

Item No. 7.	Classification: Open	Date: 20 June 2017	Meeting Name: Licensing Committee
Report title:		Partnership Analysis of Alcohol Related Violence Southwark 2017 & Consideration of Cumulative Impact of Licensed Premises Within Borough & Bankside; Camberwell and Peckham and areas under monitor.	
Ward(s) or groups affected:		Cathedrals; Chaucer, Grange, Riverside, Camberwell Green, Brunswick Park, South Camberwell, Faraday, Peckham, Livesey, The Lane, East Walworth, Newington, South Bermondsey and Nunhead.	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the committee notes the content of the partnership analysis of alcohol related violence in Southwark for 2017 and agrees that on the basis of the analysis, it is appropriate and necessary to maintain the existing saturation policies in:
 - a) Borough and Bankside
 - b) Camberwell
 - c) Peckham.
2. The committee also agrees to keep the following areas under review:
 - Walworth Road / East Street
 - Elephant & Castle
 - Old Kent Road.

BACKGROUND INFORMATION

3. Guidance issued under section 182 of the Licensing Act 2003 by the Home Office, establishes that licensing authorities may introduce special 'saturation policies' where the authority believes there are problems in its area resulting from the cumulative impact of licensed premises.
4. This authority currently has three special saturation policies in place. These cover:
 - Borough and Bankside (established in November 2009. Extended in April 2011)
 - Camberwell (established in November 2008)
 - Peckham (established in November 2008. Extended in November 2009).
5. Decisions to establish each of the special policy area have been taken following consideration of available current information sources and 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. This report updates the committee on the most recent analysis, for 2017, paying particular regard to the current situation within the three special policy areas.

7. Based upon the content of the analysis, the committee is recommended to maintain each of the three saturation areas through to the next analysis. However, it is also open to the committee to consider whether any of the policies should be amended or revoked. If the committee is minded to either amend or revoke any saturation policy, then a round of public consultation will be necessary.
8. The committee is also asked to consider the position in three further areas of the borough where the cumulative impact of licensed premises is under ongoing monitor. These areas were set by the Licensing Committee on 12 June 2013.
9. The areas under review are:
 - The Walworth Road / East Street
 - The Elephant & Castle
 - The Old Kent Road.

KEY ISSUES FOR CONSIDERATION

The Cumulative Impact Policy (CIP) review 2017

10. The analytical report provides full statistical information for 2016 on:
 - Alcohol-related crime, extracted from the Police crime recording information system (CRIS). Domestic abuse allegations were not included in the extraction.
 - Alcohol related ambulance (LAS) calls.
 - For the first time the analysis also covers alcohol related thefts, it is included as theft the main volume crime type, associated with licensed premises, across London.
 - Borough wide hot spot mapping for was used to plot the areas of higher incidents in comparison to the CIP area to ascertain the suitability of the boundaries.
 - More detailed analysis was conducted for each of the CIP areas and monitoring areas.

11. Key findings within established CIP areas:

Borough and Bankside

- The boundary of the area is suitably placed to capture the highest intensity of alcohol-related violence and theft.
- Ambulance call-outs to alcohol-related incidents were also concentrated within the boundary.
- Long term trends show reductions in comparison to 2013 in ambulance callouts, from 460 to 357, and thefts from 133 to 72.

- There is an increase in alcohol related violence in long term trends, from 88 to 127.
- There is a slight increase of alcohol related violence in comparison to 2015 of two additional incidents.

Camberwell

- The Camberwell boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft.
- Ambulance call-outs to alcohol related incidents are also concentrated within the boundary.
- Long-term trends show relative consistency in violence, ranging from 55 to 70 and theft, ranging from 19 to 26.
- In 2016 there were fewer thefts recorded than in 2015, 26 to 19.
- Ambulance callouts showed a long-term increase within the area.

Peckham

- The Peckham area boundary is also suitably placed to capture the highest intensity of alcohol-related violence and theft.
- Ambulance call-outs to alcohol-related incidents were also concentrated within the boundary.
- Long-term trends show a reduction in alcohol-related thefts, from 45 to 20.
- Ambulance alcohol-related callouts also show a reduction from 240 to 174).
- Incidents of alcohol-related violence increased in 2016 compared to 2015 from 61 to 78.

12. Key findings within monitored areas:

Walworth Road / East Street

- The boundary for the area under monitoring is suitably placed to capture the highest intensity of alcohol-related violence and theft.
- Ambulance call outs to alcohol related incidents were also concentrated within the boundary.
- Long term trends show a reduction in alcohol-related ambulance callouts.
- There is an increase in alcohol related violence until 2015 from 62 to 79, followed by a reduction of 10 violent incidents recorded in 2016.
- Alcohol-related thefts have been in decline since 2014, from 28 to 14.

Elephant & Castle

- The Elephant & Castle boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft.
- Ambulance call outs to alcohol related incidents are also concentrated within the boundary.
- Overall incidents remained the most consistent within this CIZ compared with the others.
- Theft and violence both recorded reductions in 2016 compared with 2015.

Old Kent Road

- The Old Kent Road corridor boundary is suitably placed to capture the highest intensity of alcohol-related violence and theft from the area.
 - Ambulance call outs to alcohol-related incidents were also concentrated within the boundary.
 - The long term trend depicted a reduction in alcohol-related thefts from 20 to 14 and violence from 34 to 31.
 - Ambulance callouts also show a long term trend of reduction from 97 to 68.
 - Ambulance incidents and alcohol violence increased before reducing in 2016.
 - Thefts increased through 2014 to 2016, from 9 to 14, but remained under 2013 levels of 20.
13. Appendix A to this report provides the analysis data with comparison to an overview across Southwark and details of each CIP areas and areas under review.

Community Impact Statement

14. This report considers the extent to which saturation policies 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.
15. 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.
16. 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.
17. 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.

18. 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

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

Consultation

20. 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 Law and Democracy

21. Pursuant to section 5 of the Licensing Act 2003, each licensing authority at least every 5-years must determine its policy in respect to exercise its licensing functions and publish a statement of that policy (a "licensing statement").
22. 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.
23. 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 s.182 of the 2003 Act.
24. Section 5(4) of the 2003 Act states that the council must keep its licensing policy under review and make appropriate revisions where necessary.
25. Paragraph 14.32 of the section 182 Licensing Act 2003 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.
26. 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 s.5 of the 2003 Act.
27. 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.
28. 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.

29. 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.
30. 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.
31. 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.
32. 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.
33. Whilst yet to be given a commencement date, section 141 of the Policing and Crime Act 2017 amend the Licensing Act 2003 to include alcohol impact assessment

areas, giving them a new statutory footing. Section 141 of the Act expected to be commenced later in 2017.

34. 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.
35. 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

36. Saturation polices form part of the statement of licensing policy.
37. 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.
38. 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.
39. 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 and Governance

40. This report recommends that the licensing committee agrees to maintain the existing saturation policies in the Borough and Bankside, Camberwell and Peckham areas; and to continue to monitor the cumulative impact of licensed premises.
41. 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	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

APPENDICES

No.	Title
Appendix A	Cumulative Impact Policy (CIP) review 2017

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	David Franklin, Licensing Team Leader	
Version	Final	
Dated	31 May 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		6 June 2017