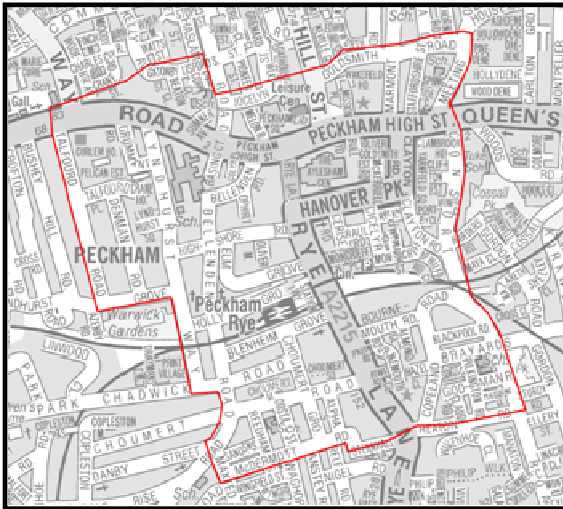
#### Extended Peckham Saturation Area

Saturation Areas	Dec 06 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	13	16	12	7	14	11
Common Assault	2	7	2	5	5	5
Harassment	6	11	20	5	3	4
Murder	0	0	0	0	0	0
Offensive Weapon	1	3	1	1	1	0
Other Sexual	1	1	0	1	2	0
Other Violence	3	2	3	0	0	4
Personal Property	8	7	11	2	1	0
Rape	0	2	3	2	1	0
Serious Wounding	2	2	5	3	3	2

There has been a larger reduction in the Peckham extended area (when compared to the previous period) than in the original Peckham Saturation Area. Reductions are particularly apparent in Assault with Injury, though many offence types had one or two fewer crimes. Of note, 'Other Violence' increased, from 0 to 4 crimes.

## Appendix 1

## Where



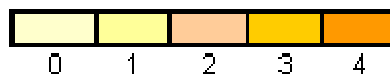
It was decided for the previous assessment to extend the then boundary of Peckham further west, to include Talfourd Road and Lyndhurst Way. It has been requested for this analysis to also consider crime occurring in the Meeting House Lane area, and for this reason the boundary was extended again, as in the picture to the left, whereby the area now almost reaches Queens Road Peckham BR station.

Similarly to the other areas, Peckham is extremely accessible from most parts of SE London, with Peckham Rye station within the saturation area, and Queens Road Peckham outside it. There is also a large network of buses that serve the area, running through Elephant and Castle and Camberwell, amongst others.

## When

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Grand Total
2300 - 0000	1	2	0	0	1	1	0	5
0000 - 0100	0	0	0	0	0	1	2	4
0100 - 0200	1	0	1	0	1	1	0	4
0200 - 0300	0	1	0	0	2	3	1	6
0300 - 0400	0	1	0	0	1	0	1	2
0400 - 0500	0	0	0	1	0	3	1	5
0500 - 0600	0	0	0	0	0	0	0	0
<b>Grand Total</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>9</b>	<b>5</b>	<b>26</b>

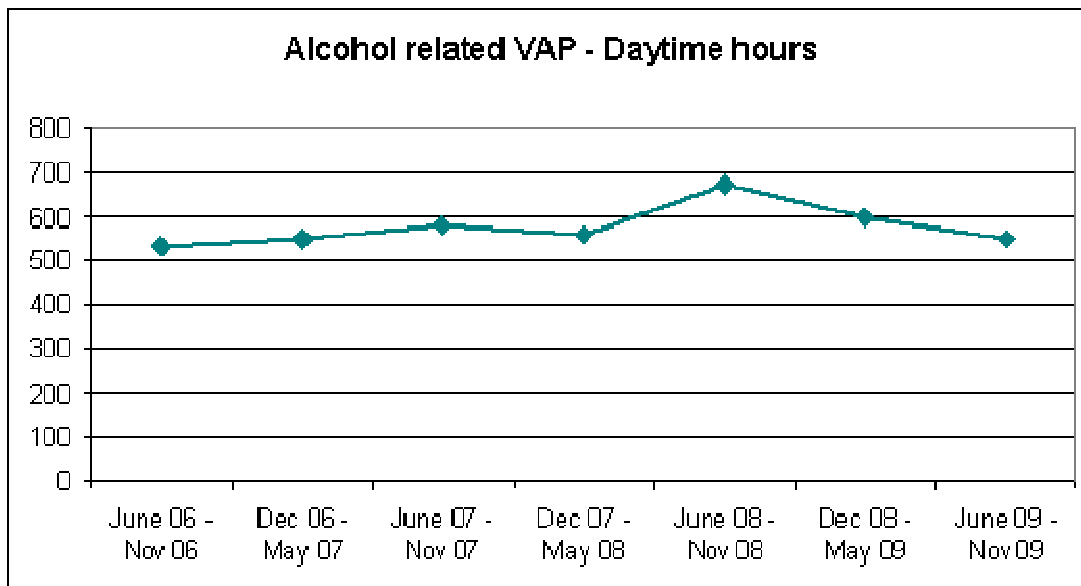
Key





## 4.0 Daytime Offences (0600 – 2259 hours)

### 4.1 Southwark Overview



Alcohol related violent crime has fallen in both the previous reporting periods, from June 2008.

When comparing the current period of analysis with the previous period, there were 46 fewer alcohol related violent offences (a reduction of 7.7%). When comparing it to the same period in the previous year, there was a decrease of 122 offences (18%).

	Jun 06 - Nov 06	Dec 06 - May 07	Jun 07 - Nov 07	Dec 07 - May 08	Jun 08 - Nov 08	Dec 08 - May 09	Jun 09 - Nov 09
No	532	549	581	559	672	596	550
Proportion of violence alcohol related	16.9	18.5	18.4	18.6	21.3	21.1	18.9

Unlike violent crime recorded between 2300 and 0559 hours, there has been a decrease in the *proportion* of violent crimes which are alcohol related, though not to such a large extent. For the last period, almost 19% of violent offences in Southwark, committed between 0600 and 2259 hours were alcohol related.

## Appendix 1

## 4.2 Borough and Bankside

The following table is a breakdown of VAP, Robbery and Sexual offences within this saturation area.

Saturation Areas	Dec 06 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	15	28	9	12	7	13
Common Assault	9	4	6	5	8	7
Harassment	22	21	23	36	25	15
Murder	0	0	0	0	0	0
Offensive Weapon	4	3	0	0	2	2
Other Sexual	2	1	1	2	2	0
Other Violence	4	3	3	1	0	3
Personal Property	9	6	4	8	5	1
Rape	0	0	0	2	1	0
Serious Wounding	5	2	1	6	4	4

There has been a significant reduction in the amount of alcohol related violent crime taking place in the daytime in this area, especially with regard to the same period in 2008, whereby levels have fallen from 98 in that period, to 45 in this. Most crime types have fallen over time, most notably harassment, which has fallen from 30 to 15. There was, however, an increase in Assaults with Injury. Moreover, serious wounding has remained at the same level (though this is half the amount at the same period in 2008).

### Extended Borough and Bankside Saturation Area

Saturation Areas	Dec 06 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	15	28	9	12	7	15
Common Assault	9	5	8	6	8	8
Harassment	22	21	23	36	25	18
Murder	0	0	0	0	0	0
Offensive Weapon	4	3	0	0	2	2
Other Sexual	2	1	1	4	2	0
Other Violence	4	3	3	1	0	3
Personal Property	9	6	4	8	6	1
Rape	0	0	0	2	1	0
Serious Wounding	5	2	1	8	4	5

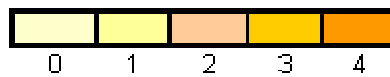
When looking at this area, the reduction shown above is less apparent, implying that much of the activity takes place within the additional zone. In particular, there were increases in Assault with Injury, Other Violence and Serious Wounding. In this area, the reduction in harassment offences is not as marked.

## Appendix 1

## When

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Grand Total
0600 - 0700	0	0	0	0	0	0	1	1
0700 - 0800	0	0	0	0	0	0	0	0
0800 - 0900	0	0	0	1	0	0	1	2
0900 - 1000	0	0	0	0	0	0	0	0
1000 - 1100	0	1	0	0	0	0	1	2
1100 - 1200	0	0	0	1	0	0	0	1
1200 - 1300	0	1	0	1	1	1	1	5
1300 - 1400	0	0	0	0	2	0	1	3
1400 - 1500	0	0	0	1	0	1	1	3
1500 - 1600	0	0	1	0	0	1	0	3
1600 - 1700	1	0	2	0	0	1	0	4
1700 - 1800	1	0	0	0	0	0	1	2
1800 - 1900	1	0	0	1	0	0	0	2
1900 - 2000	1	1	1	0	0	0	0	3
2000 - 2100	0	0	1	0	0	1	1	3
2100 - 2200	1	3	1	0	3	0	0	8
2200 - 2300	0	1	1	1	0	0	0	3
<b>Grand Total</b>	<b>5</b>	<b>7</b>	<b>7</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>8</b>	<b>45</b>

Key



## Appendix 1

### 4.3 Camberwell

The following table is a breakdown of VAP, Robbery and Sexual offences within this saturation area.

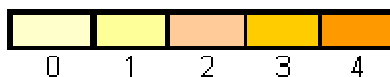
Crime Type	Jun - Nov 06	Dec - May 07	Jun - Nov 07	Dec - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	10	13	7	6	10	14	14
Common Assault	0	4	5	3	5	0	6
Harassment	10	17	16	27	12	13	11
Murder	0	0	0	0	0	0	0
Offensive Weapon	0	2	2	1	1	3	0
Other Sexual	2	3	1	0	1	0	1
Other Violence	3	0	3	4	4	1	0
Personal Property	7	6	6	1	0	7	2
Rape	2	0	1	0	0	0	0
Serious Wounding	1	3	3	1	0	3	4
<b>Grand Total</b>	<b>44</b>	<b>47</b>	<b>44</b>	<b>43</b>	<b>42</b>	<b>50</b>	<b>30</b>

Daytime alcohol related VAP in Camberwell has decreased, and is at its lowest level in any period recorded. The decreases were male in terms of robbery and possession of offensive weapon (though it must be remembered that possession of offensive weapon offences are by and large generated by the police, using their stop and search powers).

### When

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Grand Total
0600 - 0700	0	0	0	0	0	0	0	0
0700 - 0800	0	0	0	0	0	0	1	1
0800 - 0900	0	0	0	0	0	0	1	1
0900 - 1000	1	0	1	0	0	1	0	3
1000 - 1100	1	0	0	0	1	0	0	2
1100 - 1200	0	1	0	1	0	0	0	2
1200 - 1300	1	1	0	1	0	1	0	4
1300 - 1400	1	0	0	1	1	0	0	3
1400 - 1500	0	0	0	1	0	0	0	1
1500 - 1600	1	0	1	1	1	0	1	5
1600 - 1700	2	1	0	0	0	0	0	3
1700 - 1800	0	1	0	0	1	0	0	2
1800 - 1900	0	0	0	1	0	0	0	1
1900 - 2000	0	0	0	0	0	2	1	3
2000 - 2100	0	0	1	0	1	1	0	3
2100 - 2200	0	0	1	0	1	0	0	2
2200 - 2300	1	1	0	0	0	0	0	2
<b>Grand Total</b>	<b>8</b>	<b>5</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>38</b>

Key



## Appendix 1

### 4.4 Elephant & Castle

The following table is a breakdown of VAP, Robbery and Sexual offences within this saturation area.

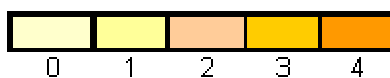
Crime Type	Jun - Nov 08	Dec - May 07	Jun - Nov 07	Dec - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	8	5	5	3	7	6	6
Common Assault	4	3	2	2	3	7	2
Harassment	6	12	4	14	13	10	6
Murder	0	0	0	0	0	0	0
Offensive Weapon	0	1	0	2	0	0	0
Other Sexual	1	0	1	1	1	1	0
Other Violence	1	1	0	2	1	0	2
Personal Property	1	8	1	8	2	4	2
Rape	0	0	1	2	1	0	0
Serious Wounding	1	2	1	0	2	0	1
<b>Grand Total</b>	<b>22</b>	<b>32</b>	<b>16</b>	<b>31</b>	<b>30</b>	<b>29</b>	<b>21</b>

Crime levels in this area are broadly the same, with no significant change for this period (a slight decrease). Of interest, lower level violence is reducing (harassment and common assault) and the more serious violence is increasing (assault with injury and serious wounding).

### When

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Grand Total
0600 - 0700							1	1
0700 - 0800							1	1
0800 - 0900				1				1
0900 - 1000						1		1
1000 - 1100								
1100 - 1200								
1200 - 1300	1	2				1		4
1300 - 1400	1							1
1400 - 1500								
1500 - 1600	1	1						2
1600 - 1700						1		1
1700 - 1800			1			1		2
1800 - 1900			1		1	1		3
1900 - 2000				1		2		3
2000 - 2100								
2100 - 2200						1		1
2200 - 2300			1				2	3
<b>Grand Total</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>8</b>	<b>4</b>	<b>24</b>

Key



## Appendix 1

### 4.5 Old Kent Road

The following table is a breakdown of VAP, Robbery and Sexual offences within this saturation area.

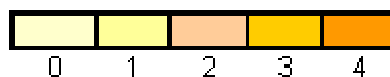
Crime Type	Jun - Nov 06	Dec - Mar 07	Jun - Nov 07	Dec - Mar 08	Jun - Nov 08	Dec - Mar 09	Jun - Nov 09
Assault with Injury	6	7	5	7	9	7	3
Common Assault	2	2	4	1	3	9	4
Harassment	7	5	5	12	10	5	9
Murder	0	0	0	1	0	0	0
Offensive Weapon	2	0	1	0	1	0	1
Other Sexual	0	1	2	0	1	4	0
Other Violence	2	0	0	0	3	2	0
Personal Property	2	4	0	4	1	4	3
Rape	0	0	0	1	2	0	1
Serious Wounding	2	2	3	3	0	8	5
<b>Grand Total</b>	<b>23</b>	<b>21</b>	<b>20</b>	<b>29</b>	<b>30</b>	<b>39</b>	<b>29</b>

There is a decrease of 13 crimes when compared to the previous period, and 4 crimes when compared to the same period last year. Reductions have been made in terms of Assault with injury, common assault and serious wounding (also sexual offences). The only significant increase has been in harassment (from 5 offences to 9).

### When

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Grand Total
0600 - 0700							1	1
0700 - 0800							1	1
0800 - 0900						1		1
0900 - 1000								
1000 - 1100			1			1		2
1100 - 1200						1		1
1200 - 1300								
1300 - 1400			1		1	1		3
1400 - 1500								
1500 - 1600							1	1
1600 - 1700						1	1	2
1700 - 1800		2						2
1800 - 1900	1	2						3
1900 - 2000								
2000 - 2100			1			2		3
2100 - 2200						1	2	3
2200 - 2300			1		2			3
<b>Grand Total</b>	<b>1</b>	<b>4</b>	<b>4</b>		<b>3</b>	<b>8</b>	<b>6</b>	<b>26</b>

Key



## Appendix 1

## 4.6 Peckham

The following table is a breakdown of VAP, Robbery and Sexual offences within this saturation area.

Saturation Areas	Dec 06 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	14	22	13	15	13	15
Common Assault	9	17	12	16	9	9
Harassment	14	24	19	31	33	20
Murder	0	0	0	0	0	0
Offensive Weapon	3	3	4	3	0	2
Other Sexual	3	1	0	0	0	1
Other Violence	4	7	3	5	0	5
Personal Property	7	5	4	7	7	1
Rape	0	0	0	0	1	0
Serious Wounding	4	1	2	4	5	7

Levels of violence in Peckham have remained at a similar level to the previous period, though are substantially lower than the same period last year.

There has been an increase in both Assault with injury and Serious Wounding, with the reductions coming from harassment (from 34 to 20) and robbery (from 6 to 1). There were also 5 'other violence' reports in this period, whereas there were none in the previous one.

### Extended Peckham Saturation Area

Saturation Areas	Dec 06 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Assault with Injury	14	24	14	16	15	16
Common Assault	9	17	12	18	12	11
Harassment	16	24	19	32	33	23
Murder	0	0	0	0	0	0
Offensive Weapon	4	3	4	3	0	3
Other Sexual	3	1	0	0	0	1
Other Violence	4	7	3	9	0	6
Personal Property	7	5	7	9	9	1
Rape	0	0	0	0	1	0
Serious Wounding	4	1	3	4	7	7

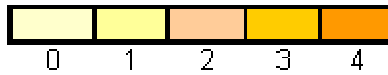
Looking at the extended Peckham boundary, crime has decreased when compared to the previous period, and also decreased when compared to the same period last year. This is largely concerned with robbery and harassment offending, with levels of Assault with Injury and Serious Wounding remaining the same.

## Appendix 1

## When

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Grand Total
0600 - 0700	1			1		1		3
0700 - 0800						2		2
0800 - 0900								0
0900 - 1000		1					1	2
1000 - 1100		1			1			2
1100 - 1200		1				1		2
1200 - 1300				4	2			6
1300 - 1400			1		1			2
1400 - 1500		1	1	1	1		2	6
1500 - 1600			1				2	3
1600 - 1700		1			1	3		5
1700 - 1800	4				1			5
1800 - 1900		1				1		2
1900 - 2000		2		2				4
2000 - 2100		1	1			1		3
2100 - 2200	1		2	1	1	2		7
2200 - 2300		1	3			2		6
<b>Grand Total</b>	<b>6</b>	<b>10</b>	<b>9</b>	<b>9</b>	<b>8</b>	<b>13</b>	<b>5</b>	<b>60</b>

Key

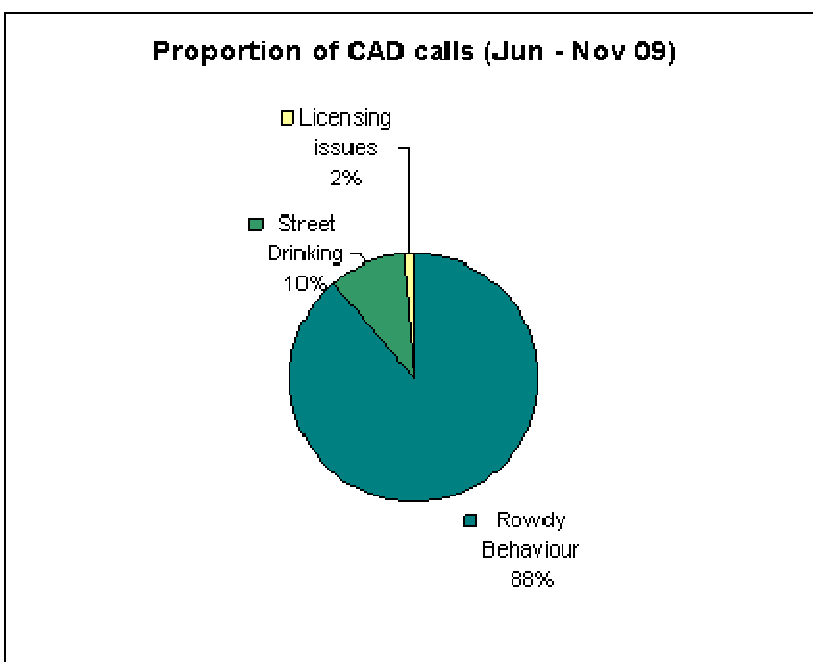
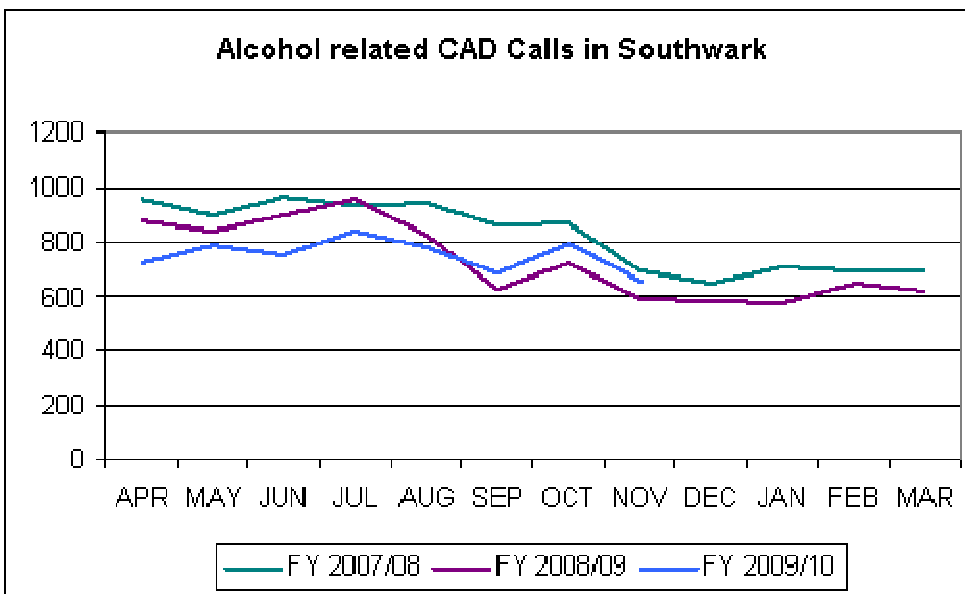




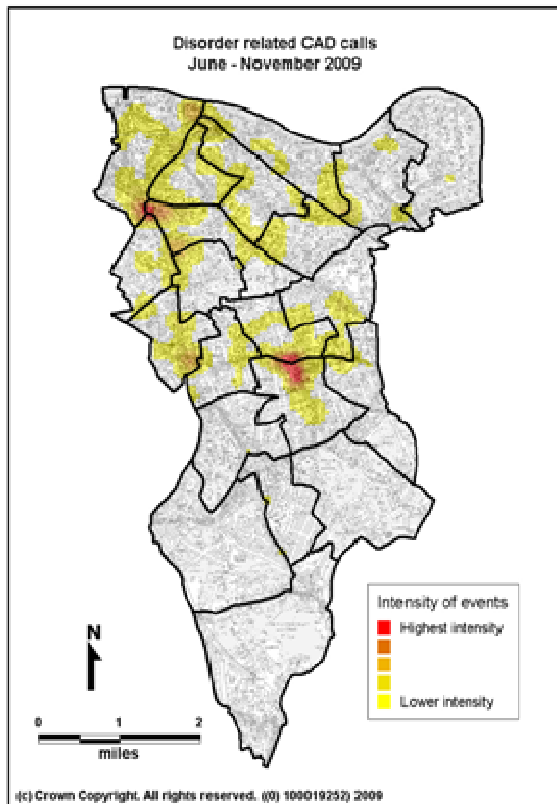
## 5.0 Police CAD data

### 5.1 Boroughwide

Using all alcohol related CAD data, it can be seen that until August, levels of this type of disorder were lower than for the same period in either FY 2007/08 or FY 2008/09. Since August however, levels increased, although a decrease was experienced between October and November 2009. When comparing the period June/November with the same period the previous year, there was a reduction of 2.5%.



## 5.2 Location



Ward	No.	% total
Cathedrals	517	11.8
The Lane	443	10.1
East Walworth	362	8.3
Grange	286	6.5
Livesey	272	6.2
Riverside	262	6.0
Camberwell Green	237	5.4
Chaucer	194	4.4
Peckham	185	4.2
Faraday	176	4.0
Rotherhithe	174	4.0
Brunswick Park	173	4.0
Newington	172	3.9
South Bermondsey	164	3.8
Nunhead	137	3.1
Village	128	2.9
Surrey Docks	127	2.9
South Camberwell	95	2.2
Peckham Rye	92	2.1
College	89	2.0
East Dulwich	86	2.0
<b>Grand Total</b>	<b>4371</b>	<b>100.0</b>

The map to the left shows that disorder related CAD calls typically take place in Peckham, and to a lesser extent in Camberwell, Elephant and Castle and Borough High Street.

However, the table on the right displays the amount of CAD calls per ward, and it becomes clear that whilst Peckham (The Lane) does indeed have a high number of CAD calls, it is not in fact the top ward, with Cathedrals (517) having 73 more calls. Once more, it appears that the calls to Peckham are located in a small area, and thus the hotspot is generated, owing to density. Calls to Cathedrals, and other wards are presumably more dispersed and thus generating smaller hotspots, if any.

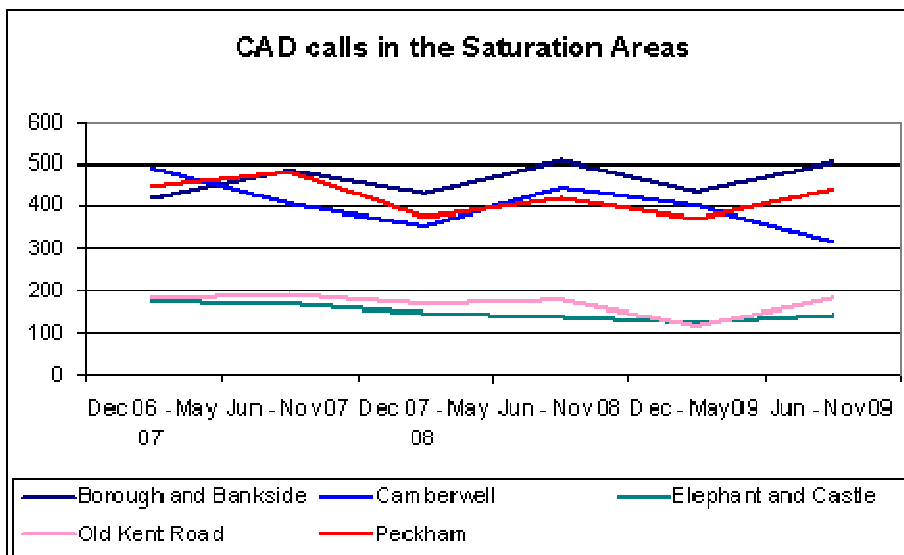
## Appendix 1

### 5.3 Saturation Areas

Alcohol related CAD calls include Street Drinking and Licensing issues, as well as rowdy behaviour. The table below gives a breakdown of alcohol related CAD calls in all saturation areas since December 2006.

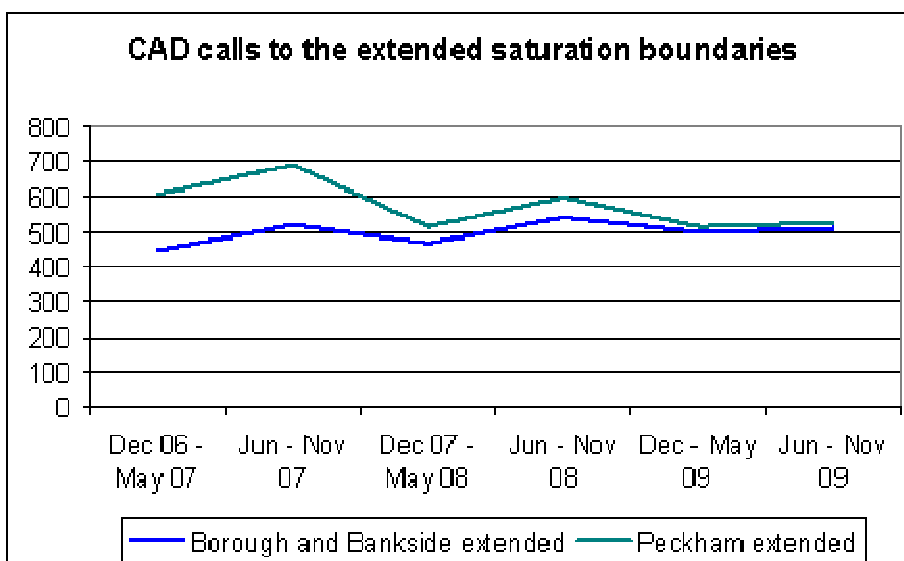
Saturation Areas	Dec 06 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec - May 09	Jun - Nov 09
Borough and Bankside	418	486	433	511	437	505
Borough and Bankside extended	446	519	465	538	501	509
Camberwell	493	407	355	443	400	317
Elephant and Castle	174	167	146	137	125	142
Old Kent Road	180	189	168	175	117	180
Peckham	451	483	376	418	373	442
Peckham extended	609	690	512	597	514	525

The following graphs display how these areas have changed over time. Each has decreased since December 2006.



Reductions have been experienced in Peckham and Camberwell, though these levels appear to be stabilising.

Elephant and Castle, which had been fairly stable appears to be slightly increasing, and definite increases can be seen in the Old Kent Road and Borough and Bankside.



Similarly to the previous Borough and Bankside area, levels are fairly stable in this area, and experiencing a slight increase.

Peckham, which had been steadily decreasing appears to have reached a plateau (over the past year).

## Appendix 1

## 5.4 When

Time Range	MON	TUE	WED	THU	FRI	SAT	SUN	Grand Total
0000 - 0100	17	28	21	22	28	45	55	216
0100 - 0200	25	15	19	18	17	51	49	194
0200 - 0300	21	8	19	15	22	33	38	156
0300 - 0400	8	11	10	12	5	35	32	113
0400 - 0500	13	10	16	8	17	34	28	126
0500 - 0600	9	4	4	2	5	25	13	62
0600 - 0700	3	4	2	4	4	14	15	46
0700 - 0800	1	8	5	7	4	8	7	40
0800 - 0900	8	5	8	10	14	12	8	65
0900 - 1000	11	13	13	15	14	13	10	89
1000 - 1100	12	11	9	13	16	13	12	86
1100 - 1200	17	23	15	22	15	17	11	120
1200 - 1300	23	25	12	10	27	19	16	132
1300 - 1400	30	30	24	23	29	15	18	169
1400 - 1500	17	19	25	27	19	28	23	163
1500 - 1600	29	35	36	33	36	34	33	236
1600 - 1700	41	41	41	37	38	26	20	244
1700 - 1800	52	37	37	37	54	40	32	289
1800 - 1900	31	50	55	46	38	40	40	300
1900 - 2000	31	64	47	46	52	58	29	326
2000 - 2100	43	56	55	62	51	71	40	378
2100 - 2200	45	38	60	59	54	59	38	353
2200 - 2300	42	26	40	45	67	56	37	313
2300 - 0000	29	37	35	41	50	49	33	274
Grand Total	558	398	608	614	676	795	641	4490

Key



The chart to the left shows the correlation between days and times, showing that peak times of offending are from 1900 to 0500 hours on Friday night/Saturday morning, and at the same time from Saturday night to Sunday morning for the whole of Southwark borough.

There is also a significant increase in calls from 1500 hours, with a further 'jump' at 1700 hours, likely relating to the end of the school or working day.

Generally, Southwark experiences an increase in alcohol related violent crime as the night progresses, reaching a peak between 2000 and 2100 hours, after which time it gradually falls.

## Appendix 1

## 5.5 Borough and Bankside

Category	Dec 06 - May 07	Jun 07 - Nov 07	Dec 07 - May 08	Jun - 08 - Nov 08	Dec 08 - May 09	Jun 09 - Nov 09
Rowdy Behaviour	320	394	356	392	365	402
Licensing	15	16	14	16	9	12
Street Drinking	83	76	63	103	63	91

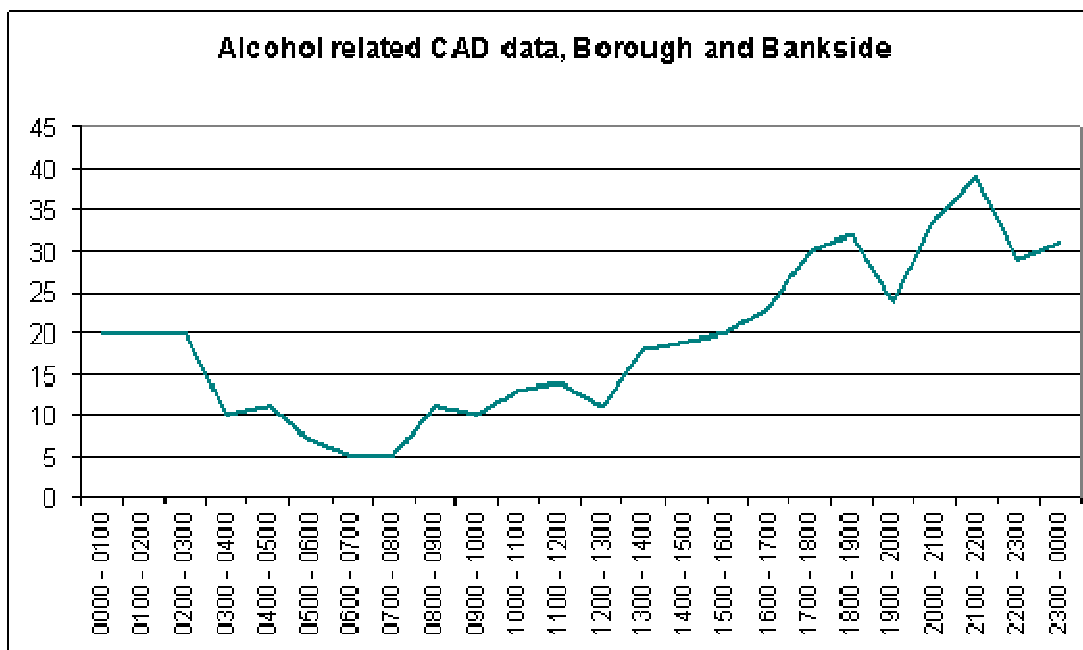
Levels of rowdy behaviour in the original saturation area have significantly increased, from 365 to 402. However, looking at the data, it appears that this is largely due to seasonality. The same is true of the street drinking data, though the numbers are smaller. Similarly, levels of street drinking have slightly increased over time. Licensing CAD calls have slightly increased, following a dip last period.

### Where?

In the daytime period, (between 0600 and 2300 hours) alcohol related disorder typically takes place in the street, such as Borough High Street, Blackfriars Road and Southwark Bridge Road. Where premises are included, they are usually in hostels, hospitals or concerned with public transport, such as the bus station/BR at London Bridge.

In the evening period, disorder shifts primarily toward the transport network, most specifically the bus station and London Bridge BR.

### When?



23.6% of alcohol related disorder in this area occurs between 2300 and 0559 hours (n=119)

## Appendix 1

## 5.6 Borough and Bankside – Extended area

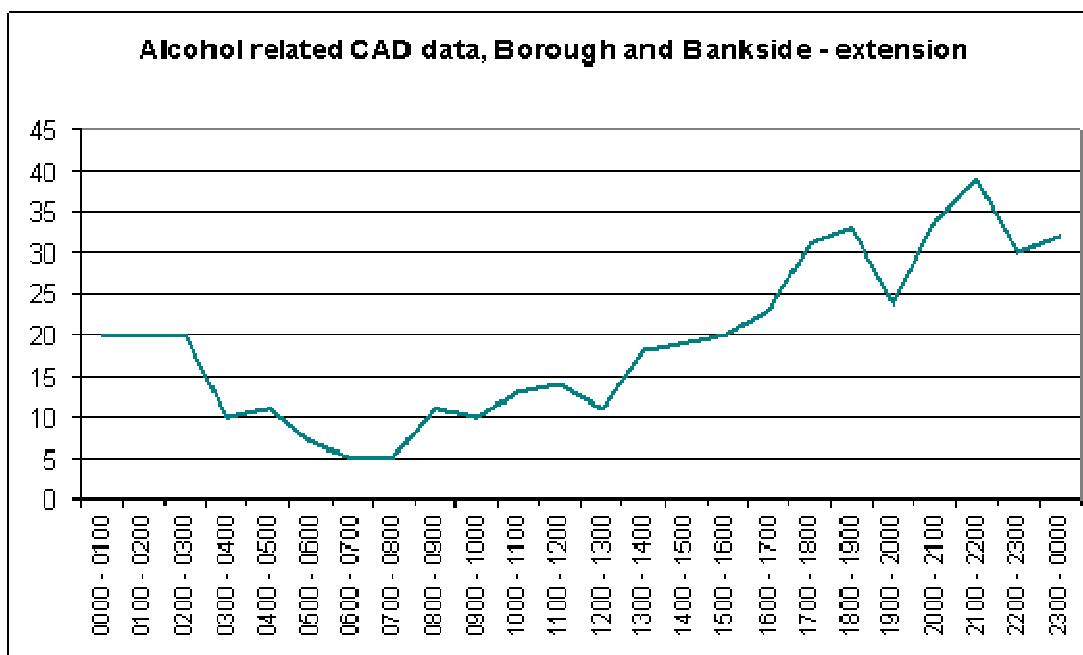
Category	Dec 06 - May 07	Jun 07 - Nov 07	Dec 07 - May 08	Jun - 08 - Nov 08	Dec 08 - May 09	Jun 09 - Nov 09
Rowdy Behaviour	335	414	376	407	381	406
Licensing	16	16	16	16	10	12
Street Drinking	95	89	73	115	110	91

Again, the rowdy behaviour in the extended Borough and Bankside area is seasonal, increasing in the June – November periods, and decreasing in the others. Levels of both street drinking and licensing maintain fairly steady rates.

### Where?

Peak areas for this area remain to be the area surrounding Guys Hospital, and the premises listed in the previous section. Calls to the extended area appear to be mainly centred on the street, with few premises coming to attention.

### When?



23.6% of alcohol related disorder in this area occurs between 2300 and 0559 hours (n=120)

## Appendix 1

## 5.7 Camberwell

Category	Dec 06 - May 07	Jun 07 - Nov 07	Dec 07 - May 08	Jun - 08 - Nov 08	Dec 08 - May 09	Jun 09 - Nov 09
Rowdy Behaviour	401	326	267	330	336	285
Licensing	9	5	5	10	1	4
Street Drinking	83	76	63	103	63	28

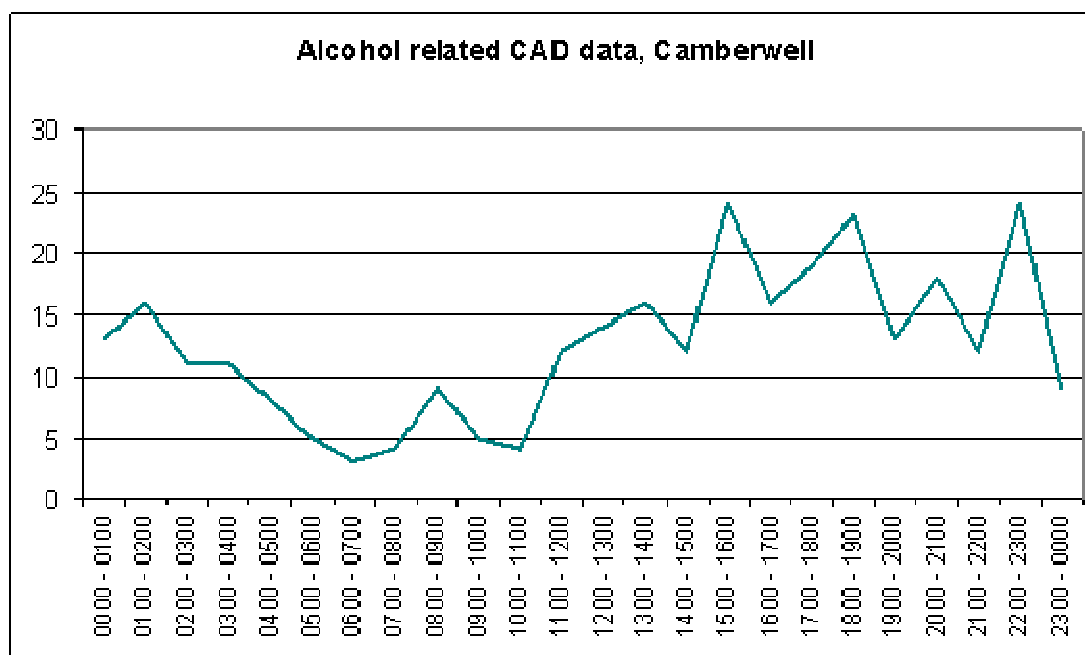
There has been a substantial decrease in the amount of all types of CAD calls, in terms of comparing the data to the same period last year, and the preceding period, particularly in street drinking, which has reduced from 103 calls to 28 (when compared to the same period in 2008). Levels of Rowdy Behaviour are at their lowest since the December – May 08 period.

### Where?

In the daytime period (between 0600 and 2300 hours) alcohol related disorder typically takes place in the street, most notably in Camberwell Green, Denmark Hill and Camberwell Grove.

There are no specific areas concerning alcohol related disorder in the evening, most calls are pertaining to events occurring on the street, most notably Camberwell Church Street and Camberwell Green.

### When?



23% of alcohol related disorder in this area occurs between 2300 and 0559 hours (n=73)

## Appendix 1

## 5.8 Elephant and Castle

Category	Dec 06 - May 07	Jun 07 - Nov 07	Dec 07 - May 08	Jun - 08 - Nov 08	Dec 08 - May 09	Jun 09 - Nov 09
Rowdy Behaviour	147	144	133	114	112	126
Licensing	8	6	0	6	0	3
Street Drinking	19	17	13	17	13	13

Levels of disorder at the Elephant and Castle have increased when compared to both the previous period, and the same period last year, though are not yet as high as figures from 2006/07. Levels of street drinking have remained at a constant, averaging between 13 and 19 per period.

### Where?

Alcohol related disorder in the daytime period remains concentrated upon three primary areas, these being:

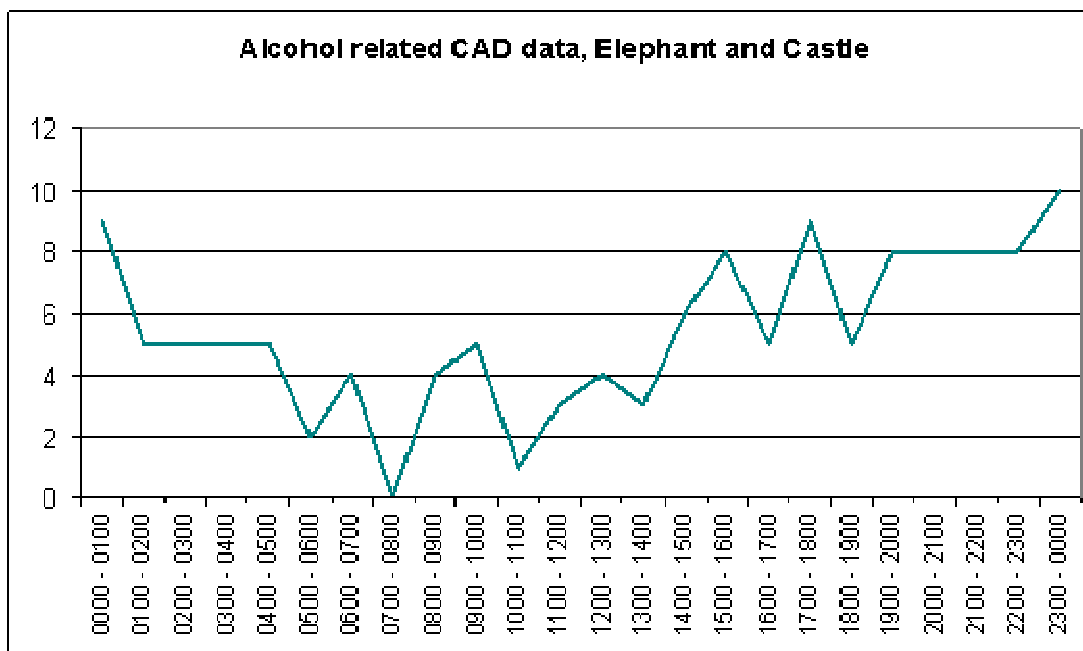
Elephant and Castle LT station

Elephant and Castle shopping centre (various locations within)

Bus stops (and whilst on bus) in and around Elephant and Castle.

In the evening, the disorder around the transport network increases.

### When?



28.9% of alcohol related disorder in this area occurs between 2300 and 0559 hours (n=41)



## Appendix 1

### 5.9 Old Kent Road

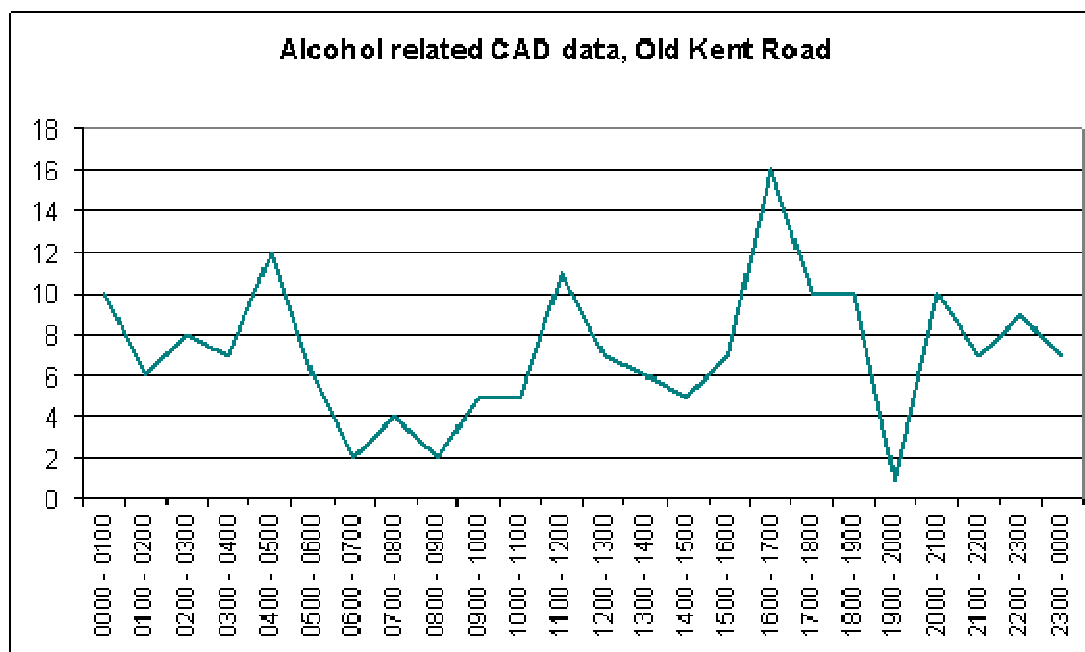
Category	Dec 06 - May 07	Jun 07 - Nov 07	Dec 07 - May 08	Jun - 08 - Nov 08	Dec 08 - May 09	Jun 09 - Nov 09
Rowdy Behaviour	168	176	151	154	107	161
Licensing	3	2	2	4	0	4
Street Drinking	9	11	15	17	10	15

Levels of rowdy behaviour in this saturation area have dramatically increased since the last assessment, with 161 crimes, compared to the 107 in the previous analysis. However, looking at the data, it seems as though the last assessment was an anomaly, and that the figure of 161 is some kind of 'regression to the mean'. Levels of licensing and street drinking have not significantly changed over the time periods.

#### Where?

In the evening, most disorder calls are to fights/disturbances in the street, approximately a third of which are outside licensed premises. It does not state on the CAD however if the disturbance began in that location, or if it was related to a different location and those responsible just happened to be outside that particular venue.

#### When?



31.1% of alcohol related disorder in this area occurs between 2300 and 0559 hours (n=56)

## Appendix 1

## 5.10 Peckham

Category	Dec 06 - May 07	Jun 07 - Nov 07	Dec 07 - May 08	Jun - 08 - Nov 08	Dec 08 - May 09	Jun 09 - Nov 09
Rowdy Behaviour	388	431	338	370	335	389
Licensing	12	11	5	9	3	14
Street Drinking	51	41	33	39	35	39

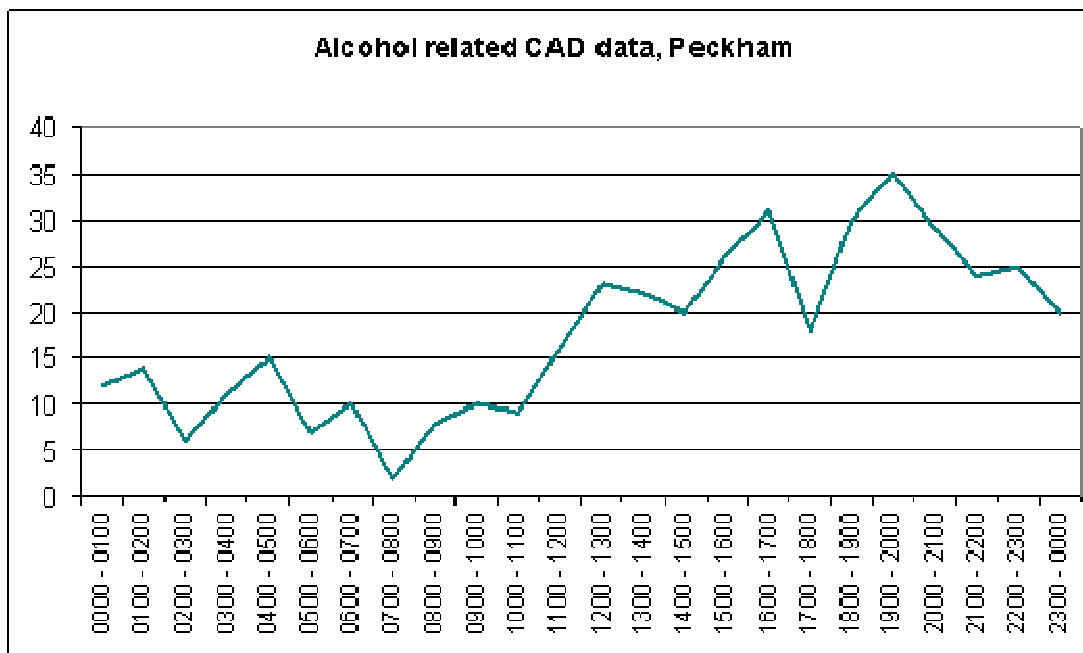
The increase in rowdy behaviour in Peckham appears to be seasonal, as levels are fairly constant for most of the preceding periods. Licensing CAD calls have, however increase, and the street drinking calls appear to be fairly constant, with no significant reduction seen since the December 06 / May 07 period.

## Where?

In the daytime period (between 0600 and 2300 hours) alcohol related disorder takes place in the street.

In the evening period, disorder seems to be centred in smaller 'pockets'.

## When?



19.2% of alcohol related disorder in this area occurs between 2300 and 0559 hours (n=85)

## Appendix 1

### 5.11 Peckham – Extended

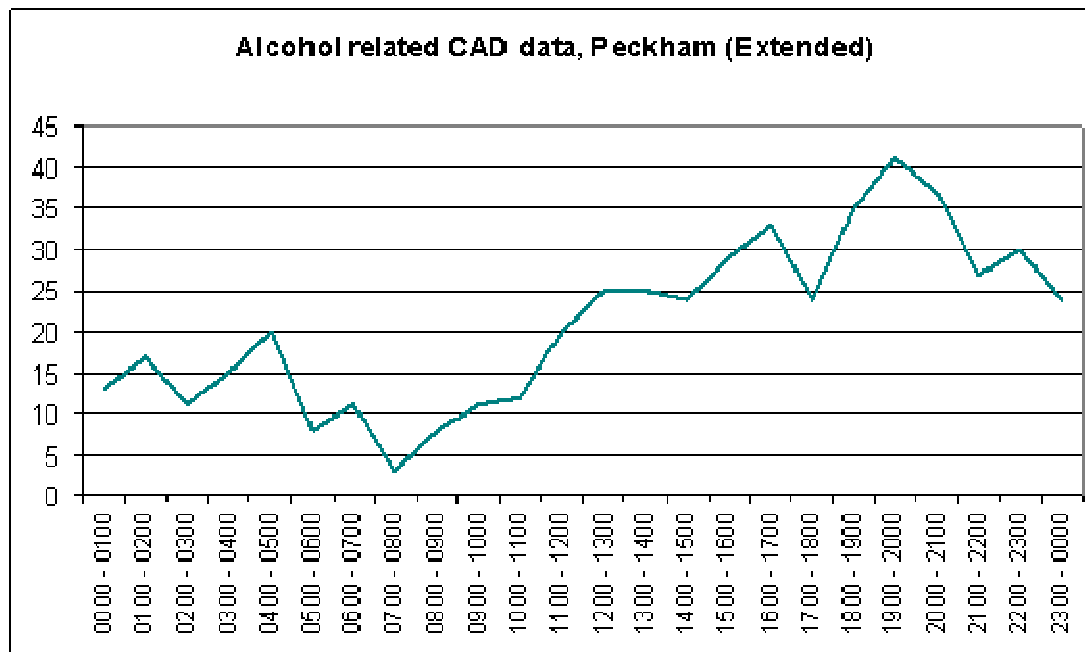
Category	Dec 06 - May 07	Jun 07 - Nov 07	Dec 07 - May 08	Jun - 08 - Nov 08	Dec 08 - May 09	Jun 09 - Nov 09
Rowdy Behaviour	532	618	458	524	456	462
Licensing	13	13	6	11	4	14
Street Drinking	64	59	48	62	54	49

Once more, levels of rowdy behaviour in the Peckham area have slightly increased, though it must be remembered that levels are still consistently lower than in 2006/07. Levels of street drinking are slowly, but consistently falling.

#### Where?

Disorder follows the same patterns in this area as the previous Peckham boundary.

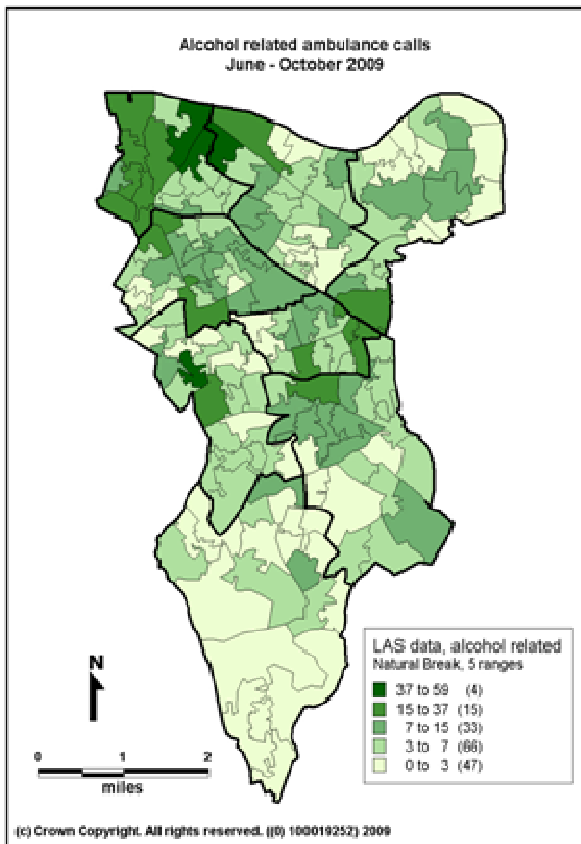
#### When?



20.6% of alcohol related disorder in this area occurs between 2300 and 0559 hours (n=108)

## 6.0 Ambulance data

### 6.1 Location



Ward	No. incidents
Cathedrals	200
Grange	101
Chaucer	81
East Walworth	71
Livesey	69
Camberwell Green	65
The Lane	64
Faraday	56
Newington	56
Riverside	52
Brunswick Park	50
Peckham	50
Surrey Docks	40
Nunhead	39
Peckham Rye	35
Rotherhithe	27
South Bermondsey	26
East Dulwich	24
South Camberwell	21
Village	14
College	10
<b>Grand Total</b>	<b>1151</b>

In terms of output areas (the lowest scale to which this data can be mapped), there are 4 areas which have had more calls between June and October than others.

**E01003981 (59 calls)** is one of the cluster of three LSOA's in dark green to the north of the map. Within this LSOA is Guys Hospital and Snowfields.

Peak month: October (21 calls). Calls to this LSOA average 15-16 per month. October 2009 has recorded the highest level since pre-April 2008.

Peak times: 1900 – 0100, Wednesdays and Fridays

Age range	Female	Male	Unknown	Grand Total
10 - 14			1	1
15 - 19	1	3		4
20 - 24	2	2		4
25 - 29	1	2		3
30 - 34		7		7
35 - 39	2	4		6
40 - 44		9		9
45 - 49		3		3
50 - 54	1	8		9
55 - 59		2		2
60 - 64		5		5
65+	1	1		2
Unknown		4		4
<b>Grand Total</b>	<b>8</b>	<b>50</b>	<b>1</b>	<b>59</b>

Patients are almost entirely male here, and aged 30 – 44. Very few young peoples have been treated by the LAS for alcohol related problems.

## Appendix 1

**E01003929 (55 calls)** is one of the cluster of three LSOA's in dark green to the north of the map. Within this LSOA is the west side of Borough High Street, including Clink Street.

Peak month: June (17). Levels have steadily dropped since August 2009.

Peak times: Wednesday – Friday between 2000 and 2100, Secondary peak between 1500 and 1600

Age range	Female	Male	Unknown	Grand Total
15 - 19		1		1
20 - 24		2		2
25 - 29		2		2
30 - 34	1	3		4
35 - 39		5		5
40 - 44		5		5
45 - 49	2	11		13
50 - 54		8		8
55 - 59		8		8
60 - 64		3		3
65+		2		2
Unknown		3	1	4
<b>Grand Total</b>	<b>3</b>	<b>51</b>	<b>1</b>	<b>55</b>

Few female patients, predominantly males, aged between 45 and 59.

**E01003939 (44 calls)** is one of the cluster of three LSOA's in dark green to the north of the map. Within this LSOA is Guys Hospital and the east side of Borough High Street.

Peak month: July (14 calls). Considerable 'dropping off' of calls since August 2009.

Peak times: No significant peak times, slight tendency toward lunchtime 1300 – 1500 and in the evening, 2000 - 2200

Age range	Female	Male	Unknown	Grand Total
Under 10		1		1
15 - 19	1	2		3
20 - 24	1	3		4
25 - 29	3	2		5
30 - 34	2			2
35 - 39		2		2
40 - 44	1	2		3
45 - 49		7		7
50 - 54	1	6		7
55 - 59		5		5
65+		1		1
Unknown	1	2	1	4
<b>Grand Total</b>	<b>10</b>	<b>33</b>	<b>1</b>	<b>44</b>

More males than females, yet more of an even balance. A lot more young people than seen in the previous two areas, though patients are generally aged 45 and over. Female patients are generally younger; between 25 and 34.

**E01003921 (37 calls)** is the LSOA in the centre of the borough, containing Camberwell Green.

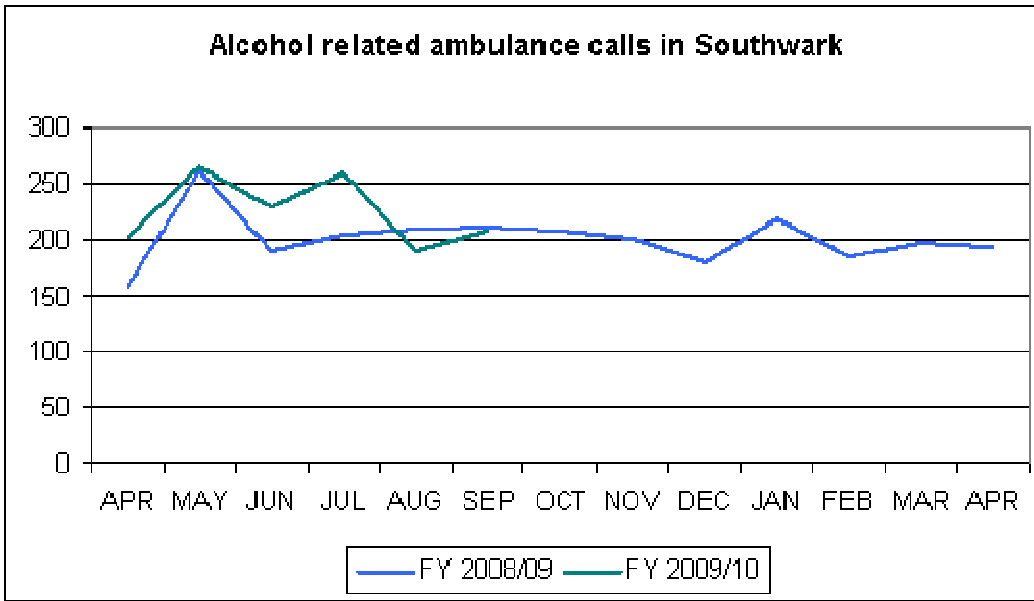
Peak month: Generally a steady rate of calls per month (8-10). Dip in July (4).

Peak times: No peak days, but peak times are in the early morning (0400) and evening (1900).

Age range	Female	Male	Unknown	Grand Total
15 - 19	1	3		4
20 - 24		1		1
25 - 29		4		4
30 - 34		3		3
35 - 39		8		8
40 - 44		2		2
45 - 49	1	1		2
55 - 59		3		3
60 - 64		3		3
65+		2		2
Unknown		3	2	5
<b>Grand Total</b>	<b>2</b>	<b>33</b>	<b>2</b>	<b>37</b>

Again, few female patients. Males treated here are a little younger than the previous areas, with a peak age of 35 – 39, and a secondary peak of 25 – 29.

**6.2 Borough Statistics**



**Increase of 9.7% FYTD (to October) – 120 calls**

Time Range	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0000 - 0100	4	12	14	7	11	17	3	71
0100 - 0200	10	7	7	8	8	13	14	67
0200 - 0300	7	2	3	6	6	14	3	46
0300 - 0400	6	2	1	3	1	15	10	40
0400 - 0500	2	2	2	0	2	12	7	27
0500 - 0600	5	1	4	1	2	7	1	21
0600 - 0700	0	1	1	2	1	8	5	18
0700 - 0800	3	1	2	1	2	1	3	16
0800 - 0900	4	4	3	1	1	5	4	22
0900 - 1000	4	7	5	4	4	3	2	29
1000 - 1100	3	7	3	5	4	4	1	27
1100 - 1200	4	7	10	1	6	6	3	37
1200 - 1300	4	6	4	5	5	4	3	34
1300 - 1400	9	10	9	8	6	5	3	50
1400 - 1500	12	3	5	7	8	9	3	52
1500 - 1600	7	10	6	3	8	8	5	47
1600 - 1700	5	8	9	9	6	8	3	54
1700 - 1800	14	12	10	11	8	9	9	79
1800 - 1900	8	9	10	6	8	6	3	55
1900 - 2000	13	7	9	5	12	6	3	58
2000 - 2100	9	14	15	8	14	9	3	75
2100 - 2200	6	10	10	5	14	8	12	65
2200 - 2300	12	9	10	13	18	15	12	89
2300 - 0000	8	6	11	10	13	14	3	72
<b>Total</b>	<b>159</b>	<b>157</b>	<b>169</b>	<b>129</b>	<b>171</b>	<b>206</b>	<b>150</b>	<b>1151</b>

Key  
 0 - 3    4 - 7    8 - 11    12 - 15    16 - 19

Ambulance data appears to corroborate both Police CAD and crime data, with peak times being overnight Friday – Saturday morning, and Saturday – Sunday morning.

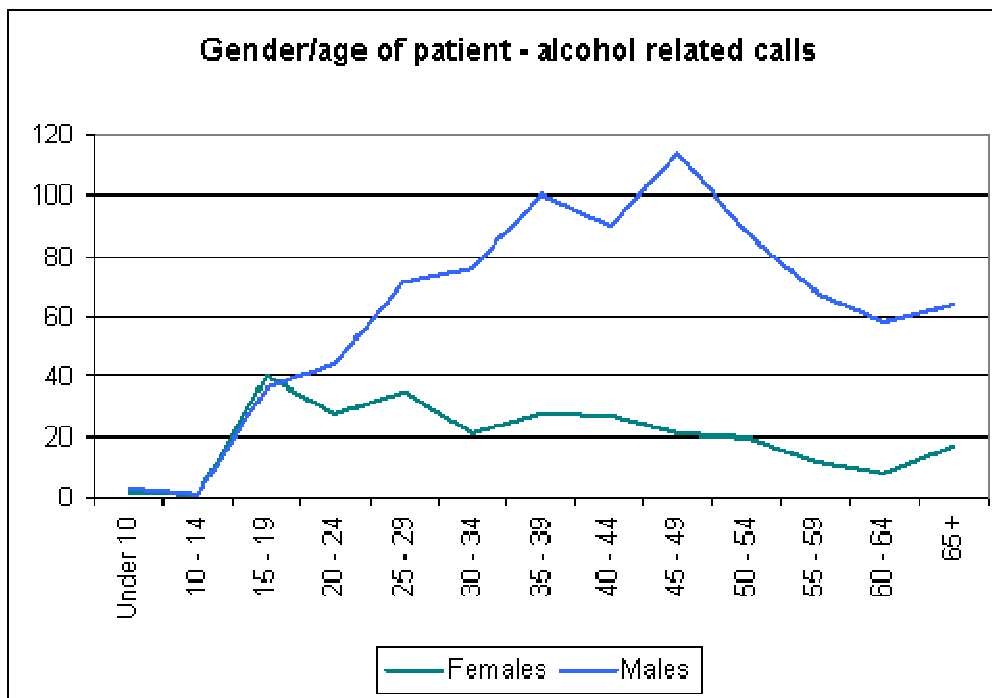
Overall peak time is between 2200 and 2300 hours

Peak days: Saturday, Friday (and to a lesser extent Wednesday).

## Appendix 1

Age range	Females	Males	Unknown	Grand Total
Under 10	2	3		5
10 - 14	1	1	1	3
15 - 19	40	36		76
20 - 24	28	44		72
25 - 29	35	71		106
30 - 34	21	76		97
35 - 39	28	100		128
40 - 44	27	90	1	118
45 - 49	21	114		135
50 - 54	20	87		107
55 - 59	12	68		80
60 - 64	8	58		66
65+	17	64		81
Unknown	11	53	9	73
<b>Grand Total</b>	<b>271</b>	<b>865</b>	<b>11</b>	<b>1147</b>

Just under a quarter of patients attended to for alcohol related calls are female. However, for the younger age groups, this is not the case, indeed, for the 15-19 age group, more females are seen by paramedics owing to alcohol related problems than males, and almost 40% of those patients aged 20 – 24 were female. A third of patients seen to aged between 30 and 34 are female. After this point, there are far fewer females seen than men. The chart below seeks to illustrate this link.



## 7.0 Conclusions and Recommendations

### 7.1 Conclusions/Key Findings

Alcohol related violent crime in the evening hours increased rapidly from Dec 06-May 07 to Jun 07 – Nov 07, after which time levels fell.

Although the overall level of violent crime between 2300 and 0559 hours has not increased, the percentage of those crimes influenced by alcohol has *significantly* increased. There was also an increase in the proportion in the daytime offences, but not to such a large extent.

11.5% of the borough's alcohol related violence occurs within the Borough and Bankside saturation area.

#### **Borough and Bankside**

Main crimes of note are serious wounding and assault with injury, with peak times on Friday/Saturday between 2300 and 0200 hours. Daytime ASB calls relate to street drinking/disorder, generally concerned with convenience stores. A significant proportion of events were linked to the various hostels within this area. Evening offences were concerned with the night time economy.

#### **Camberwell**

The main crimes of note are robbery, Assault with Injury and Harassment, with a peak time of Saturdays, between 0200 and 0500. Evening calls typically related once more to the night time economy. There is also a large proportion of calls taking place at or outside fast food shops in the early hours of the morning.

#### **Elephant and Castle**

Main offences in this area are Assault with Injury and Robbery of the Person. Both Saturday and Sundays were the peak days, between 0100 and 0500 hours. CAD ASB calls have dramatically decreased in this area. Daytime calls typically relate to offences at either the shopping centre, or the transport network (both LU and bus).

#### **Old Kent Road**

The main alcohol related offences in this area were Assault with Injury and harassment, though there was no significant change in statistics for the differing periods. Peak times are between 0300 and 0400 hours on Saturday, and between 0300 and 0500 hours on Sunday. Daytime CAD calls often relate to offences outside bookmakers and convenience stores, with evening calls relating more to specific venues. Similarly to Camberwell, there is a high proportion of late night calls made from/outside fast food restaurants.

#### **Peckham**

The main offences in Peckham are typically assault with injury, robbery and serious wounding. There are very few repeat venues, with most crimes occurring on the street. The peak times are on Mondays between 0400 and 0500 and Saturdays between 0300 and 0400 hours. Levels of CAD calls are decreasing in both the original and extended areas. Daytime calls are made from outside the Peckham Pulse (Street drinking), and also outside bookmakers, convenience stores and fast food outlets.

## 7.2 Recommendations

1. Qualitative research to take place on the Herne Hill Saturation Area, to include Lambeth's data, to establish if the perceived increase in events in this area is in fact a reality;
2. East Street, as a maintaining hotspot to be considered as a potential new Saturation Area;
3. Some sort of qualitative research should take place pertaining to the consumption of alcohol by young females (as borne out by the LAS data).



## Appendix 2

### Nuisance Service Requests to the London Borough of Southwark November 2006 to November 2009.

#### Objective

To report on the number of nuisance service requests the Community Safety Enforcement has received during the period November 2006 to November 2009 in connection with licensed premises in the Borough and an analysis of the service requests in the saturation areas identified within Southwark.

#### Methodology

Data was taken from the Community Safety Enforcement's Management Information System. A query was written which searched the database to obtain all the reactive nuisance service complaints that have been made against 'open' premises with associated alcohol or entertainment licence issued.

If a service complaint is made in connection with a nuisance complaint about a premises selling alcohol or providing public entertainment, but if it is not linked to as premises with a licence record, then the service requests will not be included within the analysis.

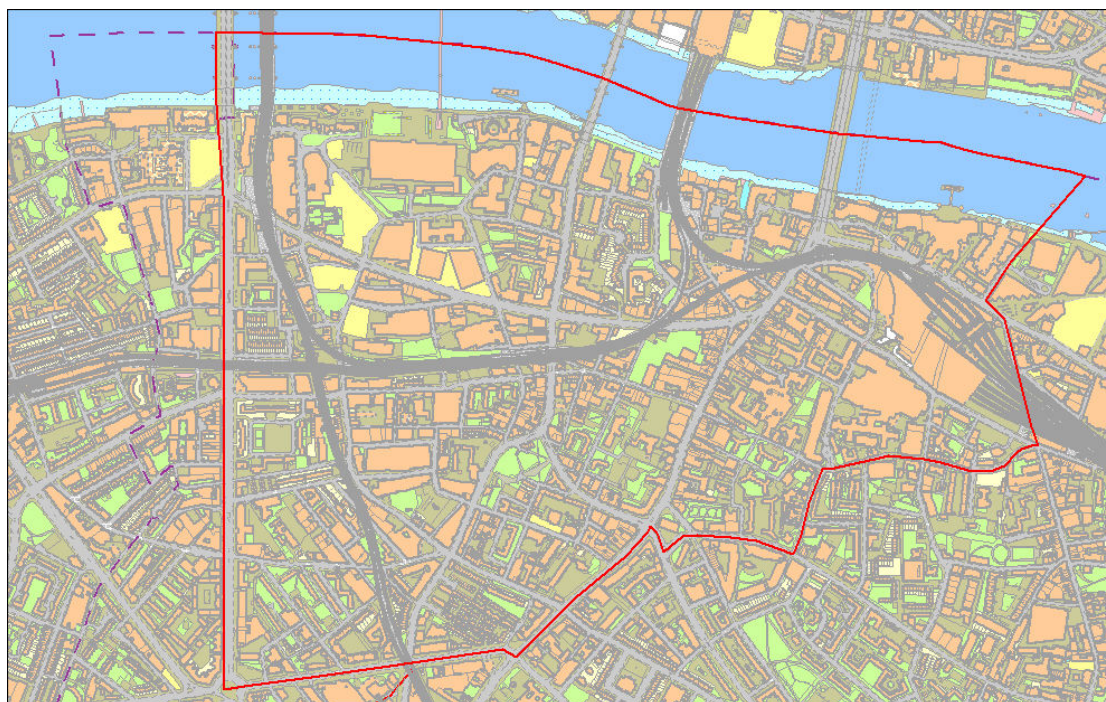
Service requests, which are relating to noise from people in the street, but are not identified, to a particular property, these will not be included in the analysis.

#### Southwark Overview

Table 1 shows the number of service requests attributed to licensed premises in the Borough and the number of premises that were complained about in each of the six-month periods since November 2006.

	<b>Dec 06 – May 07</b>	<b>Jun 07 – Nov 07</b>	<b>Dec07 – May08</b>	<b>May 08 – Oct 08</b>	<b>Nov 08 – April 09</b>	<b>May 09 – Oct 09</b>
<b>Number of service complaints</b>	78	133	59	121	79	181
<b>Number of Licensed premises causing a complaint</b>	40	65	35	63	55	109

Table 1 – Nuisance Service Requests for the Borough November 2006 to October 2009

**Borough and Bankside**

Map 1 Borough and Bankside Saturation Area

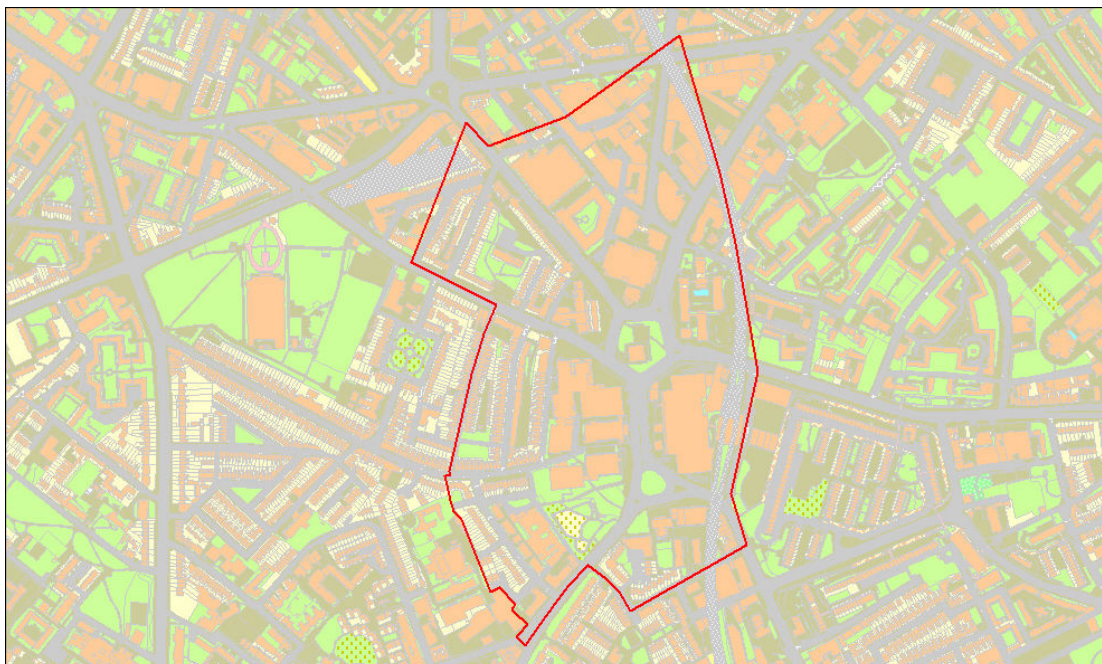
Table 2 shows the number of service requests attributed to licensed premises in the Extended Borough and Bankside saturation area and the number of premises that were complained about in each of the six-month periods since November 2006.

	<b>Dec 06 – May 07</b>	<b>Jun 07 – Nov 07</b>	<b>Dec 07 – May 08</b>	<b>Jun 08 – Nov 08</b>	<b>Dec 08 – May 09</b>	<b>Jun 09 – Nov 09</b>
<b>Number of service complaints</b>	8	17	1	9	6	27
<b>Number of Licensed premises causing complaint</b>	3	9	1	6	5	19

Table 2 – Nuisance Service Requests for the Extended Borough and Bankside Saturation Area - November 2006 to October 2009

**Elephant and Castle**

Where



Map 2 Elephant and Castle Saturation Area

Table 3 shows the number of service requests attributed to licensed premises in the Elephant & Castle Saturation area and the number of premises that were complained about in each of the six-month periods since November 2006.

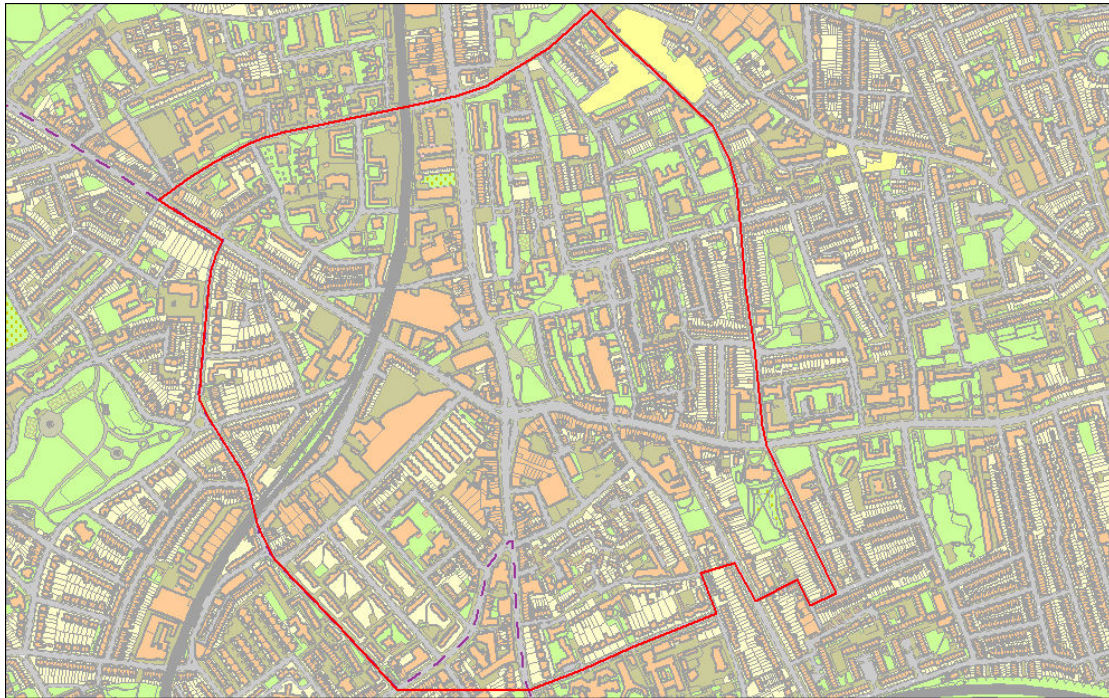
	<b>Dec 06 – May 07</b>	<b>Jun 07 – Nov 07</b>	<b>Dec 07 – May 08</b>	<b>Jun 08 – Nov 08</b>	<b>Dec 08 – May 09</b>	<b>Jun 09 – Nov 09</b>
<b>Number of service complaints</b>	0	4	3	4	8	9
<b>Number of Licensed premises causing a complaint</b>	0	2	1	3	5	3

Table 3 – Nuisance Service Requests for the Elephant & Castle Saturation Area – November 2006 to October 2009



**Camberwell**

Where



Map 3 Camberwell Saturation Area

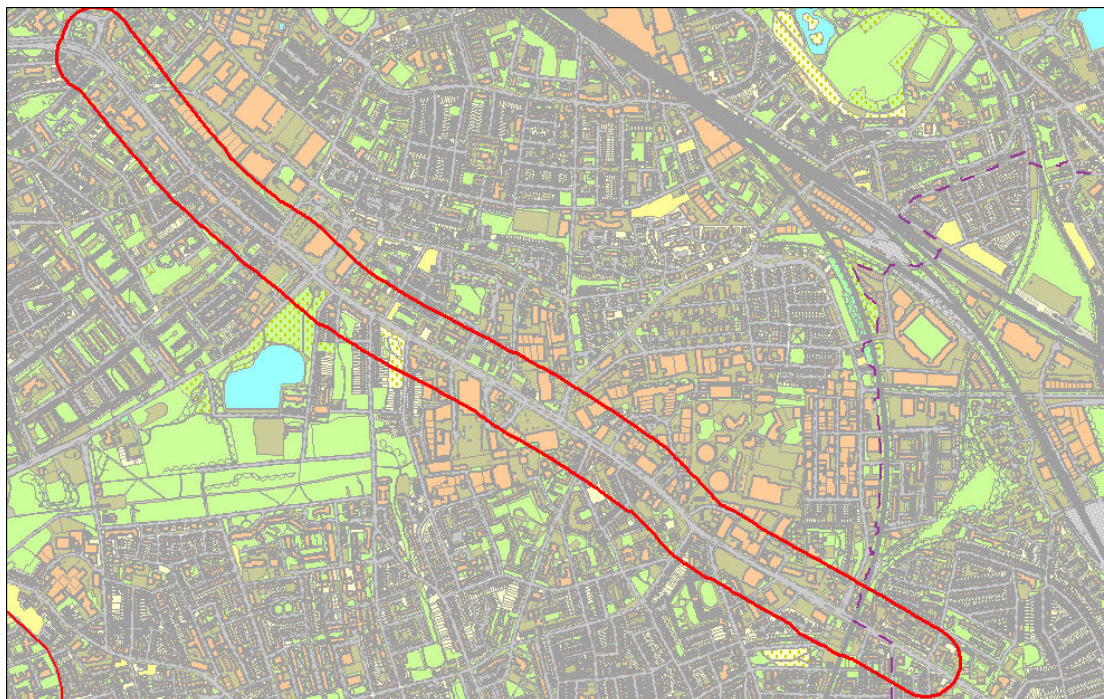
Table 4 shows the number of service requests attributed to licensed premises in the Camberwell Saturation area and the number of premises that were complained about in each of the six-month periods since November 2006.

	<b>Dec 06 – May 07</b>	<b>Jun 07 – Nov 07</b>	<b>Dec 07 – May 08</b>	<b>Jun 08 – Nov 08</b>	<b>Dec 08 – May 09</b>	<b>Jun 09 – Nov 09</b>
<b>Number of service complaints</b>	5	12	10	13	11	16
<b>Number of Licensed premises causing complaint</b>	4	7	4	9	6	10

Table 4 – Nuisance Service Requests for the Camberwell Saturation Area -  
November 2006 to October 2009

**Old Kent Road**

Where



Map 4 Old Kent Road Saturation Area

Table 5 shows the number of service requests attributed to licensed premises in the Old Kent Road Saturation area and the number of premises that were complained about in each of the six-month periods since November 2006.

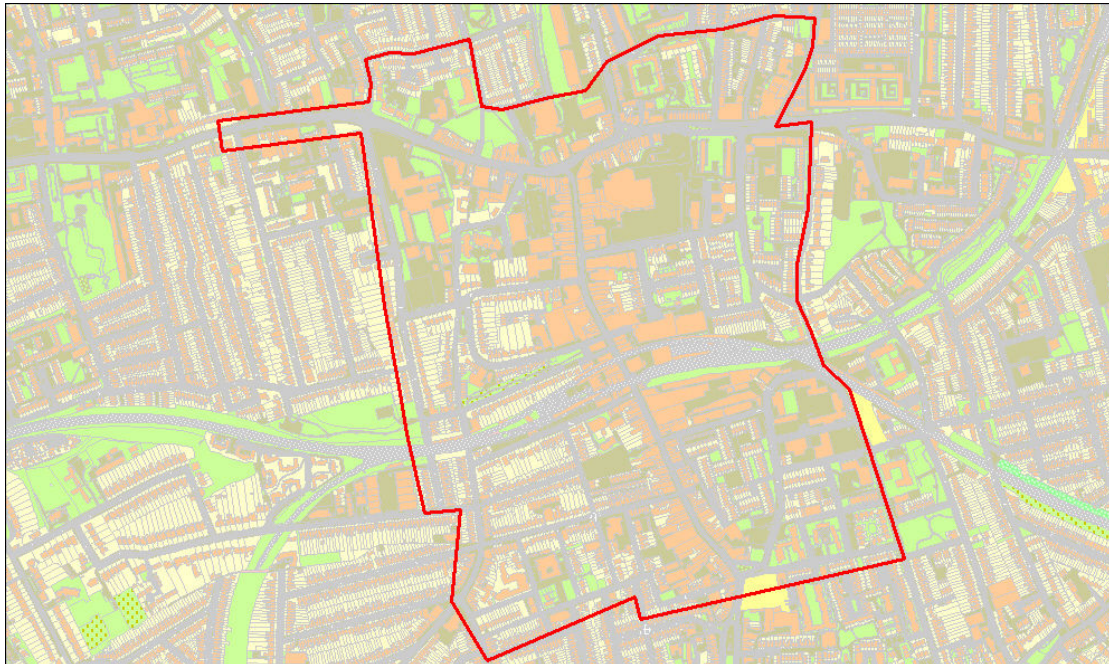
	<b>Dec 06 – May 07</b>	<b>Jun 07 – Nov 07</b>	<b>Dec 07 – May 08</b>	<b>Jun 08 – Nov 08</b>	<b>Dec 08 – May 09</b>	<b>May 09 – Oct 09</b>
<b>Number of service complaints</b>	15	7	7	11	10	14
<b>Number of Licensed premises causing complaint</b>	4	3	3	6	3	9

Table 5 – Nuisance Service Requests for the Old Kent Road Saturation Area -  
November 2006 to October 2009



**Peckham Area**

Where



Map 5 Peckham Saturation Area.

Table 6 shows the number of service requests attributed to licensed premises in the Peckham Saturation Area and the number of premises that were complained about in each of the six-month periods since November 2006.

	<b>Dec 06 – May 07</b>	<b>Jun 07 – Nov 07</b>	<b>Nov 07 – May 08</b>	<b>Jun 08 – Nov 08</b>	<b>Dec 08 – May 09</b>	<b>Jun 09 – Nov 09</b>
<b>Number of service complaints</b>	3	1	6	3	8	6
<b>Number of Licensed premises causing a complaint</b>	1	1	3	2	6	4

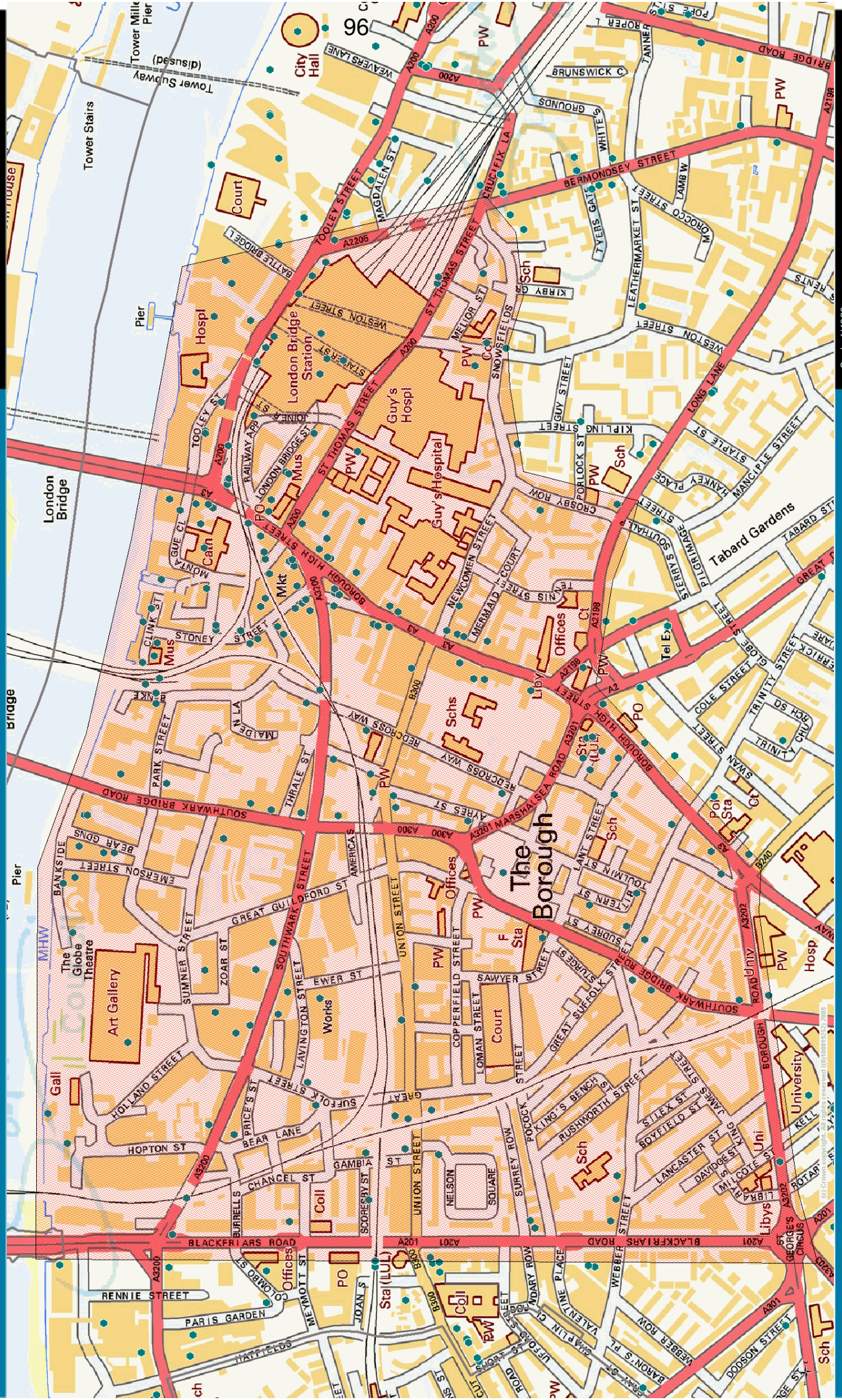
Table 6 – Nuisance Service Requests for the Peckham Saturation Area - November 2006 to October 2009



# Borough & Bankside Saturation Area

Appendix 3

Date 24/12/2009





## Appendix 4 – Further analysis Borough and Bankside

### Violence against the person

#### Current saturation area

- Table 1 / chart 1 below provides comparative figures for alcohol related VAP within the current Borough and Bankside saturation area, for the past six, six-month periods commencing December 2006 – May 2007 through to June – November 2009.

Borough and Bankside alcohol related VAP	Dec 06 – May 07	Jun – Nov 07	Dec 07 – May 08	Jun – Nov 08	Dec 08 – May 09	June – Nov 09
<b>Evening 23.00 – 05.59</b>	43	41	56	54	51	45
<b>Daytime 06.00 – 22.59</b>	70	68	47	72	54	45
<b>24 hour total</b>	113	109	103	126	105	90

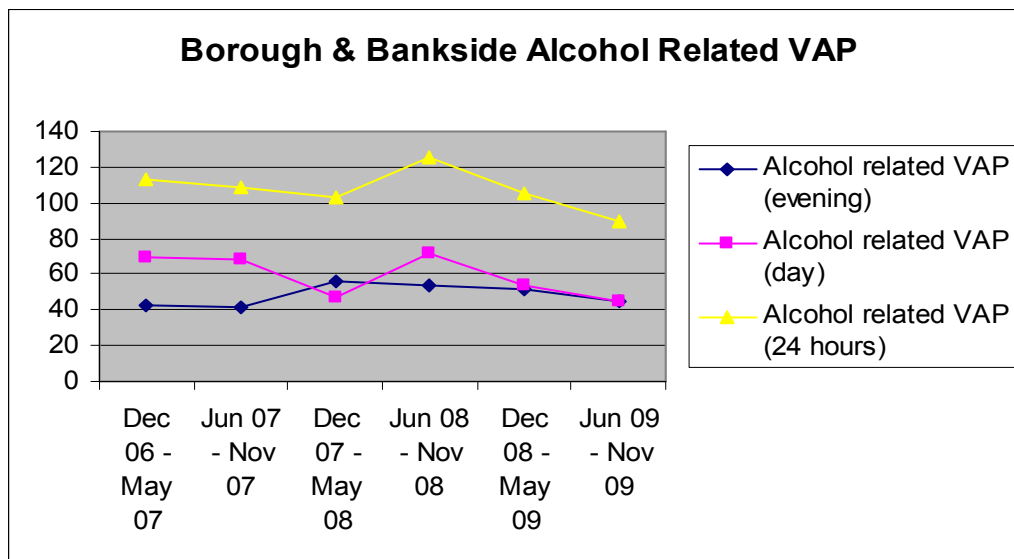


Table 1 / chart 1

- VAP figures across Borough and Bankside for the most recent 6-month period (Jun - Nov 09) show:
  - A 17% evening period decrease on the previous comparable period (Jun – Nov 08);
  - A 37.5% daytime period decrease on the previous comparable period (Jun – Nov 08) reducing figures to their lowest recorded level; and
  - A 29% decrease overall on the previous comparable period (Jun – Nov 08) again reducing figures to their lowest recorded level.
- VAP figures across Borough and Bankside for the most recent 12-month period (Dec 08 – Nov 09) show:



- A 13% evening period decrease on the previous comparable period (Dec 07 – Nov 08);
- A 17% daytime period decrease on the previous comparable period (Dec 07 – Nov 08); and
- A 15% decrease overall on the previous comparable period (Dec 07 – Nov 08).

### Extended area

#### Violence against the person

4. Table 2 / chart 2 below provides comparative figures for alcohol related VAP within the extended Borough and Bankside area, for the past seven, six-month periods commencing December 2006 – May 2007 through to June – November 2009.

<b>Borough and Bankside extended area alcohol related VAP</b>	<b>Dec 06 – May 07</b>	<b>Jun – Nov 07</b>	<b>Dec 07 – May 08</b>	<b>Jun – Nov 08</b>	<b>Dec 08 – May 09</b>	<b>June – Nov 09</b>
<b>Evening 23.00 – 05.59</b>	45	44	61	62	52	47
<b>Daytime 06.00 – 22.59</b>	70	69	49	77	55	52
<b>24 hour total</b>	115	113	110	139	107	99

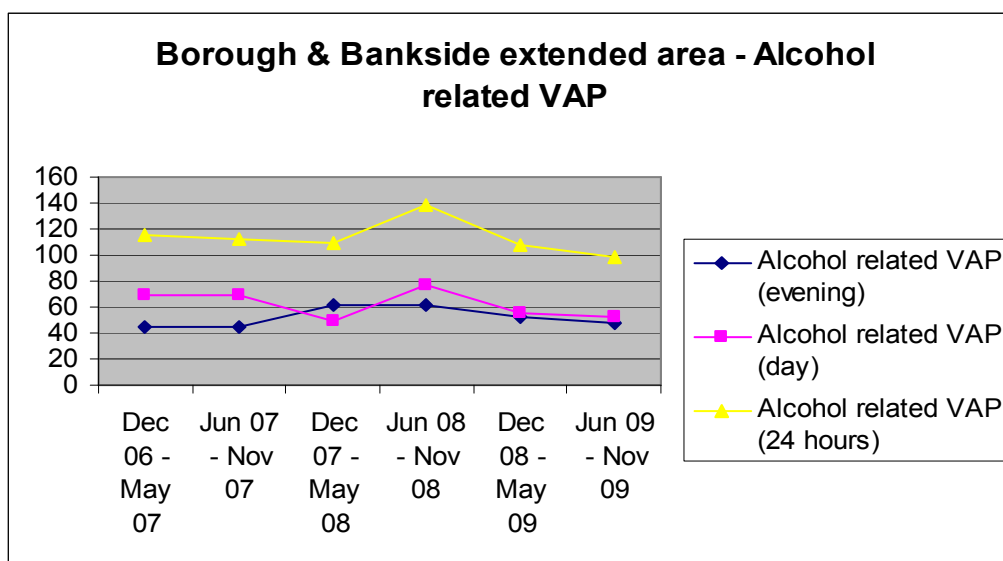


Table 2 / chart 2

5. VAP figures across Borough and Bankside for the most recent 6-month period (Jun - Nov 09) show:
- A 24% evening period decrease on the previous comparable period (Jun – Nov 08);
  - A 32% daytime period decrease on the previous comparable period (Jun – Nov 08); and
  - A 29% decrease overall on the previous comparable period (Jun – Nov 08) reducing figures to their lowest recorded level.

6. VAP figures across Borough and Bankside for the most recent 12-month period (Dec 08 – Nov 09) show:
- A 20% evening period decrease on the previous comparable period (Dec 07 – Nov 08);
  - A 15% daytime period decrease on the previous comparable period (Dec 07 – Nov 08); and
  - A 17% decrease overall on the previous comparable period (Dec 07 – Nov 08).

#### Alcohol related CAD calls

7. Table 3 / chart 3 provides comparative data regarding alcohol related CAD calls received by the police concerning the Borough and Bankside area, for the past six, six-month periods commencing December 2006 – May 2007 through to June – November 2009.

Borough and Bankside alcohol related CAD calls (24 hours)	Dec 06 – May 07	Jun – Nov 07	Dec 07 – May 08	Jun – Nov 08	Dec 07 – May 09	Jun – Nov 09
Current saturation area	418	486	433	511	437	505
Extended area	446	519	465	538	501	509

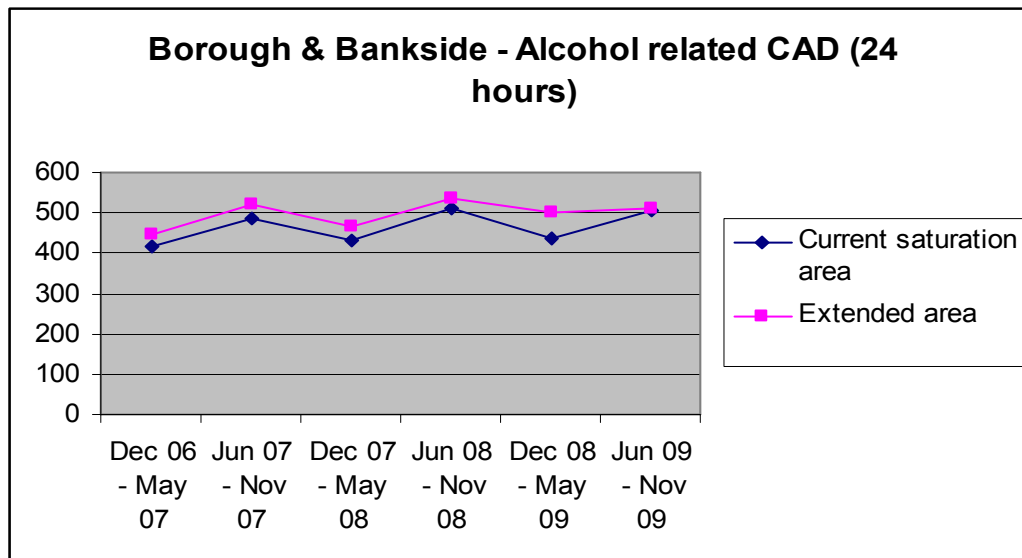


Table 3 / chart 3

8. CAD figures across the current Borough and Bankside saturation area for the most recent 6-month period (Jun – Nov 09) show a 1% decrease on the previous comparable period (Jun – Nov 08). Within the extended area this becomes a 5% decrease.
9. CAD figures across the current Borough and Bankside saturation area for the most recent 12-month period (Dec 08 – Nov 09) show a 0.2% decrease on the previous comparable period (Dec 07 – Nov 08). Within the extended area this becomes a 1% increase.







**Appendix 6 – Further Camberwell Analysis****Appendix 6****Violence against the person**

1. Table 1 / chart 1 below provides comparative figures for alcohol related VAP within the existing Camberwell saturation area, for the past six, six-month periods commencing December 2006 – May 2007 through to June - November 2009.

<b>Camberwell alcohol related VAP</b>	<b>Dec 06 – May 07</b>	<b>Jun – Nov 07</b>	<b>Dec 07 – May 08</b>	<b>Jun – Nov 08</b>	<b>Dec 08 – May 09</b>	<b>Jun – Nov 09</b>
<b>Evening 23.00 – 05.59</b>	32	34	27	33	35	21
<b>Daytime 06.00 – 22.59</b>	47	44	46	42	50	38
<b>24 hour total</b>	79	78	73	75	85	59

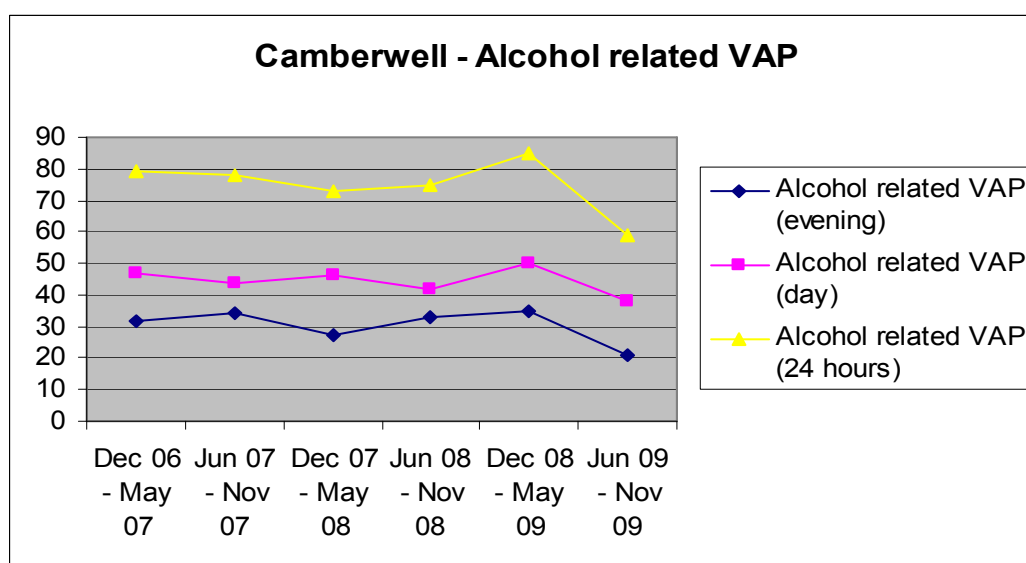


Table 1 / chart 1

2. VAP figures across Camberwell for the most recent 6-month period (Jun – Nov 09) show:
- A 36% evening period decrease on the previous comparable period (Jun – Nov 08) providing the lowest recorded level;
  - A 10% daytime period decrease on the previous comparable period (Jun – Nov 08) providing the lowest recorded level; and
  - A 21% decrease overall on the previous comparable period (Jun – Nov 08) providing the lowest recorded level.
3. VAP figures across Camberwell for the most recent 12-month period (Dec 08 – Nov 09) show:
- A 7% evening period decrease on the previous comparable period (Dec 07 – Nov 08);
  - Daytime period figures remaining constant with the previous comparable period (Dec 07 – Nov 08); and
  - A 3% decrease overall on the previous comparable period (Dec 07 – Nov 08).

### Alcohol related CAD calls

4. Table 2 / chart 2 provides comparative data regarding alcohol related CAD calls received by the police concerning the existing Camberwell saturation area, for the past six, six-month periods commencing December 2006 – May 2007 through to June - November 2009.

<b>Camberwell alcohol related CAD calls</b>	<b>Dec 06 – May 07</b>	<b>Jun – Nov 07</b>	<b>Dec 07 – May 08</b>	<b>Jun – Nov 08</b>	<b>Dec 08 – May 09</b>	<b>Jun – Nov 09</b>
<b>24 hour total</b>	493	407	355	443	400	317

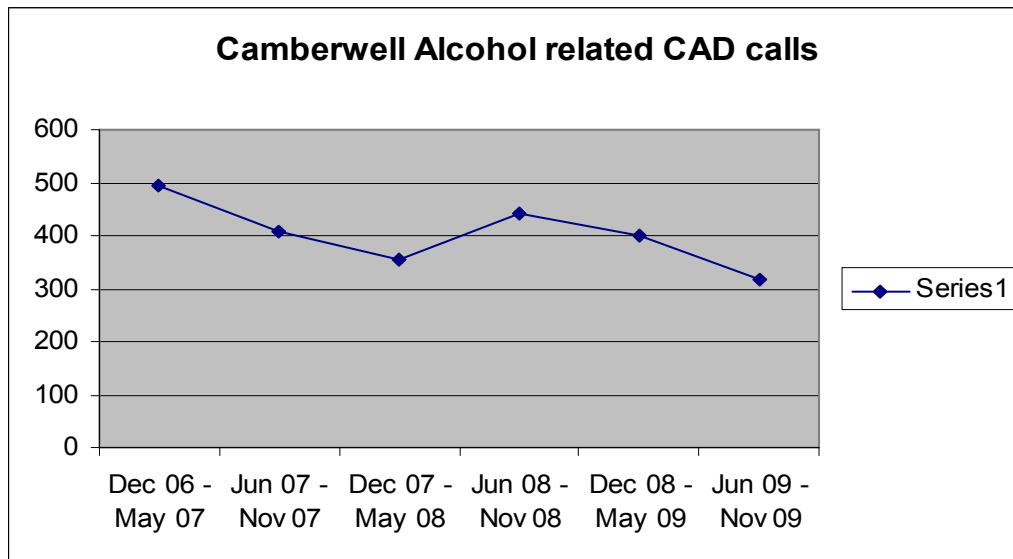


Table 2 / chart 2

5. CAD figures across the existing Camberwell saturation area for the most recent 6-month period (Jun – Nov 09) show a 28% decrease on the previous comparable period (Jun – Nov 08).
6. CAD figures across the existing Camberwell saturation area for the most recent 12-month period (Dec 08 – Nov 09) show a 10% decrease on the previous comparable period (Dec 07 – Nov 08).







**Appendix 8 – Further Peckham Analysis****Appendix 8****Violence against the person****Current saturation area**

1. Table 1 / chart 1 below provides comparative figures for alcohol related VAP within the existing Peckham saturation area, for the past six, six-month periods commencing December 2006 – May 2007 through to June - November 2009.

Peckham alcohol related VAP	Dec 06 – May 07	Jun – Nov 07	Dec 07 – May 08	Jun – Nov 08	Dec 08 – May 09	Jun – Nov 09
<b>Evening 23.00 – 05.59</b>	32	49	50	28	28	21
<b>Daytime 06.00 – 22.59</b>	58	80	57	81	68	60
<b>24 hour total</b>	90	129	107	109	96	81

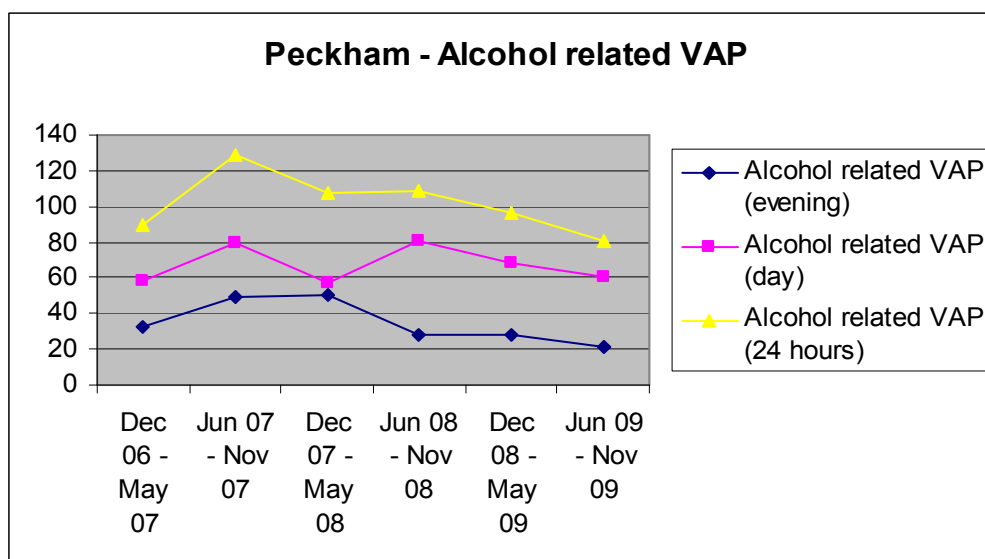


Table 1 / chart 1

2. VAP figures across Peckham for the most recent 6-month period (Jun – Nov 09) show:
- A 25% evening period decrease on the previous comparable period (Jun – Nov 08) providing the lowest recorded level;
  - A 26% daytime period decrease on the previous comparable period (Jun – Nov 08); and
  - A 26% decrease overall on the previous comparable period (Jun – Nov 08) providing the lowest recorded level.
3. VAP figures across Peckham for the most recent 12-month period (Dec 08 – Nov 09) show:
- A 37% evening period decrease on the previous comparable period (Dec 07 – Nov 08);

- A 7% daytime period decrease on the previous comparable period (Dec – Nov 08) and
- A 18% decrease overall on the previous comparable period (Dec – Nov 08).

#### Extended area

4. This position can be compared against the figures provided in table 2 / chart 2 which gives comparative information for alcohol related VAP within the proposed extended Peckham saturation area, over the same past six, six-month periods commencing December 2006 – May 2007 through to June – November 2009.

<b>Peckham (extended area) alcohol related VAP</b>	<b>Dec 06 – May 07</b>	<b>Jun – Nov 07</b>	<b>Dec 07 – May 08</b>	<b>Jun – Nov 08</b>	<b>Dec 08 – May 09</b>	<b>Jun – Nov 09</b>
<b>Evening 23.00 – 05.59</b>	36	51	57	32	37	26
<b>Daytime 06.00 – 22.59</b>	61	82	62	91	77	68
<b>24 hour total</b>	97	133	119	123	114	94

Table 2 / chart 2

5. VAP figures across the extended Peckham area for the most recent 6-month period (Jun - Nov 09) show:
- A 19% evening period decrease on the previous comparable period (Jun – Nov 08);
  - A 25% daytime period decrease on the previous comparable period (Jun – Nov 08); and
  - A 24% decrease overall on the previous comparable period (Jun – Nov 08).
6. VAP figures across the extended Peckham area for the most recent 12-month period (Jun 08 – May 09) show:
- A 29% evening period decrease on the previous comparable period (Dec 07 – Nov 08);
  - A 5% daytime period decrease on the previous comparable period (Dec 07 – Nov 08); and
  - A 14% decrease overall on the previous comparable period (Dec 07 – Nov 08).

#### Alcohol related CAD calls

7. Table 3 / chart 3 provides comparative data regarding alcohol related CAD calls received by the police concerning both the existing Peckham saturation area and the extended area, for the past six, six-month periods commencing December 2006 – May 2007 through to June - November 2009.



Peckham alcohol related CAD calls	Dec 06 - May 07	Jun - Nov 07	Dec 07 - May 08	Jun - Nov 08	Dec 08 - May 09	Jun - Nov 09
<b>Current saturation area</b>	451	483	376	418	373	442
<b>Extended area</b>	609	690	512	597	514	525

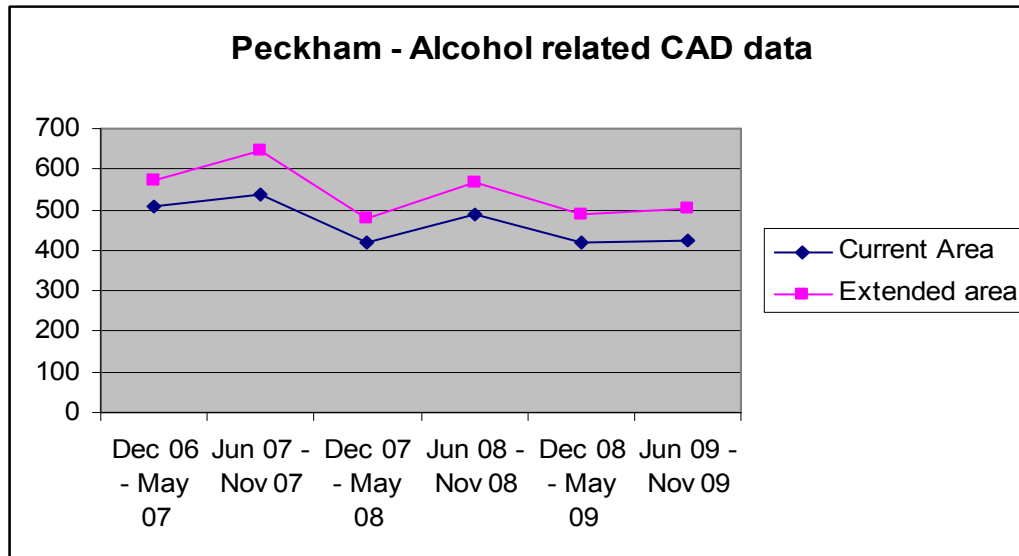


Table 3 / chart 3

8. CAD figures across the existing Peckham saturation area for the most recent 6-month period (Jun - Nov 09) show a 13% decrease on the previous comparable period (Jun - Nov 08). Within the extended area this is reduced slightly to 12%.
9. CAD figures across the existing Peckham saturation area for the most recent 12-month period (Dec 08 – Nov 09) show an 7% decrease on the previous comparable period (Jun 07 – May 08). Within the extended area this is again slightly reduced to 5%.

# Agenda Item 8

<b>Item No:</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 9 March 2010	<b>Meeting name:</b> Licensing Committee
<b>Report title:</b>	The Licensing Act 2003 – Consideration of local saturation policies dealing with the “cumulative impact” of licensed premises – Elephant & Castle and Old Kent Road Corridor		
<b>Ward(s) or groups affected:</b>	Cathedral, Chaucer, East Walworth, Newington, South Bermondsey, Livesey and Nunhead		
<b>From:</b>	Strategic Director of Environment and Housing		

## RECOMMENDATION

1. That based on the partnership analytical report and the report from the environmental protection team, further monitoring for a period of 6 months should be undertaken at this stage in both of the following areas, prior to wider consultation being undertaken:
  - a) the Elephant and Castle: and
  - b) the Old Kent Road corridor.

## BACKGROUND INFORMATION

2. Statutory guidance 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 escalation of licensed premises in that area. This is known as a “special” or “saturation” policy.
3. A saturation policy may be declared where there is an evidential basis showing that the concentration of licensed premises in an area is impacting upon the licensing objectives and the addition of each further additional licence is likely to have a disproportionate impact on crime and disorder or nuisance in that area.
4. Essentially, the evidential basis needs to:
  - Be factual, quantitative, and proximate;
  - Demonstrate a positive correlation between alcohol/entertainment/late night refreshment premises, and crime and disorder and nuisance issues within the particular areas under consideration; and
  - Examine trends over a period of time.
5. 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 cumulative impact of licensed premises on the Southwark community, 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 analyst and the environmental protection team.
6. On 5 November 2008, council assembly approved the introduction of two saturation policies within the borough, in the Camberwell and Peckham areas.

7. On 4 November 2009, council assembly approved a third saturation area, covering Borough and Bankside and an extension of the boundary of the Peckham saturation area. At the same meeting the assembly asked the licensing committee to further consider whether to
  - extend the western boundary of the Borough and Bankside saturation zone, and in doing so look at the possibility of including The Cut and Isabella Street; and
  - extend the boundary of the Peckham area to cover the entirety of Meeting House Lane.
8. This report updates the committee on the latest analysis from the partnership analytical team and the environmental protection team, with particular regard paid to two further areas currently under continued monitor, being the Elephant & Castle and the Old Kent Road corridor. A separate report considers the situations within Borough and Bankside, Camberwell and Peckham, including the matters raised by council assembly on 4 November 2009.

## **KEY ISSUES FOR CONSIDERATION**

### **General**

#### **Partnership analytical report**

9. The latest partnership analytical report was published on 16 December 2009. It provides statistical information on alcohol related “violence against the person” (VAP), together with information taken from police CAD data (dealing with alcohol related “disorder and rowdiness”) up to and including the period June – November 2009. The analysis also incorporates information on alcohol related ambulance calls for the period June – October 2009. A copy of the full analysis is attached at appendix 1 to the separate report on the Borough and Bankside, Camberwell and Peckham areas elsewhere on the agenda.

#### **Violence against the person**

10. 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. 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. Other crimes broadly included are robbery of the person and sexual offences.

#### **Alcohol related CAD data**

11. Statistics reproduced in the analytical report from police CAD data collects information on calls to the police regarding
  - rowdy / inconsiderate behaviour
  - licensed premises
  - street drinking

#### **Analysis of nuisance data provided by the environmental protection team**

12. The council’s environmental protection team also reported, on 16 February 2010, on the number of nuisance service requests received by the community safety enforcement team, in connection with licensed premises, during the period November 2006 to November 2009. Area specific details are included within the main body of this report. A copy of the full analysis is provided at appendix 2 to the separate report on the Borough and Bankside, Camberwell and Peckham areas elsewhere on the agenda. The report includes detail of the methodology used in capturing the information.

### **General Southwark overview**

13. The latest partnership analysis shows an overall decline in alcohol related VAP. VAP figures for the latest six-month period (Jun – Nov 09) are the lowest of the six periods reported and are down 29% on the previous corresponding period (Jun – Nov 08). Figures for the past 12 months (Dec 08 – Nov 09) have decreased by 14% over the previous 12 months (Dec 07 – Nov 08).
14. Hot-spot mapping for alcohol related VAP shows evening incidents (Jun – Nov 09) to be at their highest intensity around the London Bridge area (within the current Borough and Bankside saturation area) and to the north of the Elephant & Castle. The highest intensity of daytime offences currently accumulates in the Peckham town centre (also within the current Peckham saturation area). Alcohol related CAD are at their highest intensity in Peckham and to lesser extents Elephant & Castle, Camberwell and Borough High Street.
15. Hot-spot mapping of alcohol related ambulance calls (Jun – Oct 09) also indicates that highest levels are around London Bridge and the surrounding areas.

### **Elephant & Castle**

16. For the purposes of the monitoring exercise the Elephant and Castle area is defined by the following boundary - Starting at the junction of Southwark Bridge Road and Borough Road following the railway line southwards across New Kent Road to Elephant Road into Walworth Road. Then south down Walworth Road to Hampton Street. From Hampton Street / Howell Walk to Newington Butts, Kennington Lane, Brook Drive, Hayles Street, St George's Road, Garden Row, London Road, Thomas Doyle Street and back to the starting point.. A map of the area is provided as appendix 1 to this report.
17. At the time of writing of this report, 44 premises licensed under the 2003 Licensing Act for either the sale or supply of alcohol; the provision of regulated entertainment or the provision of late night refreshment trade within the boundary of the saturation area. This represents 3.6% of the total licensed premises in the borough. This figure includes 13 restaurants / cafes; 9 off-licences / supermarkets / grocers; and 8 public houses.

### **Elephant & Castle analysis**

18. Analysis for the Elephant & Castle area is contained within the latest partnership analytical report and the environmental protection team reports at appendices 1 & 2 to the report on the Borough and Bankside, Camberwell and Peckham areas which appears elsewhere on the agenda. Further area specific analysis is contained within appendix 2 to this report.
19. In brief, analysis shows overall decreasing VAP figures (although evening period figures have risen). In the most recent six-month period (Jun – Nov 2009), the area accounts for a proportionately high 8% of the borough's total evening period VAP. VAP figures for the most recent six-month period are down 6% on the previous comparable period, while figures for the most recent twelve-month period (Dec 08 – Nov 09) show a 9% decrease on the previous year. Figures for alcohol related CAD calls, however, show a 4% increase when comparing the past six-months with the previous comparable period but a 6% decrease this past year against the previous year.

### **Elephant & Castle – comments from the environmental protection team**

20. An analysis of nuisance service requests within the Elephant & Castle area is provided in appendix 2 to the report on Borough and Bankside, Camberwell and Peckham elsewhere on the agenda. Figures show an increase in the number of service

complaints received in the most recent period June – November 2009 with 9 complaints received relating to 3 different premises. This figure is higher than normal for the period of year with 4 complaints received in both June – November 2007 and 2008. It is believed that this rise may be at least partially attributable to improved recording.

#### **Elephant & Castle – comments from the metropolitan police service**

21. The metropolitan police service supports continued monitoring of the situation in the Elephant & Castle.

#### **Elephant & Castle – next steps**

22. Members will wish to consider whether to go out to public consultation on the potential introduction of a saturation policy in the Elephant & Castle area. Relevant points are that

- The area accommodates 3.6% of the licensed trade within the borough but experiences 8% of the borough's total evening alcohol related VAP;
- Overall alcohol related VAP is down, although there is some increase in the evening period;
- Alcohol related CAD shows an increase in the most recent six-month period though a longer term downward trend; and
- Hot-spot mapping for alcohol related VAP identifies the area to the north of the Elephant & Castle as having one of the highest evening intensities of incidents.

23. In the event that the committee should decide it wishes to pursue a potential policy for the area, a new round of public consultation will be required under section 5(5) of the Licensing Act 2003. Consultation will necessarily include

- the chief officer of police;
- the fire authority;
- representatives of holders of premises licences, club premises certificates and personal licences; and
- representatives of local businesses and residents

24. Should the committee decide to go out to public consultation on this matter it is proposed that the consultation should comprise

- notices in the local press and on the Southwark licensing web site;
- direct mail shots to all licence / certificate holders in and around the proposed extended area;
- direct mail shot to all responsible authorities;
- direct mail shot to all known local resident and business representative groups;
- announcements at the local community councils; and
- a public meeting on the issue.

25. The consultation should aim to seek views on whether it is appropriate and necessary to introduce a saturation area; and, if so, the boundary of that area and the classes of premises it should cover.

#### **Old Kent Road corridor**

26. For the purposes of the monitoring exercise the Old Kent Road corridor is defined by the following boundary - the length of the entire road taking in both frontages and extending some 50 metres behind those frontages (loosely bordered by the likes of Congreve Street, Madron Street, Marcia Road). A map of the area is provided at appendix 3.

27. At the time that this report was prepared there were 62 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 Old Kent Road area. This represents 5.1% of the total licensed premises in Southwark. This figure includes 22 restaurants; 19 off-licences / supermarkets / grocers / convenience stores; 8 take-away establishments; 5 night-clubs and 2 public houses / bars.

#### **Old Kent Road analysis**

28. Analysis for the Old Kent Road area is contained within the latest partnership analytical report and the environmental protection team reports at appendices 1 & 2 to the report on the Borough and Bankside, Camberwell and Peckham areas which appears elsewhere on the agenda. Further area specific analysis is contained within appendix 4 to this report.
29. In brief, analysis shows a 15% decrease in VAP in the most recent six-month period (Jun – Nov 09) against the previous comparable period but a 1% increase when comparing the past twelve months with the previous year. Alcohol related CAD shows a 3% increase in the most recent six-months period against the previous comparable period but a 13% decrease this past year against the previous year. Figures for alcohol related VAP amount to 8.3% of the total evening period VAP in the borough.

#### **Old Kent Road – comments from the environmental protection team**

30. An analysis of nuisance service requests within the Old Kent Road corridor is provided in appendix 2 to the report on Borough and Bankside, Camberwell and Peckham elsewhere on the agenda. Figures show an increase in the number of service complaints received in the most recent period June – November 2009 with 14 complaints received relating to 9 different premises. This figure is higher than normal for the period of year with 11 complaints received in June – November 2008. It is believed that this rise may be at least partially attributable to improved recording.

#### **Old Kent Road – comments from the metropolitan police service**

31. The metropolitan police service supports continued monitoring of the situation in the Old Kent Road.

#### **Old Kent Road – next steps**

32. Members will wish to consider whether to go out to public consultation on the potential introduction of a saturation policy in the Old Kent Road area. Relevant points are that
- The area accommodates 5.1% of the licensed trade within the borough but experiences 8.3% of the borough's total evening alcohol related VAP;
  - Overall alcohol related VAP is down this most recent period but continues to show a slight rising trend over the past year; and
  - Alcohol related CAD shows an increase in the most recent six-month period but a longer term downward trend.
33. In the event that the committee should decide to pursue a potential saturation policy for the area, the advice given in sections 22 – 25 of this report (above) applies.

#### **The cumulative impact of a concentration of licensed premises**

34. The cumulative impact of a concentration of licensed premises 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 published December 2009). 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. Members' attention is drawn to the key points of the guidance set out in the supplementary advice from the strategic director of law and governance in this report (section 40 onward).

35. The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant, or variation, of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

#### **Moving toward saturation policies**

36. The steps toward a special policy on saturation are set out in the DCMS guidance as follows

- Identify concern about crime and disorder or public nuisance;
- Consider whether there is good substantiated and reliable evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises or that the risk of cumulative impact is imminent;
- Identify the boundaries of the area where problems are occurring;
- Consult with those in Section 5(3) of the 2003 Act, and subject to the outcome of that consultation; and
- Include and publish details of the special policy in the licensing policy statement.

#### **Community Impact Statement**

37. This report considers the impact of licensed operations (in terms of VAP / CAD and ambulance calls) within the Elephant & Castle and the Old Kent Road corridor and asks the committee to consider whether public consultation should be undertaken in either area on the potential introduction of a local saturation policy.
38. 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 a policy can contribute toward reducing the fear of crime and making Southwark a better place to live, work and visit.
39. While, conversely, saturation policies may also impact on business growth and development of the area concerned, it should be understood that the existence of a policy does not prevent responsible operators from becoming established within the area or from developing existing businesses. Instead operators will have to demonstrate that their business proposals do not further impact on the identified concerns within the locality.

#### **Resource implications**

40. While it is accepted that the existence of a saturation policy does result in every relevant new licence application or variation application being considered in the light of the new policy, it is not considered that this will have any significant impact on resources.

#### **Consultations**

41. Details of proposals for public consultations that might arise from consideration of this report are detailed within sections 22 – 25 of this report.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Strategic Director of Communities, Law & Governance**

#### **Cumulative Impact and Special/Saturation Policies**

42. 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.
43. In considering whether a statement of licensing policy should include a saturation policy in respect to an area, the licensing authority should consider the cumulative impact of licensed premises, in the particular area(s) concerned.
44. Cumulative impact is defined in the guidance at paragraph 13.24 as “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area”.

### **Consultation**

45. Section 5(3) of the Act requires that before formulating 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**

46. It is clear from the guidance that any decision to include any saturation policy within the statement of licensing policy should have an evidential basis which demonstrates that the cumulative impact of licensed premises in that area is having an impact on crime and disorder and/or public nuisance.
47. The decision to include a saturation policy should only be made where, after considering the available evidence and consulting those individuals and organizations listed in section 5(3) of the Act, the licensing authority is satisfied that it is appropriate and necessary to include an approach to cumulative impact in the statement of licensing policy (guidance at paragraph 13.27).
48. Members are asked to consider the most recent analysis and evidence collated following consultations. If members wish to recommend the introduction of any new or extended saturation policy within the borough, members must first be satisfied that there is sufficient evidence to show that the cumulative impact of premises in the area is having an impact on local crime and disorder and/or public nuisance.

### **The effect of adopting a special policy**

49. The adoption of a special policy creates a rebuttable presumption that applications for new licences and variations that are likely to add to the existing cumulative impact of premises within the area to which the special policy applies, will normally be refused where relevant representations are received.
50. The special policy must stress that this presumption does not relieve responsible authorities and interested parties of the need to make representations in respect of applications for premises within the special policy area(s). It will not be possible to refuse to grant such applications, or seek to impose conditions if no representations are received.
51. If no representations are received in respect of applications within the special policy area, it will remain the case that an application must be granted in the terms that are consistent with the operating schedule submitted.
52. Applicants will be expected to provide information in their operating schedules to address the special policy issues in order to rebut the presumption of refusal.



Applicants will need to demonstrate why the operation of their premises will not add to the cumulative impact being experienced.

53. Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or require expansion.

### **Limitations**

54. It would not normally be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises (guidance at paragraph 13.33). Members will note that the classes of premises to which the saturation may apply, includes off-licences, supermarkets, grocers and take-aways in each of the three areas. Members should be satisfied that the inclusion of such premises is justifiable, having regard to the evidence obtained through the consultation process.
55. A special policy should never be absolute, i.e. cannot have a blanket policy to refuse all applications but rather a rebuttable presumption that they will be refused. Each application will have to be considered on its own merits and should only be refused if after receiving representations, the licensing authority is satisfied that the grant of the application would undermine the promotion of the licensing objectives and, that necessary conditions would be ineffective in preventing the problems involved.
56. Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises, i.e. by way of a review. A review must relate specifically to individual premises whereas cumulative impact relates to the effect of a concentration of many premises.
57. A special policy cannot be used to justify rejecting applications to vary an existing licence except where the proposed changes are directly relevant to the policy and the refusal is necessary for the promotion of the licensing objectives.
58. Special policies cannot justify and should not include provisions for a terminal hour in a particular area.
59. Special policies must not impose quotas that would restrict the consideration of any application on its individual merits.
60. 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).
61. 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.
62. 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 (2008/2009) at part 3G.

#### Finance Director's Concurrent (Env/ET/120110)

63. There are no financial implications as a result of accepting the proposals set out in the report. Any costs arising from implementing the proposals will be fully contained within the existing budgets of the division.

#### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Associated secondary regulations DCMS Guidance to the Act Southwark Statement of Licensing Policy Mayors Best Practice Guide for Managing the Late Night Economy Analysis reports	The Health Safety & Licensing Unit, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Name: Mrs Kirtikula Read Phone number: 020 7525 5748

#### APPENDICES

No.	Title
Appendix 1	Map of the Elephant & Castle area
Appendix 2	Further analysis for the Elephant & Castle
Appendix 3	Map of the Old Kent Road corridor
Appendix 4	Further analysis for the Old Kent Road corridor

#### AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment & Housing	
Report Author	Richard Parkins; Health Safety & Licensing Unit Manager	
Version	Final	
Dated	26 February 2010	
Key Decision?	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
List other officers here	None	None
Executive Member	Yes	Yes
Date final report sent to Constitutional/ Team	26 February 2010	







**Further analysis Elephant & Castle****Appendix 2****Violence against the person**

1. Table 1 / chart 1 below provides comparative figures for alcohol related VAP within the Elephant & Castle area, for the past six, six-month periods commencing December 2006 – May 2007 through to June - November 2009.

Elephant & Castle alcohol related VAP	Dec 06 – May 07	Jun – Nov 07	Dec 07 – May 08	Jun – Nov 08	Dec 08 – May 09	Jun – Nov 09
<b>Evening 23.00 – 05.59</b>	35	45	33	22	31	25
<b>Daytime 06.00 – 22.59</b>	32	15	34	30	28	24
<b>24 hour total</b>	67	60	67	52	59	49

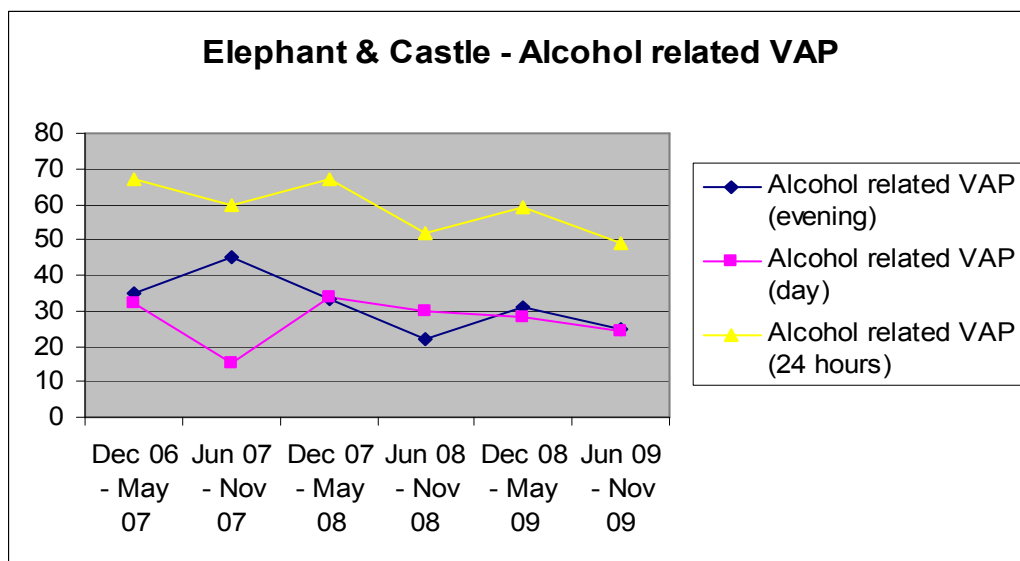


Table 1 / chart 1

2. VAP figures across the Elephant & Castle area for the most recent 6-month period (Jun - Nov 09) show:
- A 14% evening period increase on the previous comparable period (Jun – Nov 08);
  - A 20% daytime period decrease on the previous comparable period (Jun - Nov 08); and
  - A 6% decrease overall on the previous comparable period (Jun – Nov 08) giving the lowest recorded overall figure in the analysis.
3. VAP figures across the Elephant & Castle area for the most recent 12-month period (Dec 08 – Nov 09) show:
- A 2% evening period increase on the previous comparable period (Dec 07 – Nov 08);
  - A 19% daytime period decrease on the previous comparable period (Dec 07 – Nov 08); and

- A 9% decrease overall on the previous comparable period (Dec 07 – Nov 08).

**Alcohol related CAD calls**

4. Table 2 / chart 2 provides comparative data regarding alcohol related CAD calls received by the police concerning the Elephant & Castle area, for the past six, six-month periods commencing December 2006 – May 2007 through to June - November 2009.

Elephant & Castle area alcohol related CAD calls	Dec 06 – May 07	Jun – Nov 07	Dec 07 – May 08	Jun – Nov 08	Dec 08 – May 09	Jun – Nov 08
<b>24 hour total</b>	174	167	146	137	125	142

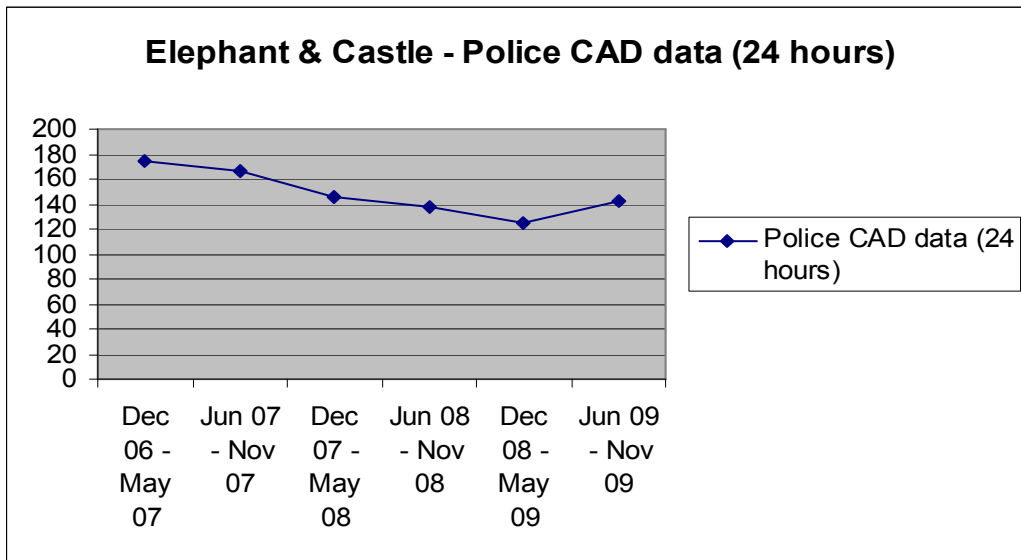
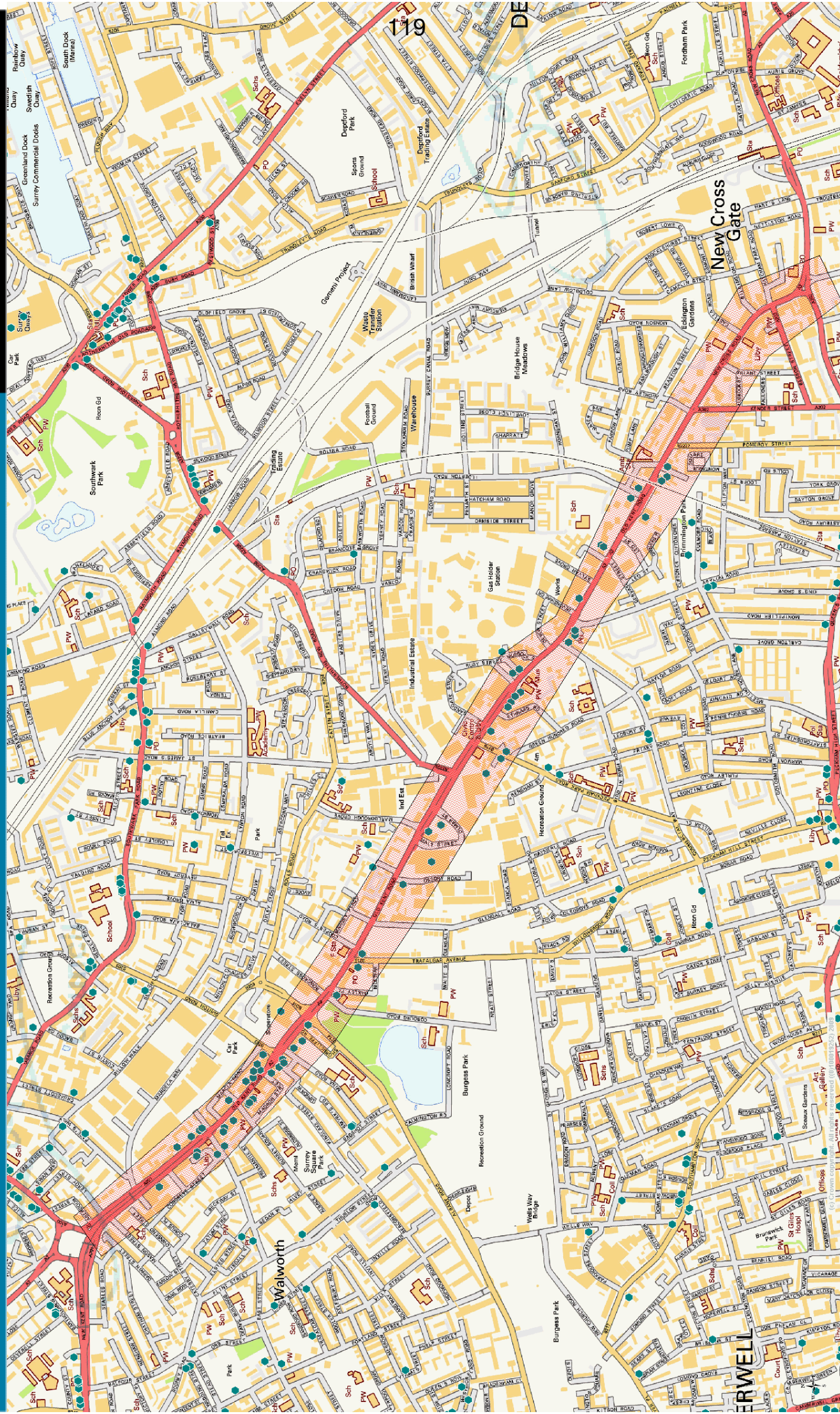


Table 2 / chart 2

5. CAD figures having fallen in each of the preceding periods have begun to rise again across the Elephant & Castle.
6. CAD figures across the Elephant & Castle area for the most recent 6-month period (Jun – Nov 09) show a 4% increase on the previous comparable period (Jun - Nov 08). CAD figures for the most recent 12-month period (Dec 08 – Nov 09) continue to show a 6% decrease on the previous comparable period (Dec 07 – Nov 08)







#### Appendix 4 - Further analysis Old Kent Road corridor

##### Violence against the person

1. Table 1 / chart 1 below provides comparative figures for alcohol related VAP within the Old Kent Road corridor, for the past six, six-month periods commencing December 2006 – May 2007 through to June - November 2009.

Old Kent Road alcohol related VAP	Dec 06 – May 07	Jun – Nov 07	Dec 07 – May 08	Jun – Nov 08	Dec 08 – May 09	Jun – Nov 09
Evening 23.00 – 05.59	29	31	24	31	24	26
Daytime 06.00 – 22.59	21	20	29	30	39	26
24 hour total	50	51	53	61	63	52

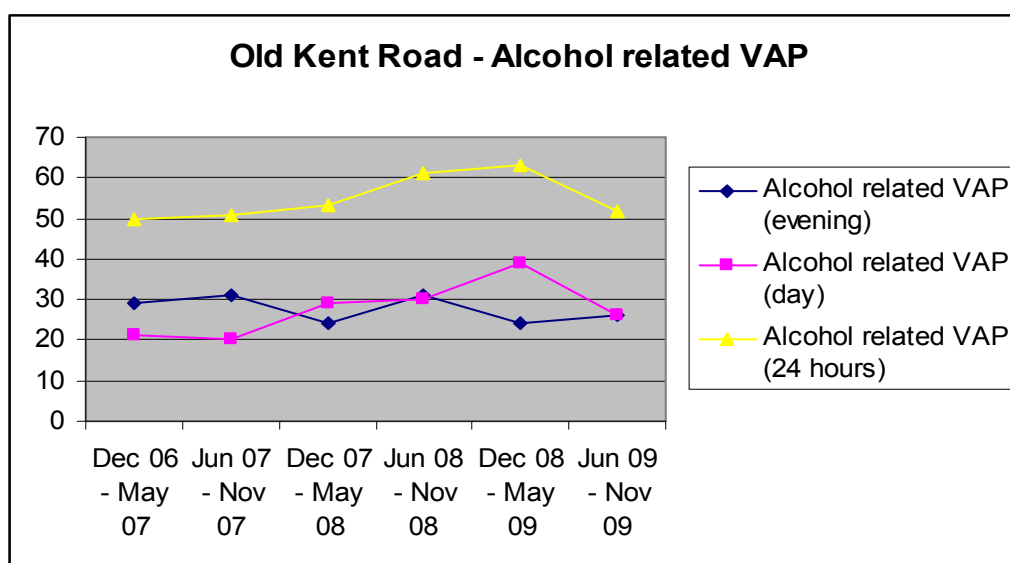


Table 1 / chart 1

2. VAP figures across the Old Kent Road corridor for the most recent 6-month period (Jun – Nov 09) show:
- The figures for the evening period are down by 16% from the previous comparable period (Jun – Nov 08);
  - A 13% daytime period decrease on the previous comparable period (Jun – Nov 08); and
  - A 15% decrease overall on the previous comparable period (Jun – Nov 08).
3. VAP figures across the Old Kent Road corridor for the most recent 12-month period (Dec 08 – Nov 09) show:
- The figures for the evening period are down 9% from the previous comparable period (Dec 07 – Nov 08);
  - A 10% daytime period increase on the previous comparable period (Dec 07 – Nov 08); and

- A 1% increase overall on the previous comparable period (Dec 07 – Nov 08).

**Alcohol related CAD calls**

4. Table 2 / chart 2 provides comparative data regarding alcohol related CAD calls received by the police concerning the Old Kent Road corridor, for the past six, six-month periods commencing December 2006 – May 2007 through to June - November 2009.

Old Kent Road alcohol related CAD calls	Dec 06 – May 07	Jun – Nov 07	Dec 07 – May 08	Jun – Nov 08	Dec 08 – May 09	Jun – Nov 09
<b>24 hour total</b>	180	189	168	175	117	180

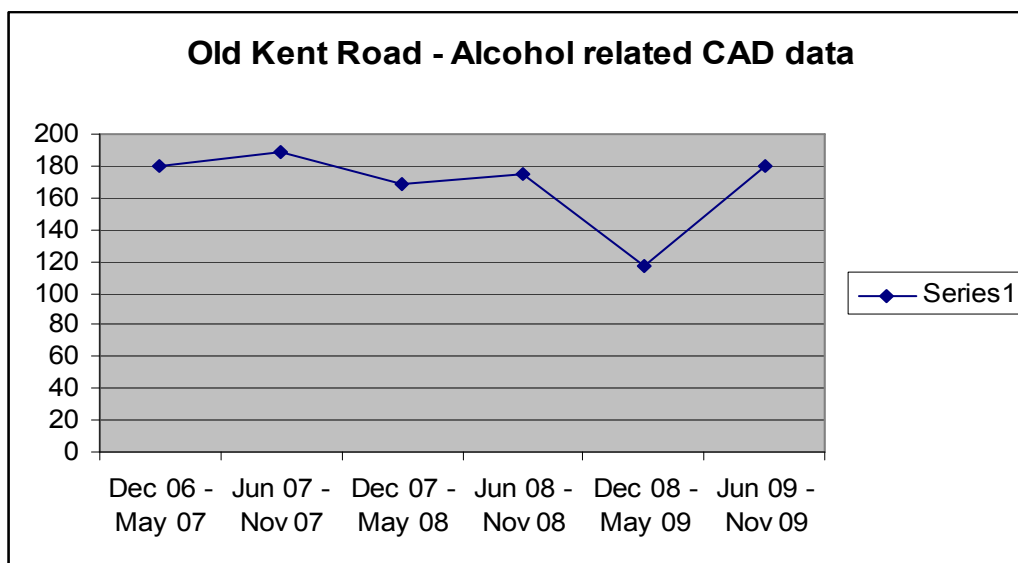


Table 2 / chart 2

5. CAD figures across the Old Kent Road corridor for the most recent 6-month period (Jun – Nov 09) show a 3% increase on the previous comparable period (Jun – Nov 08).
6. CAD figures across the Old Kent Road corridor for the most recent 12-month period (Dec 08 – Nov 09) show an 13% decrease on the previous comparable period (Dec 07 – Nov 08).



<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 9 March 2010	<b>Meeting Name:</b> Licensing Committee
<b>Report title:</b>		The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 & Licensing Act 2003 (Premises Licences and Club Premises Certificates)(Miscellaneous Amendments) Regulations 2009	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Environment and Housing	

### RECOMMENDATION

1. That the committee considers the draft officer protocol for determination of applications, made under sections 41A-41C and 86A-86C of the Licensing Act 2003 (as amended), for minor variations of premises licences and club premises certificates that have no impact on the licensing objectives, and notes any issues that it requires to be addressed within the ongoing constitutional change process.

### BACKGROUND INFORMATION

2. The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 & The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 came into force on 29 July 2009. The regulations amend the Licensing Act 2003 and the Licensing Act 2003 (Premises licences and certificates) Regulations 2005. The regulations include a new process for minor variations to premises licences and club premises certificates.
3. The strategic director of environment and housing reported the introduction of the regulations and an intention that all minor variation applications be determined at officer level, to the committee on October 8<sup>th</sup> 2009. The committee considered the report and resolved:
  1. "That the committee noted the legislative amendments and section 182 guidance provision to allow all applications for minor variations made under section 41 of the Licensing Act 2003 (as amended) to be determined at officer level (the (now) environmental health and trading standards business unit manager);
  2. That the committee noted the intention to seek an amendment of the matters reserved to the licensing sub-committee to bring the constitution in line with these requirements;
  3. That the committee will be further consulted on the protocols put in place for officers to deal with minor variations; and
  4. That the committee agreed that any minor variations will be dealt with by a licensing sub-committee until the constitutional changes have been approved."
4. This report reports back on protocols to be put in place for officers to deal with minor

variations as required by the committee.

## **KEY ISSUES FOR CONSIDERATION**

### **Minor variations to premises licences / club premises certificates**

5. The new process is established to provide a simplified applications process for minor variations to premises licences and club premises certificates where such variations will not impact adversely on the licensing objectives. In effect these provisions relate to a relatively small number of applications. Applications for new premises licences, major variations of existing licences, licence reviews and TENs remain unaffected and will be considered by the licensing sub-committee in the normal way.
6. The detail of the new process has been previously circulated to members. However, in summary, applicants wishing to apply for a minor variation are required to complete a pro-forma application to the licensing authority; pay a standard fee of £89; and advertise the application at the premises by way of a white notice, complying with the regulations, for a period of 10 working days commencing the working day after the application was given to the licensing authority.
7. On receipt of an application the licensing authority must consider whether the variation could adversely impact on the licensing objectives. It must consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and take their views into account.
8. The licensing authority must then also consider any relevant representations received from interested parties within the specified time-limit.
9. If no relevant representations are received, the licensing authority must determine the application before the 15<sup>th</sup> working day after the day the authority received the application. Applications may be granted or refused. If no determination is made by that date the application is automatically treated as refused.
10. Deemed refused applications may be resubmitted as minor or major variations. Where an application is refused and resubmitted through the major variation process, the normal full notification and consultation procedures applies.
11. No provision is made within the regulations for the public hearing of any contested application. Supplementary guidance issued by the Department of Culture Media and Sport (DCMS) under section 182 of the 2003 Act notes that the "Government recommends that decisions on minor variations should be delegated to licensing officers".

### **Categories of application**

12. Minor variations will generally fall into four categories
  - Minor change to the structure or layout of a premises;
  - Small adjustments to licensing hours;
  - The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and
  - The addition of certain licensable activities
13. The DCMS guidance is helpful, however, in defining relevant forms of application.

Some of the main points raised are set out in sections 14 - 21 below. A copy of the Guidance is reproduced at appendix A.

### **Minor change to the structure or layout of a premises**

14. Many small variations to layout will have no adverse impact on the licensing objectives. Primarily these are likely to comprise cosmetic changes to existing layout plans arising from redecoration or refurbishment. For instance, a refurbishment might include the physical relocation of the bar within a public house. While this would require new plans to be submitted in order that the licence properly reflects the layout of the premises concerned, often such a re-arrangement will have no impact on means of escape, nor numbers accommodated; nor sound containment measures or other consideration relevant to the licensing objectives. Where, however, changes to layout do have potential impacts upon the licensing objectives these would be referred to the full variations process. Applications under this category which are likely to have an adverse impact on the licensing objectives and which are therefore not suitable to be dealt with under the minor variations provisions include applications that:
- increase the capacity for drinking on the premises;
  - affect access between the public part of the premises and the rest of the premises or the streets or public way; and
  - impede the effective operation of a noise reduction measure such as an acoustic lobby.

### **Small adjustments to licensing hours**

15. Applications to reduce licensing hours for the sale or supply of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will normally be processed as minor variations.
16. Applications to vary the time during which other licensable activities take place should be considered on a case by case basis with reference to the likely impact on the licensing objectives.
17. Variation applications which seek to
- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
  - to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.

are excluded from the minor variations process and must be treated as full variations in all cases.

### **Licensing conditions**

18. Licensing authorities have no ability to impose their own conditions on a licence through the minor variations process. Applicants may, however, volunteer conditions as part of the process.
19. An application to remove a condition or vary the wording of a condition should normally be treated as a full variation application unless the condition is out of date, irrelevant or unenforceable.

### **The addition of certain licensable activities**

20. Guidance indicates that the government's intention is that local licensing authorities should be prepared to consider accepting applications to add the provision of live music as a new activity to an existing licence under the minor variations process. Guidance does also recognise, however, that as in all other situations the authority must consider whether the application in question has any potential impact on the licensing objectives. Clearly, there may be situations where, for example, a restaurateur's proposal to provide an occasional acoustic solo musician to add ambience to his premises, may have little impact on local residents. However, equally clearly, another application to add live music to a premises licence, may effectively change the nature of that premises and turn it into a live music venue and in this circumstance there could be considerable potential impacts on local residents in terms of both noise nuisance and disturbance from customers. Local authorities are thereby advised to consider factors such as proximity to residential areas and any noise reduction conditions volunteered by the applicant and the views of the responsible authorities in gauging whether an application has potential impact on the licensing objectives would become particularly important. As in all other situations, if an application had potential to impact upon the licensing objectives it would not be agreed under the minor variations process.
21. Similarly, in some circumstances the addition of other types of regulated entertainment, such as the performance of plays or exhibition of films, may have no adverse impact on the licensing objectives and may be considered.

### **Officer protocol for determining applications**

22. Effectively, there are three decision points involved in the minor variations process. These are
- at the very start of the application process, as to whether the application properly falls within the parameters of the minor variations process (i.e. it falls within the categories of application identified as suitable for the minor variations process within the DCMS Guidance);
  - also at the very start of the application process, as to whether the views of one or more of the responsible authorities should be sought in determining whether the application under consideration has any potential impact on the licensing objectives; and
  - at the end of the consultation process, as to whether the application may be granted
23. A draft officer protocol has been drawn up setting out clear guidance to officers to ensure consistent management of the process. The protocol oversees the whole of the minor variations process, including how the questions that are raised within section 22 of this report should be considered. A copy of the draft protocol is attached at appendix B.
24. The protocol provides that each of the first two decisions set out in section 22 of this report shall be made by the area principal licensing officer in conjunction with a team leader (or in the team leader's absence the unit manager). The third and final decision will be taken by the area principal licensing officer in conjunction with a team leader and will be ratified by the unit manager on behalf of the business unit manager (or the business unit manager in the unit manager's absence). All decisions will be taken with reference to the DCMS guidance and with regard paid to all other relevant matters. All decisions will be recorded on the service database together with reasons for the

decision included; noted on the service website; and reported at intervals to members.

### **Moving forward**

25. Members have been advised that, in accordance with DCMS guidance, a report is to be submitted to the member-level constitutional working panel and then to Council assembly, seeking to amend the Council's constitution in order to provide for determination of contested minor variation applications by the head of service (the Environmental Health and Trading Standards Business Unit Manager). In the event that this proposal is approved by the council assembly, amendment will also be made to the appropriate internal scheme of delegation.
26. The committee is asked to consider the draft protocol and confirm that it adequately addresses the committee's previous concerns.
27. Until such time that constitutional change may be approved, it remains the case that contested applications for minor variations will be reported to the licensing sub-committee for determination at closed session, on the proviso that such an opportunity exists within the 5 day period allowed. If no appropriate meeting is timetabled the application will not be determined and will be deemed refused.

### **Policy implications**

28. The (second revision of the) Southwark Statement of Licensing Policy 2008 – 2011 was approved by Council assembly in November 2008. Sections of the policy affected by the changes in the legislation are
  - Section 4 dealing with the "Administration, exercise and delegation of function" and includes a "table of delegation of functions"; and
  - Section 5 dealing with "Determining applications for premises licences and club premises certificates".
29. Any amendments required to the licensing policy will be highlighted in the consultation on the next revision of the licensing policy. The consultation documentation will include advice and guidance on any constitutional change agreed for the benefit of the licensed trades and the general Southwark community.

### **Community Impact Statement**

30. The 2003 Licensing Act sets out four licensing objectives. These are
  - To prevent crime and disorder;
  - To ensure public safety;
  - To prevent nuisance; and
  - To protect children from harm.
31. Although this new process provides a simplified system for making minor variations to premises licences and club premises certificates, it is intended only for applications that have no adverse impact on the objectives.
32. The simplified process, however, progresses the government's simplification agenda; removing unnecessary burdens on business but without affecting protections afforded local residents. The process retains provision for (limited) public consultation and the involvement of the responsible authorities where necessary.

## Resource implications

33. Initial take-up of the new minor variations process has been slow. While the process may not have been in place long enough to fully gauge longer term take-up it is anticipated that application numbers will continue to be low. If the process should grow in popularity, it does have potential to provide some burden on resources, as the statutory £89 application fee is unlikely to cover the costs of deliberations over any concerns raised through the applications process. However, at this point in time it is anticipated that the impacts will be limited and work generated may be absorbed within existing resources. The position will be reviewed at the end of the financial year.

## Consultation

34. No consultation has taken place in the preparation of this report. Attention is drawn to the comments made in section 29.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

### Strategic Director of Communities, Law & Governance

35. The issues for consideration are clearly set out in the body of this report.

### Finance Director (Env/ET/140110)

36. The head of community safety and enforcement has confirmed that based on current activity levels costs arising from the adoption of the minor variations process will be fully contained within existing budgets. If there are significant changes in the activity levels, resulting additional costs will be considered for the following year's business planning and budgeting process.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 The Licensing Act 2003 (Premises Licences and Club Premises Certificates)(Miscellaneous Amendments) Regulations 2009 Supplementary guidance issued under section 182 of the 2003 Act The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005(b) The Southwark Statement of Licensing Policy 2008-2011 Previous report dated 8 <sup>th</sup> October 2009 to Licensing Committee on the matter.	Health Safety & Licensing Unit, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Name: Mrs Kirtikula Read Phone number: 020 7525 5748

## APPENDICES

No.	Title
A	DCMS supplementary guidance issued under section 182 of the Licensing Act 2003
B	Draft officer protocol for determination of minor variations applications

**AUDIT TRAIL**

Lead Officer	Strategic Director of Environment & Housing		
Report Author	Richard Parkins, Health Safety & Licensing Unit Manager		
Version	Final		
Dated	1 March 2010		
Key Decision?	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>			
Officer Title	Comments Sought	Comments included	
Strategic Director of Communities, Law & Governance	Yes	Yes	
Finance Director	Yes	Yes	
Executive Member	Yes	Yes	
Date final report sent to Team	1 March 2010		



department for  
**culture, media  
and sport**

THE LICENSING ACT 2003

Presented to Parliament pursuant to Section 182 of the Licensing Act 2003

# Guidance issued under section 182 of the Licensing Act 2003

Supplementary guidance on:

- a simplified process for minor variations to premises licences and club premises certificates and;
- the removal of the requirement for a designated premises supervisor and personal licence at community premises.

July 2009



Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

# Contents and Notes

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Part 2: The removal of the requirement for a designated premises supervisor and personal licence at community premises .....	10

## Notes on changes resulting from Part 1:

Paragraphs 8.33 and 8.34 below replace the corresponding paragraphs in the previous Guidance.

Paragraphs 8.35 to 8.60 below are newly inserted. Subsequent paragraphs (former paragraphs 8.39 to 8.78) are renumbered as 8.65-104, except for former paragraph 8.53, which is replaced and renumbered as paragraph 8.79 below.

Paragraph 8.61 below replaces previous paragraph 8.35.

Previous paragraphs 8.36 to 8.38 inclusive are renumbered as 8.62 to 8.64 inclusive below.

Paragraph 6.11 below replaces the previous paragraph 6.11

## Notes on changes resulting from Part 2:

Paragraphs 4.1; 4.2; 4.19; 8.24; 8.34; 10.45 and 10.53 below each replaces the corresponding paragraph in the previous Guidance.

Paragraph 8.79 below replaces previous paragraph 8.53.

Paragraphs 4.32 to 4.47 below are newly inserted.

# Part 1: A simplified process for minor variations to premises licences and club premises certificates

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## [Chapter 8: Applications For Premises Licences]

### VARIATIONS

#### Introduction

8.33 This Guidance revises and replaces the Guidance on variations of premises licences published on 28 June 2007\*. Where a premises licence holder wishes to amend the licence the Act allows, in most cases, for an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives.

#### Changes of name and address/ Designated Premises Supervisor

8.34 There are simplified processes for making applications in the following cases: a change of the name or address of someone named in the licence (section 33); an application to vary the licence to specify a new individual as the designated premises supervisor (section 37); an application in relation to a licence in respect of community premises that authorises the sale of alcohol to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence (sections 25A and 41D); an application for minor variation of a premises licence (sections 41A to 41C).

#### Minor variations process

8.35 The Licensing Act 2003 has been amended by the insertion of sections 41A to 41C relating to minor variations. These sections were commenced on 29 July 2009. Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must comply with the requirements set out in regulation 26A of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). In

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\* [http://www.culture.gov.uk/reference\\_library/publications/3667.aspx](http://www.culture.gov.uk/reference_library/publications/3667.aspx)

accordance with those Regulations, the notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.

- 8.36 On receipt of an application for a minor variation, the licensing authority must consider whether the variation could impact adversely on the licensing objectives. The Government recommends that decisions on minor variations should be delegated to licensing officers.
- 8.37 In considering the application, the licensing authority must consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision. For instance, they may need to consult the environmental health officer on an application with possible public nuisance implications. But there is no requirement to consult all responsible authorities on each application and in many cases the licensing authority may be able to make a decision without consultation.
- 8.38 The licensing authority must also consider any relevant representations received from interested parties within the time limit referred to below. As stated earlier in this Guidance, representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives. In the case of minor variations, there is no right to a hearing (as for a full variation or new application), but licensing authorities must take any representations into account in arriving at a decision.
- 8.39 Interested parties have ten working days from the 'initial day', i.e., the day after the application is received by the licensing authority, to submit representations. The licensing authority must therefore wait until this period has elapsed before determining the application, but must do so at the latest within 15 working days, beginning on the first working day after the authority received the application, with effect either that:
- the minor variation is granted; or,
  - the application is refused.
- 8.40 If the licensing authority fails to respond to the applicant within 15 working days (see section 193 of the Act for the definition of working day) the application will be treated as refused and the authority must return the fee to the applicant forthwith. However, the licensing authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.
- 8.41 Where an application is refused and is then re-submitted through the full variation process, the full 28 days notification period will apply from the date the new application is received and applicants should advertise the application and copy it to all responsible authorities (in accordance with the regulations applicable to full variations).
- 8.42 Minor variations will generally fall into four categories: minor changes to the structure or layout of a premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. **In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.**

### Changes to structure/layout

- 8.43 Many small variations to layout will have no adverse impact on the licensing objectives. However, changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:

- increasing the capacity for drinking on the premises ;
- affecting access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits;
- impeding the effective operation of a noise reduction measure such as an acoustic lobby;

- 8.44 Licensing authorities will also need to consider the combined effect of a series of applications for successive small layout changes (for example, as part of a rolling refurbishment of a premises) which in themselves may not be significant, but which cumulatively may impact adversely on the licensing objectives. This emphasises the importance of having an up to date copy of the premises plan available.
- 8.45 An application to remove a licensable activity should normally be approved as a minor variation.
- 8.46 Variations to add the sale by retail or supply of alcohol to a licence are excluded from the minor variations process and must be treated as full variations in all cases.
- 8.47 The Act covers a wide range of other licensable activities and licensing authorities will need to consider each application on a case by case basis and in light of any licence conditions put forward by the applicant.
- 8.48 For example, the addition of live or recorded music to a licence may impact on the public nuisance objective, but this will depend on many factors. Licensing authorities will need to consider factors such as proximity to residential areas and any noise reduction conditions volunteered by the applicant. It is very much the Government's intention that applications to vary a licence for live music should benefit from the minor variations process unless there is likely to be an adverse impact on the licensing objectives.
- 8.49 Similarly, in some circumstances, the addition of other types of regulated entertainment, such as the performance of plays or exhibition of films, to a licence may have no adverse impact on the licensing objectives.
- 8.50 In considering applications to add licensable activities, licensing authorities and officers may find it helpful to consider the following factors:
- the nature of the licensable activity;
  - proximity of the premises to residential areas;
  - any licence conditions volunteered by the applicant to mitigate the impact of the activity;
  - whether alcohol is sold at the premises when the licensable activity is taking place; and whether it will continue to be sold during the extended period. For example, a pub that applies to stay open an extra hour after the sale of alcohol has ended to sell hot drink and food could be considered to benefit the promotion of the licensing objectives;
  - track record of the premises – whether positive or negative. For example, any complaints or enforcement action related to the licensing objectives, or conversely any evidence of good practice in carrying on the licensable activity, e.g. under temporary event notices;

- proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensable activity in large numbers. For example, people visiting a takeaway after leaving a public house.

This is not an exhaustive list and licensing officers should bring their own experience and knowledge of licensing to bear when considering applications.

## Licensing hours

### 8.51 Variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are **excluded** from the minor variations process and must be treated as full variations in all cases. Applications to reduce licensing hours for the sale or supply of alcohol or to or move (without increasing) the licensed hours between 07.00 and 23.00 will normally be processed as minor variations.

8.52 Applications to vary the time during which other licensable activities take place should be considered on a case by case basis with reference to the likely impact on the licensing objectives. In arriving at a decision, licensing authorities may wish to consider the following factors:

- the nature of the licensable activity;
- the extent of additional hours sought and whether it will involve later opening or opening between 23.00 and 07.00;
- proximity of the premises to residential areas;
- any licence conditions already in place to mitigate the impact of the activity; any additional conditions volunteered by the applicant;
- arrangements for dispersal, i.e. when people leave the premises is there potential for noise and disturbance near the venue? Is the only means of dispersal a single route through residential areas?
- whether the proposed extension applies only on the weekend or also during week days;
- whether there will be new admittances during that period;
- track record of the establishment whether positive or negative, e.g. complaints related to the licensing objectives, any enforcement action or conversely any evidence of good practice in carrying on the licensable activity, e.g. under temporary event notices;
- whether the premises is already open during the extended period for other licensable activities;
- proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensable activity in large numbers. For example, people visiting a takeaway after leaving a public house.

8.53 These factors are not an exhaustive list and licensing authorities and officers should bring their own experience and knowledge of licensing to bear when considering applications.

## Licensing conditions

### a) Imposed conditions

8.54 Licensing authorities cannot impose their own conditions on the licence through the minor variations process. If the licensing officer considers that the proposed variation would impact adversely on the licensing objectives unless conditions are imposed, they should refuse it.

b) Volunteered conditions

8.55 Applicants may volunteer conditions as part of the minor application process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority.

8.56 For instance, there may be circumstances when the licence holder and a responsible authority such as the police or environmental health authority, agree that a new condition should be added to the licence. For example, that a nightclub adds the provision of late night refreshment to its licence to ensure a longer period of dispersal. Such a change would not normally impact adversely on the licensing objectives and could be expected to promote them by preventing crime and disorder or public nuisance. In these circumstances, the minor variation process may provide a less costly and onerous means of amending the licence than a review, with no risk to the licensing objectives. However, this route should only be used where the agreed variations are minor and the licensee and the responsible authority have come to a genuine agreement. The licensing authority should be alive to any attempts to pressure licensees into agreeing to new conditions where there is no evidence of a problem at the premises and, if there is any doubt, should discuss this with the relevant parties.

c) Amending or removing existing conditions

8.57 Licence or club certificate conditions will normally have been volunteered or imposed to mitigate any possible adverse impact on the licensing objectives. In most cases therefore, any application to remove or change the wording of a condition should be treated as a full variation.

8.58 However, there may be some circumstances when the minor variation process is appropriate. Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. For example, there may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.

8.59 Changes in legislation may invalidate certain conditions. For instance, the recent Regulatory Reform (Fire Safety) Order 2005 annulled all fire safety related conditions imposed on licences purely for fire safety reasons. Although the conditions do not have to be removed from the licence, licensees and licensing authorities may agree that this is desirable to clarify the licensee's legal obligations.

8.60 There may also be cases where it is necessary to revise the wording of a condition that is unclear and/or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licensee to understand and comply with the condition and easier for the licensing authority to enforce it.

## Full variations process

- 8.61 Any other changes to the licence require an application to vary under section 34 of the Act.
- 8.62 Licensing authorities will wish to consider whether there is any likely impact on the promotion of the licensing objectives in deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan under section 17 of the Act, but have nevertheless been included, for example, moveable furniture (altering the position of tables and chairs) or beer gardens (installation of a smoking shelter that will not affect the use of exits or escape routes).
- 8.63 However, it should be noted that a section 34 application cannot be used to vary a licence so as to:
- extend a time limited licence; or to
  - transfer the licence from one premises to another.
- 8.64 If an applicant wishes to make these types of changes to the premises licence they should make a new premises licence application under section 17 of the Licensing Act 2003.

## [Chapter 6: Club Premises Certificates]

- 6.11 The arrangements for applying for or seeking to vary club premises certificates are extremely similar to those for a premises licence. Clubs may also use the minor variation process to make small changes to their certificates as long as these could have no adverse impact on the licensing objectives. Licensing authorities should refer to Chapter 8 of this Guidance on the handling of such applications. In that Chapter most of the references to the premises licence, premises licence holders, and applicants can be read for the purposes of this Chapter as club premises certificates, qualifying clubs and club applicants.



# Part 2: The removal of the requirement for a designated premises supervisor and personal licence at community premises

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## [Chapter 4: Personal Licences]

### INTRODUCTION

- 4.1. This Chapter provides advice about best practice in administering the process for issuing personal licences to sell or supply alcohol. It also contains guidance for decision-making on applications from community premises (church and village halls etc.) to disapply the usual mandatory conditions that relate to personal licences and Designated Premises Supervisors (DPSs).

### REQUIREMENTS FOR A PERSONAL LICENCE

- 4.2 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why individuals who may be engaged in making and authorising the sale and supply of alcohol require a personal licence. Not every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be at least authorised by such a licence holder (see paragraphs 10.48 -10.53 of this Guidance). The only exception is for community premises in respect of which a successful application has been made to disapply the usual mandatory conditions set out in sections 19(2) and 19(3) of the 2003 Act. (Guidance on such applications is set out in paragraphs 4.32 to 4.47 of this Guidance). Any premises where the personal licence holder requirements do apply at which alcohol is sold or supplied may employ one or more such licence holders. For example, there may be one owner or senior manager and several junior managers holding a personal licence.

### SPECIFICATION OF NEW DESIGNATED PREMISES SUPERVISORS

- 4.19 In every premises licensed for the supply of alcohol, a personal licence holder must be specified as the 'designated premises supervisor', as defined in the 2003 Act. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to disapply the usual mandatory conditions set out in sections 19(2) and

19(3) of the 2003 Act. Guidance on such applications is set out in paragraphs 4.32 to 4.47 of this Guidance.

## APPLICATION FORMS

8.24 An application for a premises licence must be made in the prescribed form to the relevant licensing authority and be copied to each of the appropriate responsible authorities. For example, applications for premises which are not vessels should not be sent to the Maritime and Coastguard Agency. The application must be accompanied by:

- the required fee (details of fees may be viewed on the DCMS website);
- an operating schedule (see below);
- a plan of the premises in a prescribed form; and
- if the application involves the supply of alcohol:
  - a form of consent from the individual who is to be specified in the licence as the designated premises supervisor; or
  - in the case of a community premises seeking to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (i.e. to remove the usual requirements in respect of the authorisation of alcohol sales by a personal licence holder and for a Designated Premises Supervisor who holds a personal licence), a completed form prescribed for that purpose.

## VARIATIONS

8.34 There are simplified processes for making applications in the following cases: a change of the name or address of someone named in the licence (section 33); an application to vary the licence to specify a new individual as the designated premises supervisor (section 37); an application in relation to a licence in respect of community premises that authorises the sale of alcohol to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence (sections 25A and 41D); and application for minor variation of a premises licence (sections 41A to 41C).

## APPLICATIONS TO CHANGE THE DESIGNATED PREMISES SUPERVISORS

8.79 Paragraphs 4.19 – 4.28 above cover designated premises supervisors and applications to vary a premises licence covering sales of alcohol by specifying a new designated premises supervisor. Paragraphs 4.32 to 4.47 cover applications by community premises to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act concerning the authorisation of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence.

## [Chapter 10: Conditions attached to premises licences and club premises certificates]

### Designated Premises Supervisor

10.45 Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force.

That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in paragraph 10.46 to 10.53 below in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see paragraphs 4.32 to 4.47 of this Guidance).

### **Authorisation by personal licence holders**

- 10.53 It must be remembered that whilst the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises, and is also responsible for alcohol sales at community premises where the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act relating to personal licence holders and Designated Premises Supervisors have been disapplied (see paragraphs 4.32 to 4.47 of this Guidance).

## **[Chapter 4: Personal Licences]**

### **DISAPPLICATION OF CERTAIN MANDATORY CONDITIONS FOR COMMUNITY PREMISES**

- 4.32 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 (SI 2009/1724) amends the 2003 Act to allow certain community premises which have, or are applying for, a premises licence that authorises alcohol sales to also apply to include the alternative licence condition in sections 25A(2) and 41D(3) (“the alternative licence condition”) of the 2003 Act in the licence instead of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act. Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises (the “management committee”). If such an application is successful, the effect of the alternative licence condition will be that the licence holder (i.e. the management committee) is responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence. All such sales will have to be made or authorised by the licence holder. There will be no requirement for a Designated Premises Supervisor or for alcohol sales to be authorised by a personal licence holder. The Order defines community premises as premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building. While there may be issues relating to whether a premises is a community premises with a proper management committee, there should not be many disputed cases and many will self evidently meet the definition of a community premises and have an appropriate management structure in place. There is more detailed commentary on what constitutes community premises in paragraphs 4.35 to 4.40 of this Guidance.
- 4.33 The process requires the completion of a new form which is set out in The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009/1809. Where the management committee of a community premises is applying for authorisation for the sale of alcohol for the first time, it should include the form with the new premises licence application or the premises licence variation application. No extra payment is required beyond the existing fee for a new application or a variation.
- 4.34 Where a community premises already has a premises licence to sell alcohol, but wishes to include the alternative licence condition in place of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act, it should submit the form on its own together with the required

fee. The work required to process such an application is expected to be similar to that required for to process an application for a variation of a Designated Premises Supervisor.

### Definition of community premises

- 4.35 In most instances, it should be self evident whether a premises is, or forms part of a church hall, chapel hall or other similar building or a village hall, parish hall, community hall or other similar building.
- 4.36 Many licensing authorities will already have taken a view on how to determine whether a premises meets the definition of community premises for the purpose of the fee exemptions set out in regulation 9(2)(b) of the Licensing Act 2003 (Fees) Regulations 2005 (SI 2005/79). As the criteria are the same, premises that qualify for these fee exemptions for regulated entertainment will also be “community premises” for present purposes.
- 4.37 However, there may be types of premises seeking disapplication of the personal licence and Designated Premises Supervisor requirements which have not previously sought exemption from the fee as a community premises. This might be because they had previously included alcohol or late night refreshment in their licence and therefore had to pay a fee regardless, or may have qualified for the exemption from the fee for regulated entertainment licences as an educational institution.
- 4.38 Where it is not clear whether premises are “community premises”, licensing authorities will need to approach the matter on a case-by-case basis. The main consideration in most cases will be how the premises are predominately used. If they are genuinely made available for community benefit most of the time, and accessible by a broad range of persons and sectors of the local community for purposes which include purposes beneficial to the community as a whole, the premises will be likely to meet the definition. This could feasibly include educational premises, such as school halls, but only where they are genuinely and widely used for the benefit of the community as a whole, and not just for the particular school in question. As such, community premises are usually multi-purpose and a variety of activities can be expected to take place in them, such as playschools, senior citizens’ clubs, indoor sports, youth clubs and public meetings.
- 4.39 Many community premises such as school and private halls are available for private hire by the general public. This fact alone would not be sufficient for such halls to qualify as “community premises”. Although availability of premises for hire might be seen as providing a facility for the community, licensing authorities will want to consider whether halls used largely for private hire by individuals or private entities are genuinely by their nature “community premises”. The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use, and not only at the usefulness of the premises for members of the community for private purposes.
- 4.40 If the general use of the premises was contingent upon membership of a particular organisation or organisations, this would strongly suggest that the premises in question were not “community premises” within the definition. However, the hire of the premises to individual organisations and users who restrict their activities to their own members and guests would not necessarily conflict with the status of the premises as “community premises”, provided the premises are generally available for use by the community in the sense described above. It is not the intention that ‘qualifying’ clubs which are able to apply for a club premises certificate should instead seek a premises licence with the disapplication of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act relating to the supply of alcohol.

## Management of the premises

- 4.41 Sections 25A(1) and 41D(1) and (2) of the 2003 Act allow applications by community premises to apply the alternative licence condition rather than the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act only where the applicant for the licence is the management committee of the premises in question. In addition, sections 25A(6) and 41D(5) require the licensing authority to be satisfied that the arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.
- 4.42 The reference to a “committee or board of individuals” is intended to cover any formally constituted, transparent and accountable management committee or structure. Such a committee should have the capacity to provide sufficient oversight of the premises to minimise any risk to the licensing objectives that could arise from allowing the responsibility for supervising the sale of alcohol to be transferred from a personal licence holder/designated premises supervisor. This could include management committees, executive committees and boards of trustees. The application form requires the applicants to provide the names of the management committee’s key officers e.g. the Chair, Secretary, Treasurer.
- 4.43 The application form requires applicants to set out how the premises is managed, its committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the hall is hired to private parties) and how responsibility for this is to be determined in individual cases and discussed and reviewed within the committee procedure in the event of any issues arising. The application form requires that the community premises submit copies of any constitution or other management documents with their applications and that they provide the names of their key officers e.g. the Chair, Secretary, Treasurer. Where the management arrangements are less clear, licensing authorities may wish to ask for further details to confirm that the management board or committee is properly constituted and accountable before taking a decision on whether to grant the application (subject to the views of the police). Community premises may wish to check with the licensing authority before making an application. The management committee is strongly encouraged to notify the licensing authority if there are key changes in the committee’s composition e.g. to the Chair, Secretary, Treasurer and to submit a copy to the Chief Officer of Police. A failure to do so may form the basis of an application to review the premises licence, or be taken into account as part of the consideration of such an application.
- 4.44 As the premise licence holder, the management committee will collectively be responsible for ensuring compliance with licence conditions and the law (and may remain liable to prosecution for one of the offences in the Licensing Act) although there would not necessarily be any individual member always present at the premises. While overall responsibility will lie with the management committee, where the premises are hired out the hirer may be clearly identified as having responsibility for matters falling within his or her control (e.g. under the contract for hire offered by the licence holder), much in the same way that the event organiser may be responsible for an event held under a Temporary Event Notice. Where hirers are provided with a written summary of their responsibilities under the 2003 Act in relation to the sale of alcohol, the management committee is likely to be treated as having taken adequate steps to avoid liability to prosecution if a licensing offence is committed.
- 4.45 As indicated above, sections 25A(6) and 41D(5) of the 2003 Act require the licensing authority to consider whether the arrangements for the management of the premises by the committee are sufficient to ensure adequate supervision of the supply of alcohol on the premises. Where private hire for events which include the sale of alcohol is permitted by the licence, it would be necessary to have an effective hiring agreement. Licensing authorities should consider arrangements for the use of hiring agreements in the light of recommendations for best practice

made by organisations such as ACRE and Community Matters. Model hire agreements are available from these bodies. The model agreements can also be revised to cater for the circumstances surrounding each hire arrangement e.g. to state that the hirer is aware of the licensing objectives and offences in the 2003 Act and will ensure that it will take all necessary steps to ensure that no offences are committed during the period of the hire.

### **Police views**

4.46 An additional safeguard is that in exceptional circumstances the Chief Officer of Police for the area in which the community premises is situated can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, and any responsible authority and/or interested party can seek reinstatement of the mandatory conditions through a review of the licence (as provided in section 52A of the 2003 Act). The police will want to consider any history of incidents at an establishment in light of the actual or proposed management arrangements, including the use of appropriate hire agreements. If the Chief Officer of Police issue a notice seeking the refusal of the application to include the alternative licence condition, the licensing authority must hold a hearing in order to reach a decision on whether to grant the application.

### **Appeals**

4.47 Where the Chief Officer of Police has made relevant representations against the inclusion of the alternative licence condition, or given a notice under section 41D(6) which was not withdrawn, the Chief Officer of Police can appeal the decision of the licensing authority to allow the inclusion of the alternative licence condition. Similarly, a community premises can appeal a decision by the licensing authority to refuse to include the alternative licence condition following a hearing triggered by relevant representations or by a notice given under section 41D(6). Following a review of the licence in which the mandatory conditions are reinstated, the licence holder may appeal against the decision. If the alternative licence condition is retained on review, the applicant for the review or any person who made relevant representations may appeal against the decision.

## Appendix B

### LICENSING ACT 2003 – APPLICATIONS FOR MINOR VARIATION APPLICATIONS MADE UNDER SECTIONS 41A TO 41C OF THE ACT

#### Process and officer protocol for determining applications

1. Applications for minor variation of premises licences and club premises certificates will be received by the administrative support team.
2. Within 24 hours of receipt of the application, the unit support officer (USO) will record the application on APP and the necessary fee of £89 on SAP in accordance with normal procedures.
3. The application, together with the premises case file, will then be passed to the area principal licensing officer (PLO).
4. Within 24 hours of receipt of the application, the PLO will consider in consultation with a team leader (TL) or in the TL's absence the unit manager (UM) whether any part of the application has any potential impact on any of the four licensing objectives, being:
  - a) The prevention of crime and disorder;
  - b) Public safety;
  - c) The prevention of nuisance; and
  - d) The protection of children from harm.
5. This decision will be reached having regard to the content of the supplementary guidance issued by the Department of Culture Media and Sport (DCMS) under section 182 of the 2003 Act (copy appended) and to the operating history of the premises concerned. If the view is taken that any part of the application has potential impact on any one or more of the licensing objectives then all relevant named responsible authorities must be consulted:
  - a) In the case of the crime and disorder licensing objective, the police licensing office must be consulted as a minimum;
  - b) In the case of the public safety licensing objectives, the health and safety team and the fire brigade must be consulted as a minimum;
  - c) In the case of the nuisance licensing objective, the environmental protection and environmental enforcement teams must be consulted as a minimum; and
  - d) In the case of the protection of children licensing objective the trading standards; the safeguarding children; and the police licensing teams must be consulted as a minimum.
6. The PLO will make a note of this decision and the reasons for it on APP.
7. Within 24 hours of receipt of the application the PLO will inform the USO of the view taken and the USO will ensure that a copy of the application form is forwarded electronically to each responsible authority identified as having an interest. Each authority will be asked to provide electronically, within 10 working days:

- a) Whether they consider that any part of the application has any adverse impact on the licensing objectives;
  - b) If so, to comment upon the licensing objectives that may be adversely affected and how; and
  - c) If not, to confirm that in the view of the authority the application has no adverse impact on the licensing objectives and may be granted.
8. Within 48 hours of receipt of the application relevant ward councillors will be provided with notification of the application for their information. Detail of the application will also automatically be generated on the licensing web site.
9. Within the first 5 working days from the day after the date of receipt of the application, the area enforcement officer (EO) will visit the premises concerned to ensure that one or more copies of the notice of application, complying with the requirements of regulation 26A of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (S) 2005/42, are displayed outside of the premises in a position where they may be easily read (at all times) by passers by. If the notice is correctly displayed, the EO will take a photograph of the notice and place this on record. If the notice is incorrectly displayed the EO will contact the applicant with a view to having the matter rectified and the consultation period will be extended by an appropriate number of days. The notice must give interested parties 10 working days to provide any representations concerning the application to the licensing team.
10. Representations received from either responsible authorities or interested parties will be acknowledged by the USO and recorded on APP.
11. Between the 11<sup>th</sup> and 15<sup>th</sup> working day following the date of receipt of the application, the PLO will check on APP whether any representations have been received within the permitted timescale. The PLO will confirm with the USO that he / she is in possession of all / any representations and will check that each representation received is relevant (i.e. clearly relates to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives).
12. Between the 11<sup>th</sup> and 15<sup>th</sup> working day following the receipt of the application, the PLO will arrange to formally meet with one of the TLs (or the UM if no TL is available) to review the application and any representations received within the permitted timescale. At this stage, the PLO and TL will consider, with reference back to the DCMS guidance and the premises case history, whether the application has any potential adverse effect on any one or more of the licensing objectives. The view reached should be recorded on APP together with the reasons for that view.
13. Notes for officers reviewing applications:
  - a) If any responsible authority concludes in their representation that the application has a potential adverse impact on one or more of the licensing objectives and that the application should not be approved as a minor variation, then officers should normally reach the same conclusion;
  - b) If any responsible authority concludes in their representation that the application has a potential adverse impact on one or more of the licensing objectives, but that the impact may be wholly removed or



reduced by taking a simple stated measure, then the officers should consider whether the proposed measure is sufficient to meet the needs of all parties involved or whether the measure continues to leave potential impact for others. It should be recognised, in particular, that the licensing authority has no power to impose conditions on a premises licence as a result of a minor variation application. If the application requires conditions to be placed on a licence in order to control the potential impacts of the application proposal then the application should be refused and a full variation invited ;

- c) If an interested party concludes in their representation that the application has a potential adverse impact on one or more of the licensing objectives and that the application should not be approved as a minor variation, and this view is not supported by any relevant responsible authority, then officers should give careful consideration to the personal situation of that individual in reaching their view; and
- d) If no representations are received, officers should recognise that this does not lead to an automatic grant of the application and that consideration must continue to be given to the question as to whether the application has potential to adversely impact on one or more of the objectives.

14. Before the 15<sup>th</sup> working day from the date of receipt of the application the TL will recommend to the UM whether the application may be granted or whether the application has potential and unresolved adverse impact on the licensing objective and should be refused. The UM will review the case and make a final decision on the matter and record that decision. The decision will be either that

- a) The application is considered not to have any adverse impact on the licensing objectives and is agreed with immediate effect; or
- b) The application or part of the application is considered to have adverse impact on the licensing objectives and is refused.

15. Before the 15<sup>th</sup> working day from the date of receipt of the application the USO will inform the applicant and all other involved parties of the decision.

<b>Item No.</b> 10.	<b>Classification:</b> Open	<b>Date:</b> March 9 2010	<b>Meeting Name:</b> Licensing Committee
<b>Report title:</b>		Legislative change relevant to licensing issues 2010	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Environment and Housing	

## RECOMMENDATION

1. That the committee notes the content of the report.

## BACKGROUND INFORMATION

2. A number of changes to licensing and other related legislation, impacting upon the responsibilities of the committee have taken place / are proposed during the course of 2010. This report provides a brief summary of relevant matters.

## KEY ISSUES FOR CONSIDERATION

### EU Services Directive

3. The EU Services Directive is a flagship european directive intended to develop the single market for services by breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up business or offer their services in other EU countries. The directive requires that all notices and authorisations in scope are able to be completed electronically and via a 'point of single contact'. The directive was implemented in the UK on December 28 2009 by the Provision of Services Regulations 2009 (S.I. 2009/2999). The UK point of single contact is the Electronic Application Facility (EAF) which is part of the [www.businesslink.gov.uk](http://www.businesslink.gov.uk) website.
4. At present the Councils own web site provides full advice and guidance on the range of available licences and consents, together with downloadable forms. It is this authorities intention to provide full facility for on-line applications in due course and this is in development. In the meantime, in order to comply with the directive, electronic applications will be taken directly from the point of single contact.
5. A number of the council's licensing responsibilities have been deemed within scope of the directive. With regard to the 2003 Licensing Act, although only regulated entertainment is a 'service' as defined under the directive, the government has extended the electronic application process to all regulated activities and to all authorisations and notices with the exception of applications for, and renewals of, personal licences, reviews and representations.
6. The directive has had a number of immediate impacts on the 2003 Act licensing processes which members will wish to be aware of:
  - Electronic applications are now to be accepted with electronic signatures;

- Premises plans are now not be required to be submitted in any particular scale, but must be in a format which is 'clear and legible in all material respects' i.e. they must be accessible and provide sufficient detail for the licensing authority to be able to determine the application, including the relative size and position of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they are accurate, and clearly show all the prescribed information;
  - Where applications are made electronically it becomes the licensing authority's responsibility to notify the responsible authorities of the application;
  - A tacit consent is now applied to applications made electronically. Revised guidance issued to local licensing authorities by the Department of Culture Media and Sport under section 182 of the Act notes that "The period of 28 consecutive days during which the application must be advertised on a notice outside the premises is, effectively, the statutory timescale by which the application must be determined (unless representations are made). This will be published on businesslink and must also be published on the licensing authority's own electronic facility if one exists. If no representations are made during this period the licensing authority must notify the applicant as quickly as possible that the licence has been granted. Licensing authorities may 'hold' an application where required information is missing or incorrect. Licensing authorities may also 'defer' electronic applications once if the application is particularly complicated, for example if representations are received and a hearing is required."
7. Though forms and guidance are available to download from the council's web site for the majority of licensing responsibilities, the council does not yet have it's own electronic applications facility. This facility is currently in development as part of a broader council initiative. In the meantime, electronic applications may be made via the point of single contact.
  8. All national and local licensing legislation and policy has been 'screened' to ensure that there is nothing that presents an 'artificial barrier' to cross border trade.

### **The Policing and Crime Act 2009**

9. This Act received Royal Assent on November 12 2009. The Act is wide-ranging but several provisions within part 2 of the Act are relevant to licensing:
  - Section 27 & Schedule 3 deals with the regulation of lap dancing and other sexual entertainment venues;
  - Sections 28 to 30 deal with alcohol misuse offences;
  - Section 32 & Schedule 4 deals with mandatory licensing conditions relating to alcohol; and
  - Section 33 deals with individual members of licensing authorities to become interested parties.

### **Regulation of lap dancing and other sexual entertainment venues**

10. Section 27 of the Policing and Crime Act 2009 inserts a new category of “sex establishment” called a “sexual entertainment venue” into Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the “1982 Act”). This will bring the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas. Sub-paragraphs (1), (2), (12) and (14) of the new paragraph define a “sexual entertainment venue” as premises where relevant entertainment is provided, or permitted to be provided, by or on behalf of the organiser in front of a live audience for the financial gain of the organiser or entertainer. “Relevant entertainment” may take the form of a live performance or live display of nudity and must be of such a nature that, ignoring financial gain, it must reasonably be assumed to have been provided solely or principally for the purpose of sexually stimulating any member of the audience. Sub-paragraph (14) states that an audience can consist of just one person.
11. Sub-paragraph (3), however, omits from the definition of sexual entertainment venue, any premises that:
  - has not provided relevant entertainment on more than 11 occasions within the previous 12 months;
  - no such occasion has begun within the period of one month beginning with the end of any previous occasion; and
  - no such occasion has lasted for more than 24 hours
12. Subsection (5) substitutes paragraph 12(3)(c) of Schedule 3 to the 1982 Act, which deals with refusal of licences, to allow local authorities to set a limit on the number of sex establishments of a particular type in a locality, as well as the number of sex establishments generally, and to refuse a licence on the basis that the number of establishments in the locality is equal to or exceeds the number which the authority considers appropriate.
13. Subsection (6) amends paragraph 13(2) and (3) of Schedule 3 to the 1982 Act which provides local authorities with the power to prescribe in regulations standard terms and conditions for sex establishment licences. The amendments allow local authorities to impose different standard conditions on a sexual entertainment venue compared with other kinds of sex establishment, such as a sex shop.
14. Under the new arrangements it will no longer be sufficient for a lap dancing or similar venue to operate under a premises licence issued under the 2003 Licensing Act 2003. Transitional arrangements will be confirmed under further regulations due later this year. A further report considering relevant policy issues will be put to the committee following the publication of the regulations.

### **Alcohol misuse offences**

15. The Act also amends ‘alcohol misuse offences’ contained in existing legislation. Each of these amendments came into effect on January 20 2010 under the provisions of the The Policing and Crime Act 2009 (Commencement No.3) Order

2010.

16. Section 28 of the Act amends section 147A(1)(a) of the Licensing Act 2003 (offence of selling alcohol to children on different occasions) by changing the reference to '3 or more different occasions' down to '2 or more different occasion'.
17. Section 29 amends Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (confiscation of alcohol from young persons in a public place etc) is amended so as to require that a constable who imposes a requirement on a person to hand over any alcohol intended to be consumed in a public place, may also require that person to state their name and address and, where the constable reasonably suspects that the person is under 16 years of age , to remove the person to the person's place of residency or a place of safety.
18. Section 30 creates a new offence of 'persistently possessing alcohol in a public place, being any relevant place on 3 or more occasions within a period of 12 months. 'Relevant place' includes any public place (other than 'exempted places') or any place to which the person has gained illegal entry. 'Exempted places' include licensed premises.

#### **Mandatory licence conditions relating to alcohol**

19. Section 32 of the Act introduces Schedule 4 which makes provision about mandatory licensing conditions relating to alcohol.
20. Schedule 4 has the effect of amending the Licensing Act 2003 to create an enabling power that allows the Secretary of State to set out (in secondary legislation) no more than nine new national mandatory licence conditions relating to the supply of alcohol to be applied to all new and existing premises licences and club premises certificates.
21. The first five conditions are to be introduced under The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. These conditions are set out in full in appendix A to this report but, in brief, these provide:
  - a ban on irresponsible drinks promotions such as drinking games, speed drinking, women drink for free, all you can drink for £10 etc;
  - a ban on one person dispensing alcohol directly into the mouth of another;
  - a requirement for the provision of free tap water;
  - a requirement for age verification policies to be in place, which include the checking of ID of anyone who appears to be under 18 years of age who attempts to purchase alcohol; and
  - a requirement that small measures of beers, spirits and wines are made available to customers.
22. The proposed conditions relating to drinks promotions, dispensing alcohol directly into the mouth and provision of free tap water are due to become effective on April 6 2010. The two remaining conditions are scheduled for introduction on October 1 2010. From the implementation dates the relevant conditions will apply retrospectively to relevant existing premises licences and club premises certificates and to all relevant future premises licences and club premises certificates. The condition relating to checking of ID will apply to all premises licences and club premises certificates authorising the sale or supply of

alcohol for consumption both on and off the premises. The other conditions apply only to licences and certificates authorising the sale or supply of alcohol for consumption on the premises.

23. The licensing service is making arrangements to ensure that all Southwark premises and personal licence and club premises certificate holders are provided with advance notification of the inclusion of these new conditions on licences.
24. Members will wish to note that an earlier proposal to allow local licensing authorities to impose further blanket conditions on groups of two or more premises, chosen from an accompanying set of “discretionary” conditions, and intended to deal with identified local concerns, which received some media attention, has been dropped.

### **Expansion of the definition of ‘interested parties’ to individual members of the licensing authority**

25. Section 33 of the Act came into force on January 29 2010. It had the effect of expanding the definition of “interested parties” stated within s13(3) of the Licensing Act 2003 to include all members of the licensing authority, so that elected councillors of the authority can now make representations or seek a review in their own right.
26. Elected councillors are not required to live in the vicinity or in the same ward as the licensed premises they are making a representation about, and are not required to have been requested to act by any other person or body.
27. The term “member of the licensing authority” refers only to elected councillors, and not officers or other employees of the authority.
28. Further information has been circulated to all members of the licensing authority under members’ bulletin dated February 1 2010. Full guidance on representations and reviews is available from the licensing service.

### **Department of Culture Media and Sport (DCMS) consultations - Proposed exemption for small live music events**

29. The DCMS is currently seeking views (up until 18 March 2010) on a proposal to exempt small live music events for audiences of not more than 100 people from the requirements of the 2003 Licensing Act, relating to the licensing of live music as regulated entertainment. DCMS proposes that the change would be delivered through a Legislative Reform Order.
30. The detailed consultation document sets out that the Government proposes to exempt small live music events in licensed and unlicensed premises subject to the following conditions:
  - the performance takes place wholly inside a building;
  - the audience does not exceed 100 people and is accommodated entirely inside the building where the performance is taking place
  - the performance does not take place between 11pm – 8am
  - the performance does not take place in a premises which is subject to an “exclusion decision” – (the government proposes that residents, interested parties, and RAs can apply for a premises to be excluded from the

exemption.

31. The Licensing Service is consulting with relevant responsible authorities to provide a joint response on the situation.

### **DCMS consultations – further simplification plan proposals**

32. The DCMS has also recently consulted on the next stage of its simplification plan, making the following proposals:

- To remove the requirement for licensing authorities to review licensing statements every three years on the grounds that this is unnecessary and burdensome, for all parties concerned. A requirement for local authorities to keep licensing statements under review and carry out revisions as necessary would be likely to remain;
- To remove the requirement to consult all statutory consultees for all revisions of policy, in recognition of the fact that many changes will be of limited scope and may not be of interest to stakeholders. The government therefore recommends that local authorities should only be required to consult those statutory consultees that will be affected by the revision;
- To extend the period during which an interim authority notice (IAN) can be issued or a reinstatement of the licence on transfer applied for, from seven consecutive days to 28 consecutive days, so as to allow a realistic timescale for licence issues to be addressed following the death, incapacity or insolvency of a licence holder. Related amendment to the deadline for the police to object to an IAN from 48 hours to two working days and extension of the period during which an IAN has effect from two to three months is proposed also; and
- To allow the police to issue a ‘confirmation’ of a late TEN up to three working days before a proposed event is due to commence. While the current ten day notification period is considered reasonable in most cases, it is argued that the notification is too rigid in some cases and has led to cultural loss to the community as well as financial loss to organisers. Beside this proposal are further proposals to change the current police objection period on TENs from 48 hours to either two or three working days.

### **Policy implications**

33. Each of the matters outlined above affect licensing process and practice to some extent. In most cases the effects of the changes will not impact on the council’s published licensing policy statements though amendments may be required to some of the authority’s range of published guidance notes. Where changes need to be reflected within the relevant statement(s) of licensing policy also, minor amendments will be covered by addendum notes until the time of the next major revision.
34. Of particular note, however, the introduction of the new licensing regime for lap dancing venues under the Local Government (Miscellaneous Provisions) Act 1982 will mean that the section of the Southwark statement of (alcohol / entertainment / late night refreshment) licensing policy dealing with

“entertainment involving striptease and nudity” will need to be amended and a specific policy on sex establishments licensing established alongside the existing policy statement. A new sex establishments licensing policy should include the licensing authority’s position on setting appropriate numbers of premises.

### **Community impact statement**

35. This report details a number of current licensing and related initiatives, each of which has potential positive community impacts.
36. As stated, the EU Services Directive is established with the intention of helping to remove barriers to cross border trade. However, the facility for electronic applications (which is a requirement of the Directive) will also be available for national internal use. This development supports the council’s modernisation agenda, aiding and extending electronic access to council services.
37. The extension of the current sex establishments licensing regime to include lap dancing venues, deals with a long standing local concern over the perceived flawed current legal situation by which such venues may be licensed as music and dancing venues under the Licensing Act 2003 with consideration limited to matters relevant to the four licensing objectives. This authority has been of the opinion that such applications should be subject of broader considerations, particularly location, and without this consideration local residents are not afforded appropriate protection, with matters of amenity and local redevelopment or regeneration programmes potentially affected. Indeed, this authority has made past representations to the DCMS and the Home Office on this matter. The new proposals will be welcomed.
38. Also welcomed, will be the decision to define elected ward councillors as ‘interested parties’ under the 2003 Licensing Act. This situation, which is already established within the 2005 Gambling Act, has also been the subject of representations to central government, and the ability to participate in the representations and review processes is seen as a natural extension to the ward councilors role as representative of their constituents.
39. Proposals around alcohol offences and the proposed mandatory licence conditions are all made in pursuit of the licensing objectives and help promote safe well managed venues which contribute positively to community life.
40. With regard to the consultation on relaxation of controls around live music, the council’s stated position within the statement of licensing policy is that it is supportive of moves to encourage live music, seeing this as an opportunity to broaden choice of leisure activity and enable all to experience and benefit from cultural diversity. The proposal conversely, however, has some potential impacts in terms of potential nuisance. A response to the exercise remains under consideration.

### **Resource implications**

41. There are no particular resource implications arising from the preparation of this report at this stage. The proposed new regime for licensing lap dancing clubs provides the ability for the council to recover the costs of administering the process through licence fees. This issue will be examined further in future reports.



## Consultation

42. No formal consultation has taken place in the preparation of this report.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

### Strategic Director of Communities, Law & Governance

43. The legal issues for consideration are as set out in the body of this report.
44. The Policing Crime Act 2009 has introduced some changes to the interpretation of the Licensing Act 2003. The Licensing Committee must satisfy itself that adequate arrangements are in place to deal with the changes brought about by the amendment inserted into the Act by the Policing and Crime Act 2009. Particularly, those concerning definition of who is an interested party as it relates to the ward Councilors and Members of the parliament.
45. Section 13(3) and 69 (3) have now been amended to insert "members of the Licensing Authority and Members of Parliament in the definition of interested Parties.
46. The changes mean, that there is now no requirement for the ward Councilors and the area MP to provide formal written instruction of the interested persons before they can make representation on matters affecting their wards. All that is required is to show that they represent the ward/area.

### Finance Director (ENV/SMR/22/01/2010)

47. The head of community safety and enforcement has confirmed that IT development costs arising from implementing the EU Services Directive proposals, set out in the report, will be met from central budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
EU Services Directive Policing & Crime Act 2009 Local Government (Miscellaneous Provisions) Act 1982 Southwark Statement of Licensing Policy Licensing Act 2003 Gambling Act 2005 Various associated DCMS / Home Office Guidance DCMS consultation papers	Health Safety & Licensing Unit, The Chaplin centre, Thurlow Street, London, SE17 2DG	Name : Kirtikula Read Telephone number: 020 7525 5748

## APPENDICES

No.	Title
A.	New mandatory licence conditions

## AUDIT TRAIL

<b>Lead Officer</b>	Strategic Director of Environment & Housing	
<b>Report Author</b>	Richard Parkins, Health Safety & Licensing Unit Manager	
<b>Version</b>	Final	
<b>Dated</b>	1 March 2010	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	No
Finance Director	Yes	No
List other officers here	None	None
<b>Executive Member</b>	Yes	No
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>	1 March 2010	

## Appendix A

### **The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 – Schedule of Mandatory Licence Conditions**

1(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

- (a) games or other activities which require or encourage, or are designed to require, encourage, individuals to –
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
  - (i) the outcome of a race, competition or other event or process; or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4(1). The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures



