

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date</b> 7 November 2018	<b>Meeting name:</b> Licensing Committee
<b>Report title:</b>		The Licensing Act 2003 – Statement of Licensing Policy analysis of Druid Street area on crime and anti-social behaviour	
<b>Ward(s) or groups affected:</b>		London Bridge & West Bermondsey South Bermondsey	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the statistics do not support that it is either appropriate and/or proportionate to change the Southwark Statement of Licensing Policy with regards to introducing a cumulative impact policy (CIP) area in Druid Street and the surrounding area.

## BACKGROUND INFORMATION

2. The Southwark Statement of Licensing Policy 2016-2020 was consulted on with residents and other stake holders before being recommended for adoption by the Licensing Sub-Committee on [02 November 2015](#)
3. The Policy was considered and adopted by Council Assembly on [25 November 2015](#) and came into affect from 01 January 2016.
4. The Licensing Act 2003 has been amended to include Section 5A which brings the ability for the Licensing Authority to introduce cumulative impact policy areas into statute.
5. 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); and
  - Peckham (established in November 2008. Extended in November 2009).
6. 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.
7. The licensing sub-committee has seen a steady increase in licensing applications for the Druid Street area, which is also known as the Bermondsey Beer Mile. Concerns have been raised of the use of the outside area by the licensed premises. In the Notice of Decision identified “the sub-committee are acutely conscious that the area is predominantly a residential are, with a housing estate opposite these licensed premises. It is for this reason this Licensing Sub-Committee recommends that the Licensing Team investigate and report to the Licensing Committee on 2 October 2018 on the viability of going to public consultation of the Druid Street area becoming a cumulative impact area in Southwark’s Statement of Licensing Policy 2020 -2024.” A copy of the Barrel Project variation dated 01/07/13 is included in appendix A.
8. This report presents to the committee the analysis for a proposed CIP for the Druid Street area.

9. Based upon the content of the analysis, the committee is recommended not to introduce the Druid Street area as a CIP.
10. 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.

## **KEY ISSUES FOR CONSIDERATION**

### **Druid Street and surrounding area crime and anti-social behaviour analysis**

11. The area under consideration included Druid Street from Tower Bridge Road, Maltby Street, Abbey Street, Neckinger, Stanworth Street, Tanner Street and Enid Street.
12. The analysis looked at a 13 month period between July 2017 to July 2018 and was split into two parts, crime and anti-social behaviour.
13. There were three reported incidents of violent crime relating to railway arch licensed premises in the 13 month period.
14. For street based (non-estate) crime in the area there is no notable difference between any day of the week. As the majority of licensed venues in the area are not open Monday to Wednesday, it would suggest crime levels do not rise significantly given the extra footfall to the area.
15. Local estate based crime is generally lower on Saturdays and Sundays, when most premises are open all day. This could suggest that the extra footfall actually reduces the opportunity for crime on the nearby estates.
16. The frequency of street based crime is very low. There are no clear peaks, with crime spread throughout the week. There is no clear seasonality to the crime, which could suggest minimal crime and disorder impact of the presence of the venues and associated patrons in the area.
17. Anti-social behaviour calls levels received in the area to both the Police and Council are low.
18. A copy of the Druid Street and surrounding area crime and anti-social behaviour analysis is available as appendix B.
19. The cumulative impact policy review report 2017 looks at the Borough as a whole and maps violent crime, disorder and ambulance call outs across the Borough. The Druid street area does not feature significantly within the report and is not highlighted as high a crime area within the Borough.
20. A copy of the cumulative impact policy review report 2017 is available as appendix C.

### **Community Impact Statement**

21. The Southwark statement of licensing policy recognises that responsible business operators that run, safe, well managed venues and facilities and are prepared to work together with their local community will provide benefit to that community. The policy equally recognises that irresponsible business operators who fail to provide good management practices are likely to have negative impacts on the community.
22. As such, the statement of policy sets out to achieve a necessary balance between providing a platform upon which responsible business operators may contribute toward a thriving business and late night economy while ensuring that the quality of life of those who live and work in the borough is protected and enhanced through the licensing system.

23. Central to this, is a licensing process which aims to be inclusive and ensures that local community concerns are understood, debated and resolved. This is supported by offering broad support to licensees, through the range of involved authorities, to establish best practice management, and by a strong directed enforcement resource.
24. Furthermore, the council, as licensing authority, monitors the impacts of its licensing decisions through regular partnership analysis of statistical information on alcohol related crime and disorder; calls to the police regarding disorder and rowdiness; ambulance 'pick-up' statistics; and noise nuisance calls to the council.

### **Resource implications**

25. 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**

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

27. 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").
28. 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.
29. 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.
30. S.5(4) of the 2003 Act states that the council must keep its licensing policy under review and make appropriate revisions where necessary.
31. Paragraph 14.2 of the guidance goes further and states that saturation policies should be kept under review to assess whether they are still needed or whether they need to be expanded.
32. 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.
33. 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.
34. The decision to revise Southwark' Statement of Licensing 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.

35. Section 5A(1) states that a licensing authority may publish a cumulative impact assessment stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.
36. A cumulative impact assessment must set out the evidence for the authority's opinion.
37. 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.
38. 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.
39. 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**

40. Cumulative impact policies form part of the statement of licensing policy.
41. 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.
42. 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.
43. 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 & Governance**

44. The strategic director of finance and governance 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 Regulatory Services, Hub 1, Third Floor, 160 Tooley Street. London, SE1	Name: Mrs Kirtikula Read Phone number: 020 7525 5748 <a href="mailto:licensing@southwark.gov.uk">licensing@southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix A	Barrel Project notice of decision
Appendix B	Druid Street and surrounding area crime and anti-social behaviour analysis
Appendix C	Cumulative impact policy review report 2017

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	David Franklin, Team Leader Licensing	
<b>Version</b>	Final	
<b>Dated</b>	10 September 2018	
<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 Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional</b>	24 October 2018	