

Item No. 7.	Classification: Open	Date: 4 November 2013	Meeting Name: Licensing Committee
Report title:		The Licensing Act 2003: Partnership Analysis of Cumulative Impact of Licensed Premises Within the Peckham Saturation Policy Area	
Ward(s) or groups affected:		Peckham, Livesey, The Lane and Nunhead Wards	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing committee agrees that it is appropriate and necessary to maintain the existing cumulative impact policy in Peckham, based on the information provided by the partnership analysis of the Peckham saturation area (July 2013), together with the additional information provided on calls received by the council's noise nuisance team.

BACKGROUND INFORMATION

2. Guidance issued by the Home Office under section 182 of the Licensing Act 2003, establishes that licensing authorities may introduce special 'saturation' or 'cumulative impact' policies, where the authority believes there are problems in its area resulting from the cumulative impact of licensed premises.
3. This authority currently has three saturation policies in place. These cover:
 - Borough and Bankside - Established in November 2009 and extended in April 2011
 - Camberwell - Established in November 2008
 - Peckham - Established in November 2008 and extended in November 2009.
4. Alongside these, a further three areas are currently under monitor. These are:
 - The Elephant & Castle
 - The Walworth Road/East Street
 - The Old Kent Road.
5. All decisions taken concerning saturation policies have been taken following consideration of available current information sources and responses from public consultation. The primary source of information throughout has been the annual partnership analysis of alcohol related violence and crime and disorder within Southwark.
6. On 12 June 2013, the council's licensing committee received the partnership analysis for 2012. The committee considered the content of the analysis and decided, having had regard to this, that it was appropriate and necessary to maintain each of the three special policy areas.

7. However, the committee noted from the analysis that hot-spot mapping of the Peckham area indicated that the current local hot-spot extended beyond the northern boundary of the area covered by the saturation policy. The committee asked for a further report, taking a closer look at the local situation in Peckham, with a view to considering in greater detail whether to go out to public consultation on a possible realignment of the boundary to coincide with the hot spot mapping. This report fulfils that request.

KEY ISSUES FOR CONSIDERATION

The partnership analysts report (July 2013)

8. An updated analysis of the Peckham saturation area has been carried out by the partnership analyst for this report. The analysis considered the position in Peckham over a six year period from July 2007 through to June 2013. This report summarises the main findings of the analysis.
9. The analysis considered statistical information for the six years on:
 - Alcohol related “violence against the person” (VAP)
 - Police disorder calls (CAD)
 - Alcohol related ambulance (LAS) calls
 - Socio-demographic information.

Violence against the person (VAP)

10. VAP figures 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, each differing in their level of severity and the impact on the victim. The crime types include:
 - Assault with injury
 - Common assault
 - Harassment
 - Murder
 - Offensive weapon
 - Other violence
 - Serious wounding.

Police disorder calls

11. Information was provided from police demand and resourcing information system (DARIS), more commonly known as computer aided dispatch (CAD) data. This is accurately mapped to XY coordinates. This system of recording now largely overcomes previous difficulties experienced concerning the accuracy of locations. This information referred to:
 - Rowdy/inconsiderate behaviour
 - Licensed premises
 - Street drinking.

Ambulance data

12. Information relating to alcohol related incidents reported to the London ambulance service (LAS) was extracted from the LAS website. The information is accurately mapped to XY coordinates.

Complaints received by the council's noise nuisance team

13. The analysis was supplemented on this occasion, by information provided on calls received by the council's noise nuisance team associated with licensed premises in Peckham over the same six year period.

The Peckham saturation area

14. A map showing the Peckham saturation area is provided at Appendix A.
15. The boundary of the Peckham saturation area commences on Peckham High Street at the junction with Kelly Avenue and progresses to Gattonby 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 Peckham High Street.
16. The Peckham saturation policy area centres on Peckham High Street and Rye Lane. It extends over a mixed commercial/residential area. As of June 2013, there were 52 premises licensed under the Licensing Act 2003, within the boundary of the policy area, for either the sale of alcohol; the provision of regulated entertainment; or the provision of late night refreshment. This represents 3.97% of the total number of licensed premises within the borough. Figures for licensed premises have remained fairly constant in Peckham over the past three years.
17. The policy applies to the following classes of premises:
 - Nightclubs
 - Public houses/bars
 - Off-licences, grocers, supermarkets, convenience stores and other similar premises.
18. As of June 2013 there were 2 nightclubs, 11 public houses and 30 off-licences, grocers, supermarkets, convenience stores and other similar premises in the area. The area also houses 9 restaurants/cafes.
19. Licensed premises are centred on Peckham High Street and Rye Lane.
20. Peckham is extremely accessible from most parts of south east London. Peckham Rye station is situated within the saturation area and the Queens Road Peckham station is just outside. The area is also served by a large network of buses running through the Elephant and Castle and Camberwell.
21. Peckham town centre has a longstanding challenge of begging and street drinking. In 2012 the Borough Commander approved a dispersal zone in Peckham enabling police officers to request those who are under the influence of alcohol and acting in an anti-social manner to leave the area.

22. In the last quarter of 2012 Peckham town centre was the focus of concerted multi-disciplinary effort around street scene and community safety issues.

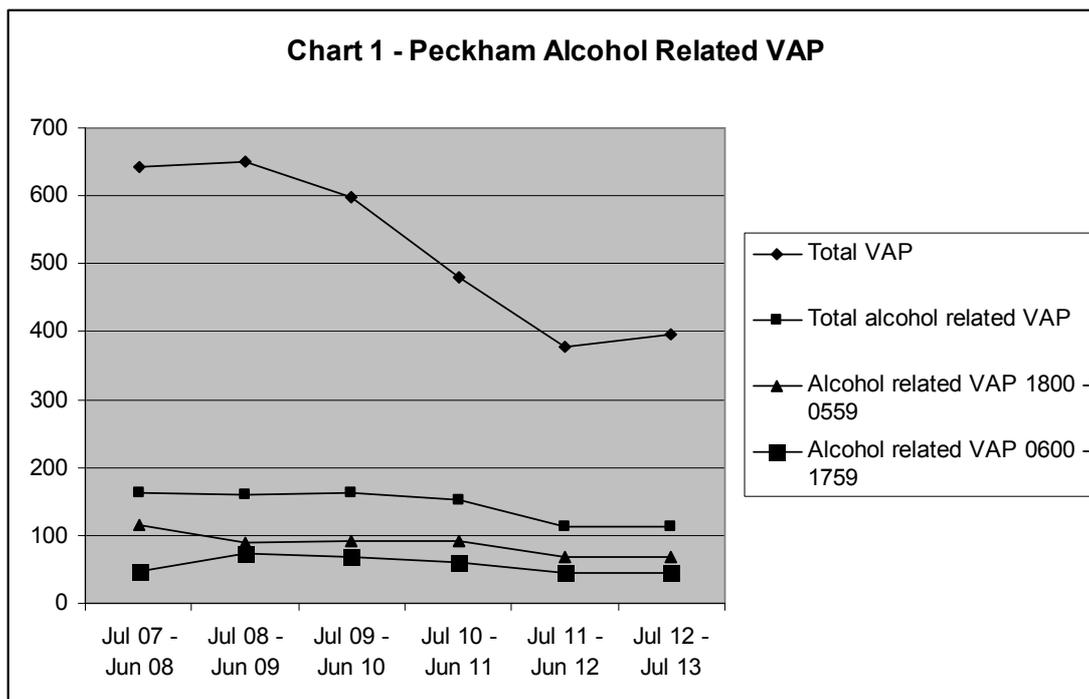
Peckham – key findings from the partnership analysis

23. Key findings from the partnership analysis are provided below.

Peckham – alcohol related VAP

24. Chart 1 (see following page) illustrates total VAP offences in Peckham over the past six years, the proportion that are alcohol related and the proportion of alcohol related VAP that takes place in the daytime (06.00 - 17.59) and evening/night (18.00 - 05.59) periods.

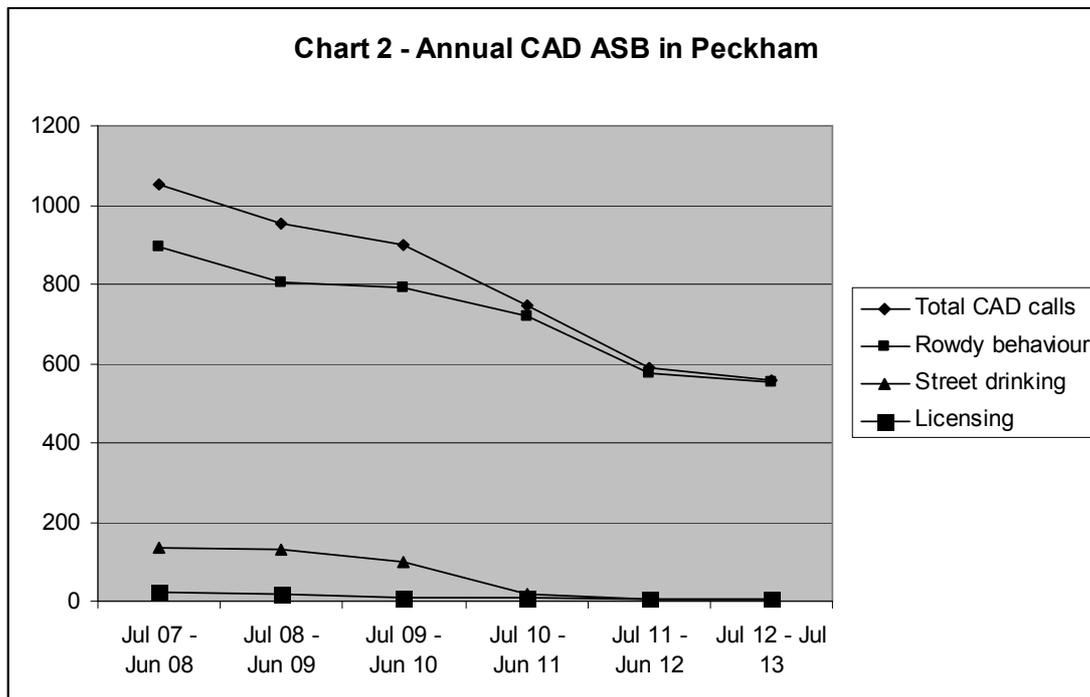
- Both total VAP and alcohol related VAP have fallen significantly in Peckham in recent years. Overall total VAP decreased by 42% in the period July 2008 - June 2009 and July 2011 - June 2012 (by 271 offences from 649 to 378). Alcohol related VAP fell by 30% in the period July 2009 - June 2010 and July 2011 - June 2012 (by 50 offences from 162 to 112).
- The latest figures, however, show that total VAP in Peckham rose slightly in the period July 2012 - June 2013 from the level in the previous year (by 19 offences from 378 to 397). This is the first increase for four years.
- The analysis indicates, however, that this slight rise in total VAP is not due to alcohol related VAP. The figures for both daytime and evening/night alcohol related VAP for the period July 2012 to June 2013 were absolutely constant with the previous year (67 offences in the evening/night period and 45 offences in the daytime period).
- Figures for total, daytime and evening/night alcohol related VAP recorded for the period July 2012 to June 2013 are all at their lowest levels across the monitor.
- The proportion of VAP that is alcohol related in the evening/night period is at a similar level to when monitoring began (approximately 42%).
- The proportion of violence considered to be alcohol related in the daytime period has fluctuated and is currently higher (19%) than when the monitor began (13%).



Peckham – Alcohol related CAD

25. Chart 2 (see following page) illustrates annual CAD/ASB in Peckham over the past 6 years, including the proportions attributable to 'rowdy behaviour', 'licensing' and 'street drinking'.
- CAD calls in Peckham have been reducing since 2007 - 2008. Overall there has been a 47% reduction in figures in the past six years (1050 calls in the period July 2007 - June 2008 down to 558 in the period July 2012 - June 2013).
 - Figures in the most recent period (July 2012 - June 2013) indicate that the rate of reduction may be slowing (5%).
 - Of the three contributing categories, 'rowdy behaviour' accounts for the majority of calls. In the period July 2012 - June 2013 99% of calls received related to 'rowdy behaviour'.
 - However, 'rowdy behaviour', 'licensing' and 'street drinking' calls are all at their lowest level since this monitor began.
 - 57% of calls are made in the daytime period (06.00 – 17.59). 43% of calls are made in the evening/night period (18.00 – 05.59). This is the only saturation area in which the daytime period receives significantly more calls than the evening/night period.
 - ASB calls in Peckham increased from 11.00 onwards, peaking between 15.00 and 1700, before slowly decreasing. Numbers significantly decreased from 01.00 onwards.
 - The analysis indicates that calls centre on the area around Peckham Square, affecting a range of businesses. There has also been a marked

number of calls concerning the area outside Peckham Space, largely relating to street drinking and begging”;

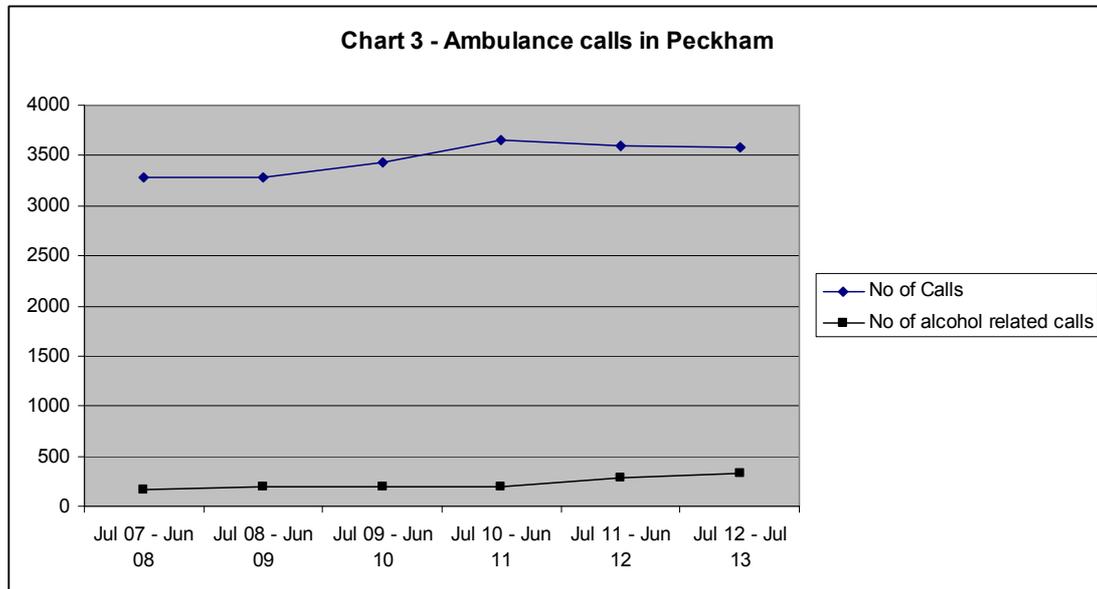


Peckham - alcohol related ambulance calls

26. Chart 3 (see following page) illustrates ambulance calls received in Peckham in the last five years including the proportion attributable to alcohol.

- The analysis shows that levels of ambulance calls in Peckham rose in the period from July 2008 - June 2011 but have recently seen a slight reduction in the past two years (3657 calls down to 3586).
- However, alcohol related ambulance calls have continued to rise in the past two years (from 194 in the period July 2010 - June 2011 to 337 in the period July 2012 - June 2013).
- Consequently, the proportion of ambulance calls in Peckham that are alcohol related now stands at 9.4%. At the start of the monitor (July 2007 - June 2008) the proportion was 5%.
- Peckham stands third highest area for figures of alcohol related ambulance calls in the borough (behind Borough and Bankside and Elephant & Castle).
- It is difficult to understand the reasons for this rise in alcohol related ambulance calls when considered against the background of falling alcohol related VAP and CAD. Further analysis of the correlation of these figures will be undertaken and reported in the future.
- The hot-spot for ambulance calls in Peckham is in the north of the saturation area.

- Alcohol related calls to the LAS increase from 13.00 onwards with specific peaks between 17.00 and 18.00, 19.00 and 21.00 and 23.00 and 0100. Saturday in particular also saw a peak time of 06.00 to 08.00.
- The analysis indicates a broad range of patients, with the peak between 30 and 49 years of age. Patients were predominantly male 82.4%.



Peckham – Noise nuisance calls

27. Table 1, below, summarises all complaints made to the council associated with (alcohol) licensed premises in the Peckham area.
28. Although the numbers have shown an increase year on year to a peak in 2011-2012 the numbers (with exception of 2011-2012) involved have generally been insignificant and have involved repeat venues. Appropriate actions were taken in all cases where nuisance was found to have been substantiated.

Year	No. of complaints received
2007-2008	2
2008-2009	4
2009-2010	15
2010-2011	10
2011-2012	31
2012-2013	10

Peckham – hot-spot mapping

29. Hot-spot mapping of alcohol related violence within Peckham over the past two and a half years indicates that this crime type has continually extended past the northern boundary of the saturation area in the day and evening/night periods. The analysis has noted that this is the only saturation policy area which has a significant 'overspill' beyond its boundary.
30. Enduring daytime hot-spots have existed around Pioneer Street and Sumner Road, extending further north to the Bells Garden Estate in 2012-2013. The evening/night period has seen a constant hotspot, almost all of which is located along Sumner Road, Pioneer Street and Jocelyn Street.
31. The analysis notes that 17 alcohol related crimes took place within the hotspot but outside of the saturation area in 2012. Analysis of these crimes show that they fell broadly into one of two categories:
 - Drunk people making their way home from licensed premises in the evening (either at taxi ranks or by foot)
 - Domestic incidents (not classified as domestic violence (DV) by the police) whereby the suspect was known to the victim of the assault.
32. There are few licensed premises immediately beyond the northern boundary of the Peckham saturation area, which is primarily residential estate. Licensed premises beyond the boundary are generally convenience stores (with one public house on Friary Road). There is limited potential for the numbers to grow in the area.

Peckham – conclusion

33. Overall, we have seen significant reductions in both alcohol related violence against the person and alcohol related disorder calls made to the police in the period since the Peckham saturation zone was first introduced in November 2008.
34. The fall in numbers is not reflected in the figures for alcohol related ambulance calls but the reasons for this are unclear. However, it is noted that peaks in ambulance calls in the area start to rise just after midday and peak in the late afternoon and early evening as well as later evening and early Saturday morning. As alcohol disorder calls made to the police are also higher for the daytime period (06.00 -17.59) than the evening/night, it is clear that local alcohol related concerns in the Peckham area are not just related to the night time economy.
35. Although alcohol related ambulance calls have increased, few have been recorded outside of the northern boundary of the saturation area. Offences recorded beyond the boundary may generally be accredited to drinking rather than directly related to local licensed premises.
36. Given this situation, there would not appear to be an evidence base for extending the saturation zone, intended to control the unrestricted growth of premises in the immediate area, beyond its current boundary. It is recommended at present, that the saturation policy be maintained in its current form, with the position continuing to be monitored.

Views from the Commissioner of Police for the Metropolis

37. The Commissioner of Police for the Metropolis supports this position.

Special saturation policies dealing with the cumulative impact of a concentration of licensed premises

38. The cumulative impact of a concentration of licensed premises is dealt with under sections 13.19 through to 13.38 of the Guidance to the Act produced by the Home Office (HO) (last revision published October 2012). 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 director of legal services (paragraphs 53-65 of this report).

39. A saturation policy may be declared where there is an evidence base showing that a significant concentration of licensed premises in an area is impacting upon the licensing objectives and the addition of each further licence is likely to have a disproportionate impact on crime and disorder, or nuisance.

40. The evidence base 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
- Examine trends over a period of time.

41. 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.

Community impact statement

42. This report considers the cumulative impact of licensed premises specifically in the Peckham area. It also considers the extent to which the existing special saturation policy has helped to mitigate the impact and whether the boundary of the policy area should be adjusted to reflect current hot-spot mapping.

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

44. 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. However, operators will have to demonstrate that their business proposals do not further impact on the identified concerns within the locality.

45. The existence of a special policy does not automatically mean that applications made within a special policy area will be refused. If no representations are received, it will remain the case that an application must be granted in the terms that are consistent with the operating schedule submitted.
46. Applicants will be expected to provide information in their operating schedules to address the special policy issues identified, 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.

Resource implications

47. This report does not contain any new resource implications. Work undertaken in relation to maintenance of saturation areas may be contained within existing resources.

Consultations

48. No public consultations have taken place as part of the preparations of this report. Any decision to amend or remove any of the current saturation areas will initiate public consultation in accordance with section 5(3) of the Licensing Act 2003.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

49. The council's statement of licensing policy may include saturation policies in respect of particular areas, which address issues relating to the "cumulative impact" of a number of licensed premises in that area.
50. Although the Licensing Act 2003 ("the 2003 Act") does not contain specific statutory provisions relating to the review and revision of saturation policies, the council must have regard to the general requirements of the 2003 Act and the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act.
51. Section 5(4) of the 2003 Act states that the council must keep its licensing policy under review and make appropriate revisions where necessary.
52. Paragraph 13.31 of the guidance goes further and states that saturation policies should be reviewed regularly to assess whether they are still needed or whether they need to be expanded.
53. If, following a review, the council considers it appropriate to revise the saturation policies contained within the licensing policy then it must follow the statutory procedure contained in section 5 of the 2003 Act.
54. Sections 5(3) and 5(5) of the Act require that before revising any such policy the licensing authority must first consult with the local police, fire service and representative bodies of local residents, businesses and premises licence holders. The council must also publish details of any revisions.
55. Any decision to revise a saturation policy within the statement of licensing policy should have an evidential basis which demonstrates that the cumulative

impact of licensed premises in an area is having an impact on crime and disorder and/or public nuisance.

56. If the council wishes to extend any saturation policy within the borough, it 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.
57. The decision to expand a saturation policy should only be made where, after considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the Act, the licensing authority is satisfied that it is appropriate and necessary.
58. There are limitations associated with special policies. Most important of these are:
 - 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 the consumption off the premises. The inclusion of such types of premises must be justifiable, having regard to the evidence obtained through the consultation process.
 - 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.
 - 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.
 - 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.
 - Special policies cannot justify and should not include provisions for a terminal hour in a particular area.
 - Special policies must not impose quotas that would restrict the consideration of any application on its individual merits.
59. The statement of licensing policy must not be inconsistent with the provisions of the 2003 Act and must not override the rights 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. The council also 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.

60. The council must have due regard to its public sector equality duty (PSED) under the Equality Act 2010 (the 2010 Act), in particular the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity for those with protected characteristics and foster good relations between those with and without such characteristics. The list of protected characteristics is set out in the 2010 Act.
61. An equality impact assessment (EQIA) has been carried out in relation to the council's statement of licensing policy to ensure that the council's public sector equalities duties are complied with. The EQIA has identified no issues in relation to the PSED. These recommendations do not propose any change to that policy, however an EQIA would need to be carried out if changes were proposed.

Decision making arrangements

62. Saturation polices form part of the statement of licensing policy.
63. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, decisions relating to licensing matters cannot be the responsibility of an authority's executive.
64. The 2003 Act provides that whilst the majority of the functions of the licensing authority, are to be taken or carried out by its licensing committee, decisions relating to the statement of licensing policy cannot be delegated in such a way. The decision on whether to amend the statement of licensing policy must therefore be taken by council assembly.
65. If the licensing committee felt that changes to the licensing policy, such as amending a saturation policy, were appropriate this would need to be referred to council assembly.

Strategic Director of Finance & Corporate Services

66. This report recommends that the licensing committee agrees to maintain the existing saturation policies in the Peckham area; and to continue to monitor the cumulative impact of licensed premises.
67. The strategic director of finance and corporate services notes the resource implications contained within the report and that there are no financial implications as a result of accepting the proposals. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003. Associated secondary regulations. Home Office Guidance to the Act. Southwark Statement of Licensing Policy. Partnership analysis Information provided by the Environmental Protection Team.	The Health Safety Licensing & Environmental Protection Unit, Hub C, Third Floor, 160 Tooley Street. London, SE1	Name: Mrs Kirtikula Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Map of the Peckham special saturation policy area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Richard Parkins; Health Safety Licensing and Environmental Protection Unit Manager	
Version	Final	
Dated	23 October 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional/ Team	23 October 2013	