

<b>Item:</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 3 November 2014	<b>Meeting Name:</b> Licensing Committee
<b>Report title:</b>		The Licensing Act 2003: partnership analysis of alcohol related violence in Southwark for 2013 and consideration of cumulative impact of licensed premises	
<b>Wards or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATIONS

1. That the committee agrees that, based on the content of the partnership analysis of alcohol related violence in Southwark for 2013, it is appropriate and necessary to maintain the existing special cumulative impact policies in:
  - a) Borough and Bankside
  - b) Camberwell
  - c) Peckham.
  
2. That the committee agrees that on the basis of the analysis, it is appropriate and necessary to also continue to monitor the situation in:
  - a) Elephant and Castle
  - b) Old Kent Road
  - c) Walworth Road / East Street.

## BACKGROUND INFORMATION

3. The Home Office issues and regularly updates guidance to local licensing authorities under section 182 of the Licensing Act 2003. The most recent edition was issued in June 2014. The guidance establishes that the potential 'cumulative impact' on the promotion of the licensing objectives of a significant number of licensed premises, operating in one area, is a proper matter for a licensing authority to consider in developing its licensing policy statement.
4. In support of this, licensing authorities may introduce a special 'cumulative impact policy' (CIP) or 'saturation policy' where the authority is able to demonstrate evidence of cumulative impact within a specific area.
5. The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant, or variation of premises licences, or club premises certificates, which are likely to add to the existing cumulative impact will normally be refused, or subject to certain limitations.
6. This authority currently has three special 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).
7. Three further areas are also under current monitor. These are:
- Elephant and Castle
  - Old Kent Road
  - Walworth / East Street.
8. Each decision taken to establish a special policy has followed consideration of available current information sources and full public consultation.
9. Once adopted, special policies should be reviewed regularly to assess whether they continue to be necessary or should amended or removed. The primary source of information for reviewing the continuation of the policies since their introduction has been the annual partnership analysis of alcohol related violence and crime and disorder within Southwark. This report updates the committee on the most recent analysis, for 2013, with special regard paid to the current situation within the three current special policy areas and those areas under monitor.
10. Based upon the analysis, the committee is recommended to maintain each of the three current CIPs through to the next analysis and also to continue to monitor the three additional areas. However, it is also open to the committee to consider whether any of the policies should be amended or revoked, or other areas placed under consideration. If the committee is minded to either amend or revoke any CIP, then public consultation will be necessary.
11. The CIPs are central to the Southwark statement of licensing policy which is under review. Decisions taken by the licensing committee will be incorporated into the statement of policy review process.

## **KEY ISSUES FOR CONSIDERATION**

### **The 2013 partnership analytical report**

12. The Safer Southwark Partnership analysis of alcohol related violence was published on 10 June 2014. The analysis comprises three parts as follows:
- Alcohol related violence Southwark 2013 (see Appendix A)
  - Alcohol related violence - Identified saturation areas 2013 (see Appendix B)
  - Alcohol related violence - Proposed saturation areas 2013 (see Appendix C).
13. Together the analytical report provides full statistical information for 2013 on:
- Alcohol related “violence against the person” (VAP)

- Information taken from the police DARIS (commonly known as CAD) crime and disorder database (dealing with alcohol related “disorder and rowdiness” or ‘anti-social behaviour’ (ASB)).
  - Data provided by the London Ambulance Service (LAS) on alcohol related calls.
  - The cost of alcohol related harm in Southwark.
  - General alcohol related health data.
14. Appendix A to this report provides the headline analysis and an overview across Southwark. Appendices B and C provide specific detailed information in respect of the policy areas and the additional areas under consideration. This report provides summary information.

### **Violence against the person**

15. 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, 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.

### **Alcohol related CAD / ASB data**

16. Statistics reproduced in the partnership analytical report from police CAD data collect information on calls to the police regarding:
- Rowdy / inconsiderate behaviour
  - Licensed premises
  - Street drinking.
17. Section 1.3 of Appendix A sets out the methodology used for capturing data for both violence against the person and alcohol related CAD / ASB data and the limitations of the data provided.

### **Ambulance / health data**

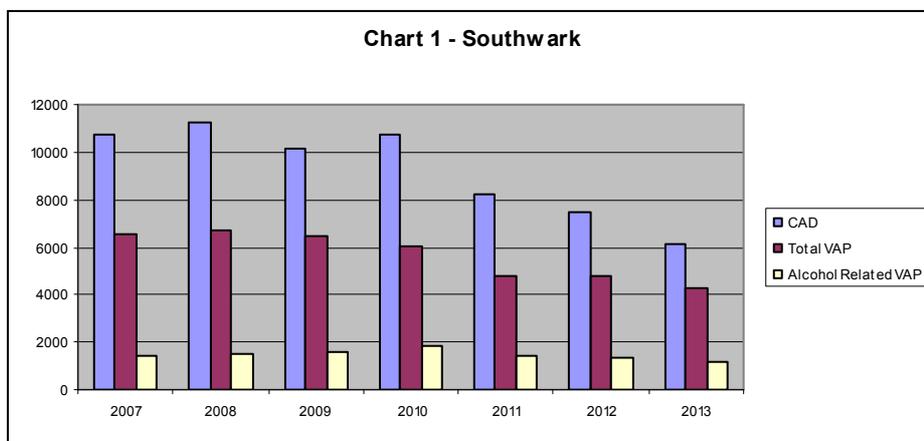
18. Information relating to alcohol related calls received by the London Ambulance Service (LAS) has been extracted from the LAS website. Other alcohol related health data has been drawn from the Southwark profile compiled and published by the North West Public Health Observatory (which has the national remit for alcohol).

## General Southwark overview

19. A full analysis of the overall situation within Southwark, including background and context to the information, is given in Appendix A. The key findings of the general analysis are set out below and represented in chart 1 (see following page):
  - Overall, Southwark is experiencing very positive decreasing levels of alcohol related VAP and figures are currently at their lowest levels since the monitor began in 2007.
  - Alcohol related VAP reduced by 17% (from 1375 offences to 1147 offences) between 2012 and 2013. The highest level of reduction (25%) was experienced in the night-time period between 0000 and 0559. Daytime alcohol related violence (between 0600 and 1759) reduced by 14%. Evening / night-time alcohol related violence (between 1800 and 0559) reduced by 18%.
  - CAD / ASB data also saw a significant decrease between 2012 and 2013 with 18% fewer calls received.
  - The cost to Southwark of alcohol related violence saw a reduction in 2013 from 2012 of some £351,342 (approximately 3.6%) to £9,309,902.
  - Balanced against this, however, alcohol related health impacts remain of concern.
  - The LAS experienced a 10% increase in alcohol related calls across Southwark when comparing 2013 with 2012. While this level of increase is consistent with that being experienced across London, Southwark remains fourth in the borough rankings behind Westminster, Lambeth and Camden.
  - Both Southwark alcohol specific hospital admissions for males and Southwark admission episodes for alcohol attributable conditions are significantly worse than the national average.
20. The data analysis highlights a contradiction of falling figures for alcohol related VAP and CAD but increasing alcohol related calls to the LAS. Changes in the police recording systems for CAD between 2010 and 2011 and again in October 2013 may have accounted for some of the reduction indicated here.
21. However, this will not be the sole reason for reducing CAD and VAP. Other likely contributing factors are:
  - The impact of the partnership night-time economy team, first established in 2011, which has provided a high-visibility presence and partnership policing approach within the night-time economy. This has helped to improve both the working relationships and communications between the enforcement agencies and premises management and front of house staff.
  - The increasing reliance that has been placed in recent years upon risk assessed and intelligence informed premises inspection. This has led to

high risk and problem activities being targeted in place of routine inspection activity.

- There has been increasing use of the licence review process to deal with problem premises - reflected in the fact that in 2013 the licensing committee considered the highest level of licence reviews (18) conducted by this authority in one calendar year.
- There has been increasing partnership working activity, generally between the police, the council and other partner agencies, addressing matters of concern around the late night economy; premises management; and the availability of alcohol.
- Alcohol harm issues have received increasing profile in the media, which has raised awareness of the health impacts of high risk and harmful levels of alcohol consumption and will have impacted upon individual drinking habits.
- There has been an increasing industry focus on more socially responsible premises management which has improved management practices in many premises.
- Reductions in personal disposable income during the downturn in the economy may have contributed toward reduced levels of alcohol consumption.



### The special Southwark CIP areas

22. The positive decline in both alcohol related VAP and CAD/ASB is reflected across each of this authority's three current CIP areas. The reductions are represented graphically within charts 2 – 4 on the following page. Detail of each of the three CIP areas follows, with full analysis of the current situation provided within Appendix B.

### Borough and Bankside CIP (Appendix B pages 7 to 16)

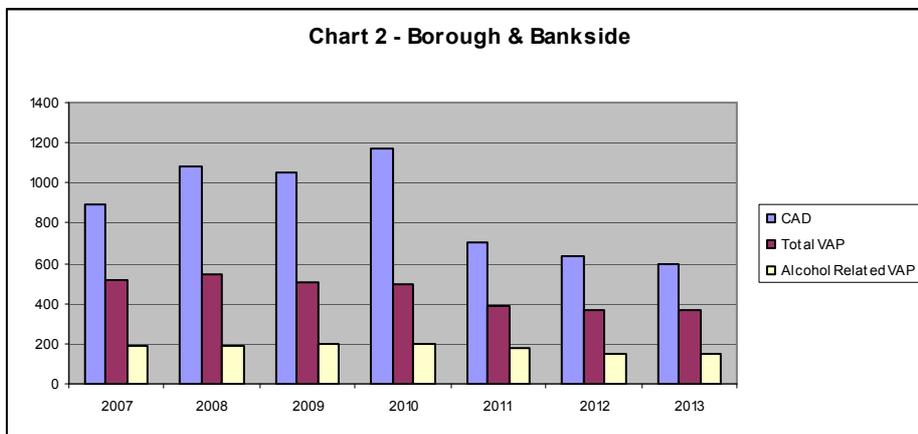
23. A map of the current Borough and Bankside CIP area is provided on page 7 of Appendix B to this report. The boundary of the area follows the Lambeth border on the Thames south through Waterloo Road / St George's Circus / Borough Road / Borough High Street / Long Lane / Crosby Row / Snowsfields /

Bermondsey Street then directly north to the river frontage and west back to the Lambeth border. This is the largest of the six areas currently either subject of a CIP or under monitor.

24. The area is densely filled with shops, restaurants and bars. Many hold late licences. At the time of the analysis some 248 premises were licensed for the sale or supply of alcohol within the area. This represents a reduction of one single premises from 2012 and 24% of the total of 1041 alcohol licensed premises within the borough. Of these there are 90 cafes/restaurants, 73 public houses, 30 supermarkets/off licences/convenience stores. The policy currently applies to night-clubs/public houses and bars/restaurants and cafes/off-licences, supermarkets and grocers.

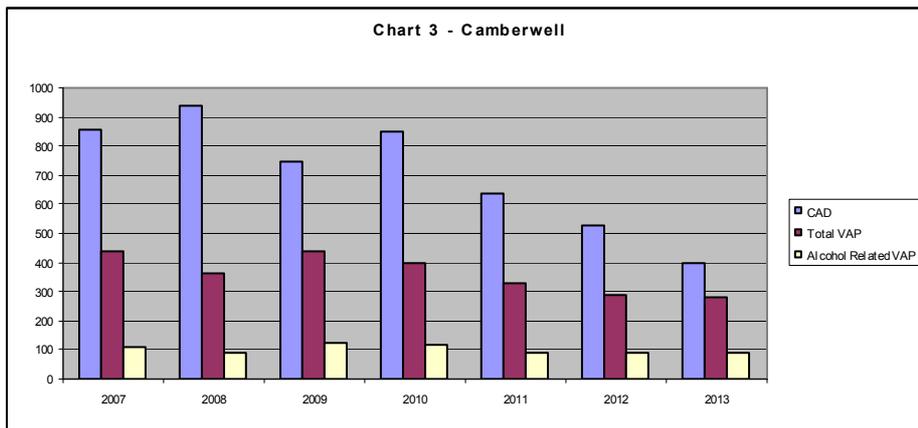
25. Of particular relevance, Borough and Bankside:

- Is a significant tourist destination with easy access to and from the city centre which experiences a very heavy footfall. The Tate Modern, Shakespeare’s Globe, Borough Market and Guy’s Hospital are all located within its area.
- Continues to be subject of considerable regeneration and development. Recent and ongoing developments include the Shard and the London Bridge and Blackfriars British Rail Stations.
- Is the borough’s major transport hub with the London Bridge overground station, bus and underground terminal here.
- Has Southwark’s most prominent night time venue, the Ministry of Sound on its boundary, with other large venues including the Pulse within its area.
- Has had the partnership night-time economy team based within its area since 2011 with the team’s primary footprint located within its boundary.
- Has an established and well attended pub watch supported by police and relevant council officers.
- Includes the community drug and alcohol team (CDAT) located within the area.



### Camberwell CIP (Appendix B pages 17 – 26)

26. A map of the Camberwell CIP area is provided on page 17 of Appendix B. The boundary of the policy area begins at Camberwell New Road at the junction with Wyndham Road and progresses through 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 following the Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road to the start.
27. The CIP is concentrated around the Camberwell Green crossroads. It incorporates numerous public houses, bars and restaurants in a relatively small area. At the time of the analysis there were 67 premises licensed for the sale of alcohol within the Camberwell area. This figure remains consistent from the previous year and represents 6% of the total alcohol licensed premises in Southwark. This figure includes 25 convenience, supermarket, off licence and other stores, 24 restaurant/cafes and 12 public houses. 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.
28. Of particular relevance:
- While the area is not directly serviced by rail or tube, it is one of the main bus interchanges in the borough. Camberwell is connected to central London by Camberwell Road to the north and Camberwell New Road to the west. The closest rail stations are Denmark Hill station and Loughborough Junction station.
  - Kings College Hospital is located on the southern edge of the saturation area.



### Peckham CIP (Appendix B pages 27 – 36)

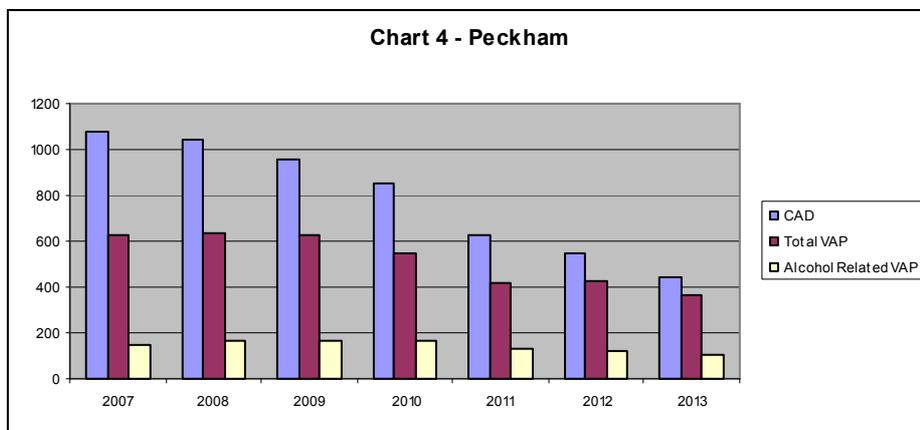
29. A map of the Peckham CIP area is provided on page 27 of Appendix B. The boundary commences on Peckham High Street at the junction with Kelly Avenue and progresses to Gattonby Street / Sumner Road / Jocelyn Street / across Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / 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.

30. The Peckham CIP centres on Peckham High Street and Rye Lane. It extends over a mixed residential and commercial area, with many public houses, late night eateries and convenience stores present. At the time of analysis there were 60 premises licensed for the sale of alcohol within the Peckham area. This figure represents an increase of three premises from 2012 and 5.8% of the total alcohol licensed premises in Southwark. This figure includes 27 convenience stores, supermarkets, off-licences and similar, 13 public houses and nine cafe / restaurants. 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.

31. Of particular relevance:

- Peckham is extremely accessible from most parts of SE London with Peckham Rye Station within the CIP area and Queens Road station just outside. There is also a large network of buses serving the area, running through the Elephant and Castle and Camberwell.
- There is a newly reinstated pub watch and business watch in the area.
- The area has been subject of targeted partnership work across community safety services which has led to notable street and town centre improvements.



### Southwark CIP area conclusions

32. Within each of the three CIP areas, alcohol related VAP and CAD/ASB are reducing and have reached their lowest levels since 2007. This would indicate that the introduction of the CIPs has had a positive effect.

33. However, these positive results are tempered by the fact, in each of the three CIP areas London Ambulance Service calls have increased. Concerns remain across Southwark over LAS calls and alcohol related health harms which indicate there is further room for improvement. The analytical review highlights:

- There has been a 9% increase in alcohol related LAS calls in Southwark in 2013, compared to 2012.

- In the Borough and Bankside saturation area alcohol related calls increased by 30% (an increase of 160 calls) in 2013 compared to 2012.
  - In Camberwell there has been a 12% increase (22 additional calls) in 2013 compared to 2012.
  - In Peckham levels of alcohol related LAS calls slowly rose from 2007 to 2011 with steeper increase experienced through to 2012. Although there has been a slight decrease of 8% (21 calls) in 2013 compared to 2012 figures, the number of calls received was still around 90 calls higher than in 2007.
34. In the light of these increases it is recommended that the licensing committee support the case for the retention of the policy areas for the present.

#### **Areas under monitor**

35. The downward trend in both alcohol related VAP and CAD/ASB is also reflected across each of the three additional areas under monitor: Elephant and Castle, Old Kent Road and Walworth Road / East Street. Full details are provided within Appendix B to this report. The reductions are represented graphically within charts 5 - 7 on the following pages.

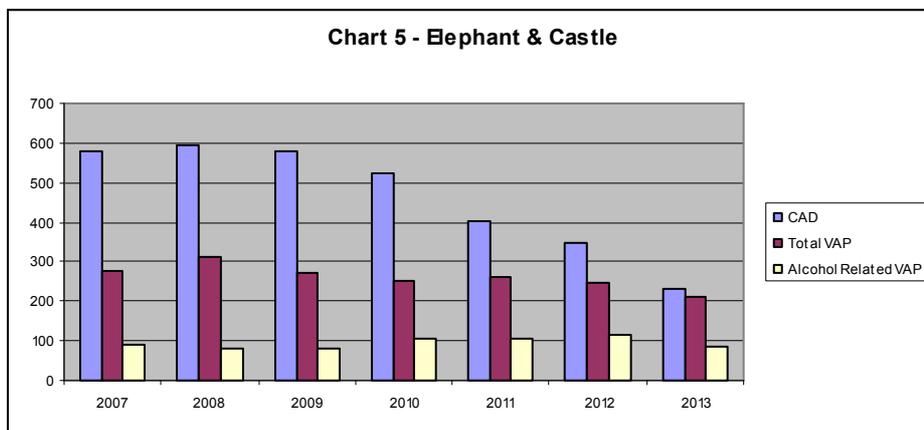
#### **Elephant & Castle (Appendix C pages 7 – 16)**

36. For the purposes of this monitoring exercise the Elephant and Castle area has been defined by the following boundary: From the junction of Southwark Bridge Road and Borough Road following east along Borough Road to Newington Causeway then south to the railway line and across New Kent Road to Elephant Road and into Walworth Road. Then south down Walworth Road to Hampton Street / Howell Walk / Newington Butts / Kennington Lane / Brook Drive / Hayles Street / St George's Road / Garden Row / London Road / Thomas Doyle Street and back to the junction of Southwark Bridge Road. A map of the area is provided on page 7 of Appendix C.
37. At the time of the analysis, there were 46 premises licensed for the sale or supply of alcohol within the area. This figure represents an increase of 3 premises since the last monitor and 4.4% of the current total alcohol licensed premises in the borough. It includes 18 cafe / restaurants; 10 supermarkets, convenience, off licence and other stores; 7 public houses; and 5 night clubs.
38. The area takes in the Elephant & Castle shopping centre and surrounds. The Elephant & Castle is well served by transport facilities with British rail and London underground lines located here, plus many bus routes. The Elephant & Castle station is the second busiest train station in Southwark after London Bridge. Many people choose to travel to the Elephant & Castle to socialise in the evening. Situated within this area are two of the borough's largest capacity venues - the Ministry of Sound nightclub in Gaunt Street and the Coronet in the New Kent Road.
39. Chart 5 indicates that, overall, while recorded figures for violence against the person have fallen by 33% (102 incidents) and police disorder calls by 61% (344 incidents) since the highest levels recorded in 2008, figures for alcohol

related violence have shown a small increase (6% and 5 incidents) over the same period. Additionally, while there has been a 5% decrease in alcohol related ambulance call outs between 2012 and 2013 this follows considerable increases (circa 35%) the two years previously.

40. Some other local considerations are:

- Elephant and Castle is currently subject of a £1.5 billion, 55 acre regeneration programme. This will create a pedestrian town centre, market square, homes, retail space, transport hubs and green spaces. The first phase of the demolition of the neighbouring Heygate estate is under way, including Rodney Road, and it is anticipated that works will be completed by the end of 2015. There are also a number of public realm and private developments taking place in the area, including the recently completed Strata Tower, the redevelopment of parts of the Newington estate and plans to redevelop the nearby Pullens estate.
- A recent services mapping exercise undertaken by the Divisional Business Team showed that Cathedrals and the area to the north of the borough has extremely high levels of students. The number of students in area predicted to rise to 3,500 (just in Cathedrals) by 2020.
- Foundation 66, a service offering support for those with alcohol addictions, as well as running a day programme for those completely abstinent from all illicit substances is located within this area.
- The area is on the edge of the night-time economy team's footprint. The area and venues situated here receive regular monitoring visits from the combined police / council team on weekend nights.

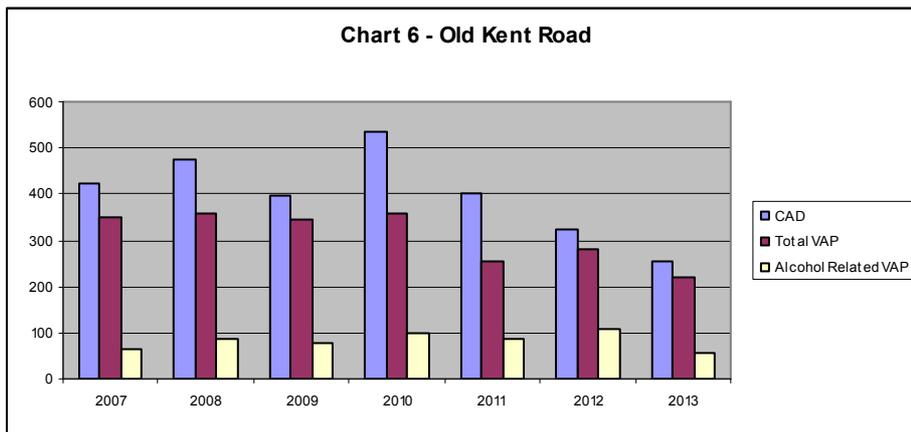


**Old Kent Road corridor (Appendix C pages 17 – 26)**

41. For the purposes of this monitoring exercise the Old Kent Road corridor has been defined by the following boundary: From the Bricklayers Arms roundabout at the northern end follow south to the Lewisham border, 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 on page 17 of Appendix C to this report. Once a central late night entertainment location, the area has developed over recent years and now comprises a broader mix of residential and commercial premises, including

several large superstores and many smaller independent outlets. The eastern entrance to Burgess Park is located along the road.

42. At the time of the analysis there were 41 premises licensed for either the sale or supply of alcohol in the Old Kent Road area. This figure represents a reduction of one premises from 2012 and 3.9% of total licensed premises in the borough. It includes 17 supermarket, convenience, off licence and other stores (including 1 x 24 hour), 13 cafes / restaurants and six public houses. Premises licensed to sell alcohol are clustered to the north of the Old Kent Road, around the Dunton Road / East Street junctions and the south, approaching the boundary with Lewisham.
43. Chart 6 below indicates considerable decreases in violence against the person (38% and 136 incidents from 2010 high); in alcohol related violence (50% and 54 incidents from 2012 high); and police disorder calls (53% and 282 incidents from 2010). However, the level of alcohol related London Ambulance Service calls has steadily increased year on year, with a dramatic increase in the previous reporting period. While 2013 saw a slight decrease (5% and 7 calls) levels remain at a higher rate and have not returned to the relatively low levels of 207 to 2011.

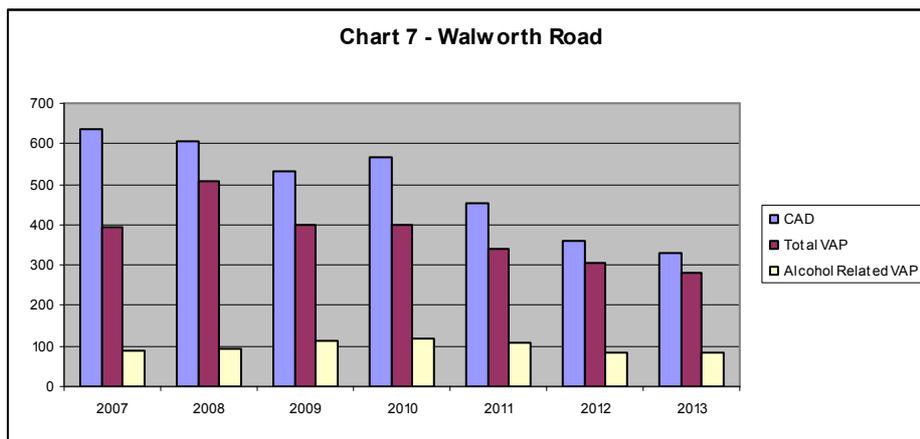


**Walworth Road / East Street (Appendix C pages 27 – 36)**

44. For the purpose of this monitor the area is defined by the following boundary: Starting at the junction of the Walworth Road with Browning Street moving north-east following Stead Street / Rodney Road / Flint Street and Thurlow Street as far as Inville Road. Then across Roland Way into Poland Street to Albany Road / Walworth Road / John Ruskin Street / Pelier Street / Fielding Street / Penrose Street / Penton Place and Manor Place back to the start. A map of the area is provided on page 27 of Appendix C.
45. At the time of the analysis there were 42 premises licensed for either the sale or supply of alcohol in the Walworth Road / East Street area. This figure represents a reduction of three premises from 2012 and 4.0% of the total licensed premises in the borough. It includes 20 supermarkets, convenience, off-licence and other stores, 13 cafe/restaurants and seven public houses.
46. The Walworth area is an extremely busy thoroughfare in Southwark, linking Elephant and Castle with Camberwell. It is serviced by numerous bus routes and is very accessible from most of South-East London. The area under

monitor not only incorporates the Walworth Road but a great deal of the surrounding area including a large residential population. The area also includes numerous commercial premises and the East Street market. The market is especially busy on Friday, Saturday and Sunday.

47. In Walworth chart 7 again demonstrates falling figures across violence against the person (45% and 229 incidents from 2008); alcohol related violence (26% and 31 incidents from 2010); and police disorder calls (48% and 304 incidents from 2007). However, following two consecutive years of decreases and the lack of change in the last report, there has been a 29% increase (33 incidents) in the number of alcohol related ambulance calls to this area in the most recent period.



### Areas under monitor – conclusions

48. As detailed within this report, all of the areas under monitor show downward trends in alcohol related VAP and CAD/ASB in 2013. Two of the areas, Elephant and Castle and Old Kent Road also experienced low levels of falls (5%) in LAS calls in 2013. In both these areas, however, this followed periods of more dramatic increases. The Walworth area saw a significant increase (29%) in the number of LAS calls to the area received. Due to the underlying concerns over alcohol related health harm impacts it is recommended that these areas remain under monitor for the present.

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

49. In order to be able to consider the issues around CIPs fully, it is important to understand the concept of cumulative impact and special policies. Members' attention is therefore drawn to the key points of the guidance set out in the supplementary advice from the director of legal services (paragraph 59 onward).
50. A CIP 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. Essentially, that 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.
51. 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**

52. This report considers the extent to which CIPs continue to be appropriate and necessary within the Borough and Bankside, Camberwell and Peckham areas, in helping to control the direct impacts of the leisure and night-time economy on the local community.
53. CIPs 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.
54. While, conversely, CIPs 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.
55. 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.
56. 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.

### **Resource implications**

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

### **Consultation**

58. No public consultations have taken place as part of the preparations of this report. Any decision to amend or remove any of the current CIP 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**

59. The council's statement of licensing policy may include special policies in respect of particular areas, which address issues relating to the "cumulative impact" of a number of licensed premises in that area.
60. Although the Licensing Act 2003 ("the 2003 Act") does not contain specific statutory provisions relating to the review and revision of CIPs, the council must have regard to the general requirements of the 2003 Act and the statutory guidance issued by the Secretary of State under s.182 of the 2003 Act.
61. Section 5(4) of the 2003 Act states that the council must keep its licensing policy under review and make appropriate revisions where necessary.
62. Paragraph 13.31 of the guidance goes further and states that CIPs should be reviewed regularly to assess whether they are still needed or whether they need to be amended.
63. If, following a review, the council considers it appropriate to revise a CIP contained within the licensing policy then it must follow the statutory procedure contained in Section 5 of the 2003 Act.
64. 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.
65. Any decision to revise a CIP 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.
66. If the council wishes to extend any CIP 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.
67. The decision to expand 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.
68. There are limitations associated with special policies. Most important of these are:
  - 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 those modifications are directly relevant to the policy and are strictly appropriate for the promotion of the licensing objectives.
  - Special policies must not impose quotas that would restrict the consideration of any application on its individual merits.
69. 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. 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.
70. 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.
71. 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**

72. CIPs form part of the statement of licensing policy.
73. 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.
74. 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.
75. If the licensing committee felt that changes to the licensing policy, such as amending a CIP, were appropriate this would need to be referred to council assembly.

## Strategic Director of Finance and Corporate Services

76. This report recommends that the licensing committee agrees to maintain the existing CIPs in the Borough and Bankside, Camberwell and Peckham areas and to continue to monitor the cumulative impact of licensed premises.
77. 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 Latest partnership analysis reports	The 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	Safer Southwark Partnership – Alcohol Related Violence – Southwark 2013
Appendix B	Safer Southwark Partnership – Alcohol Related Violence – Identified saturation Areas 2013
Appendix C	Safer Southwark Partnership – Proposed saturation areas 2013

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Richard Parkins, Health Safety Licensing and Environmental Protection Unit Manager	
<b>Version</b>	Final	
<b>Dated</b>	21 October 2014	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	22 October 2014	