

Item: 8.1	Classification: Open	Date: July 9 2008	Meeting Name: Council Assembly
Report title:	The Licensing Act 2003 – Consideration of local saturation policies in Camberwell, Peckham & Shad Thames		
Ward(s) or groups affected:	Camberwell Green, Brunswick Park, Peckham, The Lane, Livesey, Nunhead, Riverside & adjoining wards		
From:	Strategic Director of Environment and Housing		

RECOMMENDATIONS

1. That council assembly approves the recommendation of the licensing committee that a local saturation policy is appropriate and necessary to address the effects of the cumulative impact of licensed premises in Camberwell, Peckham and Shad Thames;
2. That, in the event that the assembly approves the introduction of a local saturation policy in any one or more of the areas set out in paragraph 1, the boundaries should be
 - (I) at paragraph 27 for Camberwell;
 - (II) at paragraph 43 for Peckham; and
 - (III) at paragraph 66 for Shad Thames.
3. That, in the event that the assembly approves the introduction of a local saturation policy in any one or more of the areas set out in paragraph 1, the classes of licensed premises to which the policy shall apply should be
 - (i) at paragraph 29 for Camberwell;
 - (ii) at paragraph 45 for Peckham; and
 - (iii) at paragraph 68 for Shad Thames.
4. That, in the event that the assembly approves the introduction of a local saturation policy in any one or more of the areas set out in 1 above, the Southwark statement of licensing policy be amended as proposed within paragraph 87 of this report.

BACKGROUND INFORMATION

5. Statutory guidance on the Licensing Act 2003, permits licensing authorities to consider the adverse cumulative impact of licensed premises on a local area and to implement a policy that seeks to restrict the further increase of licensed premises in that area. This is known as a saturation policy.
6. Since the introduction of the Licensing Act 2003 in November 2005, the council's licensing committee has been monitoring available information sources that might help to gauge the cumulative impact, particularly in terms of crime and disorder and nuisance, of licensed premises on their locality. Reports

are scheduled to be provided at six-monthly intervals following the release of the latest relevant statistical information.

7. On 21 June 2007, having considered available evidence and submissions from the local community, the committee decided to begin formal public consultation on proposals to introduce saturation policies in three areas of the borough: Camberwell, Peckham and Shad Thames.
8. Consultation took place between 1 August and 31 October 2007. Responses to that consultation were collated and analysed and reported back to the committee on 13 May 2008 for consideration, together with the latest statistical information.
9. At the meeting of 13 May 2008 the licensing committee considered the report and took submissions from several of the respondents to the consultation. Having considered the available information the committee decided to recommend council assembly to introduce saturation policies in each of the three areas under consideration. The committee also recommended that, in the event that the assembly should approve these recommendations, the geographical boundaries and classes of premises that should apply be as set out in this report.
10. For information, the committee continues to monitor the position regarding saturation in four other areas of the borough – the Elephant & Castle, Herne Hill, Old Kent Road and Waterloo / Bankside.

KEY ISSUES FOR CONSIDERATION

General

11. In reaching its recommendations of 13 May 2008, the committee has considered
 - a) statistics on (alcohol related) “violence against the person” (VAP);
 - b) statistics on calls to the police regarding “disorder and rowdiness” associated with licensed premises;
 - c) statistics on noise nuisance complaints received by the Council;
 - d) statistics on ambulance pick-ups; and
 - e) submissions made to the consultation exercise.
12. All information is repeated within this report for council assembly’s consideration.
13. Statistics on VAP and disorder and rowdiness cover the past five six-month periods, commencing June 2005 to November 2005 (the last period before the introduction of the Licensing Act 2003) and moving through to the latest reported period May – November 2007 (released by the council’s partnership analytical team on 6 March 2008). A copy of the partnership’s full analysis is attached as appendix A to this report.
14. Information on noise nuisance complaints received by the council was updated by the environmental protection team at the 13 May 2008 committee meeting and it is this updated information that is repeated here. This latest information considers complaints of noise nuisance received since the start of the new licensing regime in November 2005.

15. Information relating to ambulance pick-ups extends only through to the period ending May 2006. No more recent information is yet available.

Overview of the situation in Southwark

Violence against the person

16. VAP figures reproduced in the analytical report have attempted to capture incidents that are likely to be related to alcohol between the hours of 23.00 and 03.59, excluding incidents of domestic violence. The category of violence against the person incorporates a number of individual crime types including murder, grievous bodily harm, actual bodily harm, common assaults, the possession of offensive weapons, harassment and other violent crime.
17. VAP figures across Southwark for the most recent six-month period (Jun – Nov 07) show
 - a) an 11% decrease on the last pre-2003 Act period (Jun – Nov 05); and
 - b) a 14% decrease on the previous comparable 6 month period (Jun – Nov 06).
18. Total VAP figures across Southwark for the past 12 month period (Dec 06 – Nov 07) show an 11% decrease on the previous comparable 12 month period (Dec 05 – Nov 06) being the first year after the introduction of the 2003 Licensing Act.

Disorder / rowdiness

19. Disorder / rowdiness figures collect all calls to the police regarding disturbances in licensed premises, disorder or rowdiness between 23.00 and 03.59.
20. Disorder / rowdiness figures across Southwark for the most recent six-month period (Jun – Nov 07) show
 - a) an 8% decrease on the last pre-2003 Act period (Jun – Nov 05);
 - b) but a 49% rise on the previous comparable 6 month period (Jun – Nov 06).
21. Total disorder / rowdiness figures across Southwark for the past 12 month period (Dec 06 – Nov 07) show a 37% increase on the previous comparable 12 month period (Dec 05 – Nov 06) being the first year after the introduction of the 2003 Licensing Act.

Overview of assessment on behalf of Southwark Environmental Protection Team

22. In 2008, the council's environmental protection team separately carried out a noise mapping exercise which considered the licensed premises that had given rise to complaints of noise nuisance and the numbers of complaints received since the beginning of the new licensing regime (November 2005) through to 31 March 2008.
23. As suggested, the dataset used dealt only with those noise nuisance complaints that had been attributed by the investigating officer to licensed premises. During the noise mapping exercise, the environmental protection

team was aware of complaints in connection with “noise in street”. However, these types of complaints are not currently recorded on any system, either within the authority or on police systems. Therefore, it is recognised that currently there is an element of under-reporting. Officers are looking to address this in future reports.

24. Overall the number of complaints during the period November 2005 to 31 March 2008 attributed to licensed premises was 588. The range of complaints covers noise, odours, premises alarms and construction.
25. The exercise revealed that across Southwark licensed premises are responsible for 2.35% of the total of nuisance complaints received.

Ambulance service pick-ups

26. Information on ambulance service responses (between the hours of 23.00 and 03.59 has been reported up until the period Dec 05 – May 06. No new figures are yet available beyond this.

Camberwell

Overview of the situation in Camberwell

27. For the purposes of the consultation exercise the proposed Camberwell saturation area was defined by the following boundary – Starting at Camberwell New Road at the junction with Wyndham Road progressing to Camberwell Road / Bowyer Place / Edmund Street / Benhill Road / Wilson Road / Graces Road / Graces Mews / Camberwell Grove (via alley) / Grove Lane / De Crispigny Park / Denmark Hill (following Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road to the start. A map of the area is provided at appendix B1.
28. At the time that the analytical report was prepared there were 76 premises licensed under the Licensing Act 2003 for either the sale or supply of alcohol and / or the provision of regulated entertainment and / or the provision of late night refreshment in the proposed Camberwell saturation area. This constitutes some 6.8% of the licensed premises within Southwark. This figure includes 22 restaurants / cafes, 20 public houses / wine bars and 12 licensed grocers.
29. For the purposes of the consultation exercise it was proposed that in the event that a saturation policy should be introduced in the Camberwell area it should apply to the following classes of licensed premises: restaurants / cafes; public houses / bars; off-licences / supermarkets / grocers; take-aways and night-clubs.
30. VAP figures for the most recent six-month period (Jun – Nov 07) indicate
 - a) that 6.2% of total VAP took place in the Camberwell area;
 - b) a 20% decrease on the last pre-2003 Act period (Jun – Nov 05); and
 - c) a 27% decrease on the previous comparable six-month period (Jun – Nov 06).
31. Total VAP figures for the most recent 12 month period (Dec 06 – Nov 07) show a 29% decrease on the previous comparable 12 month period (Dec 05 – Nov 06) being the first year after the introduction of the 2003 Licensing Act.

32. Disorder / rowdiness figures for the most recent six-month period (Jun – Nov 07) indicate
 - a) a 13% decrease on the pre-2003 Act period (Jun – Nov 05);
 - b) but a 45% rise on the previous comparable six-month period (Jun – Nov 06).
33. Total disorder / rowdiness figures for the most recent 12 month period (Dec 06 – Nov 07) show an 30% increase on the previous comparable 12 month period (Dec 05 – Nov 06) being the first year after the introduction of the 2003 Licensing Act.
34. Ambulance service pick-ups stood at 12 in the period June to November 2005 and fell to 9 in the next six-months (Dec 05 to May 06).

Consultation responses

Response from Planning on the Camberwell proposal

35. Part of the proposed area for saturation in Camberwell is designated in the Southwark Plan (UDP) July 2007 as the Camberwell Neighbourhood Area which seeks to improve the quality and range of services in the area, enhancing the arts, cultural and leisure and retail provision and also seeks to promote active frontages to increase vitality, safety, footfall and create a sense of place.
36. Furthermore, part of the proposed saturation site is designated as a possible site in the Southwark Plan (Site 59P: 272-304 Camberwell Road). The Southwark Plan states that a required use on this site is A class uses which includes shops, restaurants and cafes, drinking establishments and hot food takeaways (The Town and Country Planning (Use Classes) Amendment) (England) Order 2005).
37. The proposed saturation in policy is therefore at odds with both of the Southwark Plan policies stated above and prior to the introduction of the saturation policy, alternative measures should be employed such as those suggested in the Mayor of London's Good Practice Guidance (2007).

Response from Environmental Protection Team on the Camberwell proposal

38. The overall number of noise nuisance complaints arising within the Camberwell area within the period considered is 83 from 17 different licensed premises, which represents approximately 14.1% of the total. The complaints have been spread out through the period. The main cause of complaint has been due to loud music. Some 41% of the complaints have been about one particular premises. However, following several prosecutions for breach notice conditions and completion of sound insulation works, complaints have ceased.

Response from Commissioner of Police for the Metropolis on the Camberwell Proposal

39. The commissioner of police for the metropolis advises that the introduction of a saturation policy in the Camberwell area is supported.

General consultation responses on the Camberwell proposal

40. In addition to the responses outlined above a further 35 responses were received to the consultation on the pro-forma questionnaire provided. Sixteen responses were submitted from individuals who identified that they hold either a premises licence; a personal licence; or a club premises certificate under the Licensing Act 2003. Nineteen responses were submitted from individuals who hold no licences but live in or around the area or state that they represent local residents. General consultation responses are summarised in Appendix B2 to this report. Where respondents have stated that they represent either local businesses or local residents this is noted. The summary includes references to submissions by councillors Ian Wingfield and Veronica Ward and also to detailed submissions from Mr N W Roskill and Jeremy Bennett of the Southwark alliance board, which were provided in full to the 13 May 2008 licensing committee.
41. Of the sixteen respondents who identified that they hold licences under the act, twelve (75%) support the introduction of a saturation policy in the Camberwell area. Three respondents (18.75%) do not support the introduction of a policy. One respondent was undecided. Of the twelve respondents who support a policy, all but one agree with the proposed boundary of the area. The respondent concerned believing that the boundary should be extended. Similarly, only one respondent from this group does not agree with the classes of premises proposed to fall under any policy. No alternative suggestion is made, however.
42. All (100%) of the nineteen respondents who identified that they lived in or around the Camberwell area or represented local residents support the introduction of a saturation policy in Camberwell. Of these 89% agree with the boundary proposed under the consultation exercise. One respondent suggests the area could be reduced to concentrate on the Camberwell Green / Coldharbour Lane area. Another suggests it be extended to take in the area around East Dulwich rail station. Five respondents suggest amendments to the classes of premises proposed to be included under any policy. Two respondents propose the inclusion of private members clubs; while two others suggest that the policy be limited to night clubs and bars; and the fifth suggests that restaurants serving substantial meals and closing before midnight be omitted.

Peckham

Overview of the situation in Peckham

43. For the purposes of the consultation exercise the proposed Peckham saturation area was defined by the following boundary – commencing at Peckham High Street at the junction with Sumner Avenue progressing via Jocelyn Street / Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / Bournemouth Road / Rye Lane / Choumert Road / Bellenden Road North and returning to Peckham High Street at the junction with Sumner Avenue. A map of the area is provided at appendix C1.
44. At the time that the analytical report was prepared there were 44 premises licensed under the Licensing Act 2003 for either the sale or supply of alcohol and / or the provision of regulated entertainment and / or the provision of late night refreshment in the proposed Peckham saturation area. This represents

3.85% of the total of licensed premises in Southwark. This figure includes 9 restaurant / cafes, 9 public houses / wine bars and 6 licensed grocers.

45. For the purposes of the consultation exercise it was proposed that in the event that a saturation policy should be introduced in the Peckham area it should apply to the following classes of licensed premises – restaurants / cafes; public houses / bars; off-licences / supermarkets / grocers; take-aways; and night clubs.
46. VAP figures for the most recent six-month period (Jun – Nov 07) indicate
 - a) that 7.9% of total VAP took place in the Peckham area;
 - b) a 36% increase on the last pre-2003 Act period (Jun – Nov 05); and
 - c) a 61% increase on the previous comparable six-month period (Jun – Nov 06).
47. Total VAP figures for the most recent 12 month period (Dec 06 – Nov 07) show a 73% increase on the previous comparable 12 month period (Dec 05 – Nov 06) being the first year after the introduction of the 2003 Licensing Act.
48. Disorder / rowdiness figures for the most recent six-month period (Jun – Nov 07) indicate
 - a) a 24% increase on the pre-2003 Act period (Jun – Nov 05); and
 - b) a 100% increase on the previous comparable six-month period (Jun – Nov 06).
49. Total disorder / rowdiness figures for the most recent 12 month period (Dec 06 – Nov 07) show an 45% increase on the previous comparable 12 month period (Dec 05 – Nov 06) being the first year after the introduction of the 2003 Licensing Act.
50. Ambulance service pick-ups remained constant at 3 in each period (Jun – Nov 05 and Dec 05 – May 06).
51. It is worthy of note that since the last analysed period, one major night-club within the Peckham area has had it's premises licence revoked by the council's licensing committee and one local off-licence has had it's premises licence suspended for 3 months. The revocation decision, in particular, can be expected to have an impact on the local situation.

Consultation responses

Response from Planning on the Peckham proposal

52. The planning policy team is currently preparing an area action plan for Peckham which will set out the council's plans for the regeneration and development of Peckham over the next 10 to 15 years. The area action plan is still at an early stage and as yet the planning policies for Peckham which will be included in the action plan have not yet been decided. However it is likely that a potential option for the area action plan may be to encourage development of an evening economy in Peckham.
53. At present Peckham town centre experiences limited pedestrian activity in the evenings which is often considered to increase crime and fear of crime.

Increasing the footfall and pedestrian activity in quiet areas is a recognised solution to reducing both incidences of crime and fear of crime as it increases surveillance, human activity and interaction (English Partnerships, Urban Design Compendium, 2007).

54. A study carried out in Peckham (Peckham Town Centre Strategy, Peckham Partnership, 2001) referred to the issue of the lack of evening activity, bars and restaurants in Peckham town centre and the need to attract more people into the town centre in the evening. Furthermore the Peckham Spatial Study which was prepared in 2006 by Intelligent Space Partnership states that there is poor natural surveillance in Peckham town centre and that crime 'hotspots' such as Queens Road and Peckham High Street are also areas which experience low pedestrian flows.
55. The evidence presented above suggests that incidences of crime and fear of crime is more likely to affect areas with limited pedestrian activity. In relation to Peckham town centre, the issue of low pedestrian activity is confined to the evening as during the daytime, Peckham experiences high numbers of pedestrian activity (Peckham Spatial Study, 2006).
56. One way to increase pedestrian activity in the evenings is to encourage a night time economy through the establishment of bars, cafes and restaurants. As well as helping to reduce crime and the fear of crime, the establishment of evening activities can help to strengthen and diversify the local economy, improve the image of an area and enhance the vitality and viability of the town centre (Planning Policy Statement 6: Planning for Town Centres, Office of the Deputy Prime Minister, 2005).
57. The introduction of a saturation policy in Peckham would effectively make it more difficult to obtain a licence for a variety of different types of premises including bars, cafes and restaurants. This may discourage potential businesses from locating in Peckham, restricting the development of the night-time economy, reducing market confidence in Peckham and preventing economic development and regeneration.
58. Furthermore one particular street included in the potential saturation zone is Bellenden Road, a successful neighbourhood renewal area in which a thriving 'cafe culture' has played a significant role in its regeneration. Imposing a saturation policy in such an area where cafes and restaurants have contributed so positively to regeneration is wholly illogical.
59. The mayor of London recently produced best practice guidance entitled "Managing the night time economy" (2007). Sections 7.16 - 7.19 of the guidance are referred to in paragraph 85 below.
60. Prior to the introduction of the saturation policy, alternative measures should be explored such as those suggested in the Mayor of London's Good Practice Guidance (2007).

Response from Environmental Protection Team on the Peckham proposal

61. The overall number of noise nuisance complaints arising in the Peckham area within the period under consideration was 19 from 6 different premises, which represents 3.2% of the total. The complaints have been spread out throughout the period. The main cause of the complaints has been due to loud music and

premises alarms (6 complaints), with one premises causing 37% of the complaints. The main body of the complaints arose in 2006 with nothing recorded recently.

Response from the Commissioner of Police for the Metropolis on the Peckham Proposal

62. The commissioner of police for the metropolis advises that the introduction of a saturation policy in the Peckham area is supported.

General consultation responses on the Peckham proposal

63. In addition to the responses outlined above a further 22 responses were received to the consultation on the pro-forma questionnaire provided. Eleven responses were submitted from individuals who identified that they hold either a premises licence; a personal licence; or a club premises certificate under the Licensing Act 2003. Eleven responses were submitted from individuals who held no licences but lived in or around the area. General consultation responses are summarised in appendix C2. Where respondents have stated that they represent either businesses or local residents this is noted. The summary includes reference to detailed responses submitted from the Peckham town centre management group (PTCMG); the Peckham pub-watch; and on behalf of local ward councillors Graham Nardell; Susan Jones; and Mark Glover, which the committee received in full. Both the Peckham pub-watch and the Peckham town centre management group addressed the committee at the 13 May 2008 meeting.
64. Of the eleven respondents who identified that they hold licences under the Act eight (73%) support the introduction of a saturation policy in the Peckham area. Three respondents (27%) do not support the introduction of a policy. Of the eight respondents who support a policy, 100% agree with the boundary of the area and also the classes of premises proposed under the consultation exercise.
65. Of the eleven respondents who identified that they lived in or around the area or represented local residents nine (82%) support the introduction of a saturation policy in the Peckham area Two respondents (18%) do not support the introduction of a policy. Of the nine respondents who support a policy three do not agree with the boundary proposed under the consultation exercise. One respondent calls for the inclusion of Peckham Park Road; another for the inclusion of Southampton Way; and a third for the extension of the boundary in Bellenden Road. It should be noted that the extension of the boundary in Bellenden Road is supported in the submission from Councillors Nardell, Jones and Glover at Appendix C4.

Shad Thames

Overview of the situation in Shad Thames

66. For the purposes of the consultation exercise the proposed Shad Thames saturation area was defined by the following boundary – commencing at Tower Bridge progressing by Tower Bridge Road / Tooley Street / Shad Thames / river frontage (including the moored vessels) and returning to Tower Bridge. A map of the area is provided at Appendix D1.

67. At the time that this report was prepared there were 34 premises licensed under the Licensing Act 2003 for either the sale or supply of alcohol and / or the provision of regulated entertainment and / or the provision of late night refreshment in the proposed Shad Thames saturation area. This figure represents approximately 3% of the total number of licensed premises in the borough. It includes 16 restaurants / cafes, 7 public houses and 6 vessels.
68. For the purposes of the consultation exercise it was proposed that in the event that a saturation policy should be introduced in the Shad Thames area it should apply to the following classes of licensed premises – restaurants / cafes; public houses / bars; off-licences / supermarkets / grocers; take-aways; night clubs and vessels.
69. VAP figures relating to the Shad Thames area for the most recent 6 month period (Jun – Nov 07) recorded only 6 incidents (1.1% of the total for the borough). Whilst this is a 50% increase on the last pre-2003 Act period (Jun – Nov 05) and 600% increase on the Jun – Nov 06 figure, this relates to only 2 & 5 additional recorded VAP crimes respectively.
70. Disorder / rowdiness figures for the most recent 6 month period (Jun – Nov 07) show a 45% decrease on the pre-2003 Act period (Jun – Nov 05) and a 25% decrease on the previous comparable 6 month period (Jun – Nov 06). Total disorder / rowdiness figures for the past 12 month period show a 11% decrease on the previous comparable 12 month period (Dec 05 – Nov 06) being the first year after the introduction of the 2003 Licensing Act.
71. There were no ambulance service pick-ups in the period June to November 2005 and one in the next six-months (Dec 05 to May 06).

Consultation responses

Response from Planning on the Shad Thames proposal

72. The proposed area for saturation is designated in the Southwark Plan (UDP) July 2007 as a strategic cultural area. Strategic cultural areas are defined in the London Plan (2004), indicating an area which contains internationally important cultural institutions (policy 3D.4).
73. The Southwark Plan seeks to protect and enhance the provision of arts, cultural and tourist facilities in Shad Thames. Restaurants, bars and cafes are closely linked to tourism, arts and cultural uses and help to complement the provision of such facilities by attracting visitors and encouraging them to stay in the area. This has clear local economic benefits.
74. Prior to the introduction of the saturation policy, alternative methods should be explored such as those suggested in the Mayor Of London's Good Practice Guidance (2007).

Response from Environmental Protection Team on the Shad Thames proposal

75. The overall number of complaints in the area is 67 from 9 different licensed premises, which represents approximately 11.4% of the total. The complaints have been spread out through the period. The main cause of the complaints is due to loud music and odours (9 complaints). One particular premises caused 73% of the complaints but has since had its premises licence reviewed with

additional measures added to the licence. Since this action there has been no further complaint about the premises. The environmental protection team has made visits to the area recently during the evenings with no concerns noted.

Response from the Commissioner of Police for the Metropolis on the Shad Thames proposal

76. The commissioner of police for the metropolis advises that the introduction of a saturation policy in the Shad Thames area is supported. In supporting the introduction of a saturation policy the commissioner suggests that restaurants serving alcohol primarily for consumption with table meals be excluded.

General consultation responses on the Shad Thames proposal

77. In addition to the responses outlined above a further 27 responses were received to the consultation on the pro-forma questionnaire provided. Nine responses were submitted from individuals who identified that they hold either a premises licence; a personal licence; or a club premises certificate under the Licensing Act 2003. Eighteen responses were submitted from individuals who held no licences but lived in or around the Shad Thames area. These responses are detailed in appendix D2. Where respondents have stated that they represent either businesses or local residents this is noted. The summary includes reference to five detailed responses received from local residents and the Shad Thames residents association, which were reported in full to the licensing committee at the 13 May 2008 meeting. The committee also heard from the Shad Thames residents' association at the meeting.
78. Of the nine respondents who identified that they hold licences under the Act five (55.5%) support the introduction of a saturation policy in the Shad Thames area. Four respondents (44.5%) do not support the introduction of a policy. Of the five respondents who support a policy, four agree with the boundary of the area while one respondent suggests that there should be no boundaries. 100% of the same five respondents agree with the classes of premises proposed under the consultation exercise.
79. Of the eighteen respondents who identified that they lived in or around the area or represented local residents seventeen (94%) support the introduction of a saturation policy in the Shad Thames area. One respondent (6%) does not support the introduction of a policy. Of the seventeen respondents who support a policy, five do not agree with the boundary proposed under the consultation exercise. Two support the inclusion of Potters Field to the West of Tower Bridge; another suggests that the St Saviour's Dock should be incorporated; and others suggest the Blue in Bermondsey and all of Southwark should be covered by saturation policies.

Saturation proposals - general

80. One general response has been received to the three consultation exercises, from Punch Taverns PLC. The Company suggests that "material variations" relating to the fixed or early closing times of established premises should be excluded from any saturation policy that may be introduced. The full submission is provided at appendix E.

The cumulative impact of a concentration of licensed premises

81. The matter of the cumulative impact of a concentration of licensed premises on the licensing objectives is dealt with under Sections 13.24 through to 13.39 of the guidance to the Act produced by the Department of Culture Media and Sport (DCMS) (last revision approved June 2007). 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, as set out in the guidance. Member's attention is drawn to the key points of the guidance set out in the supplementary advice from the strategic director of legal and democratic services in this report (paragraph 80 onward).
82. The steps toward a special policy on saturation as set out in the DCMS guidance are as follows
- a) Identify concern about crime and disorder or public nuisance;
 - b) Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises or that the risk of cumulative impact is imminent;
 - c) Identify the boundaries of the area where problems are occurring;
 - d) Consult with those in Section 5(3) of the 2003 Act, and subject to the outcome of that consultation;
 - e) Include and publish details of the special policy in the licensing policy statement.
83. 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.

Mayor of London's Best Practice Guide – Managing the Night Time Economy

84. The response from Planning references the "Mayor of London's Best Practice Guide on Managing the Night-Time Economy" (BPG). The guide was published earlier this year and sets out to "suggest how public authorities and the private and voluntary sectors can work together to support the development of the night-time economy in appropriate locations and improve the way they manage its impacts".
85. Sections 7.17 through to 7.23 of the BPG deal specifically with policies to manage cumulative impact. These sections are repeated below
- "7.17 "Special policy" areas within statements of licensing policy are cited as a method of managing cumulative impact. "The effect of adopting a special policy ... is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants will need to address the special policy issues in their operating schedule in order to rebut such a presumption." Such "special policies" could thereby constrain development of night time economy uses in a particular area where there is a demonstrable cumulative impact and where they are considered necessary and appropriate.

However, they do not resolve the negative cumulative impacts which already exist and they do not constrain overall growth or demand for night time economy uses in the wider area.

7.18 Whilst considering adopting such a policy, boroughs should take into account its wider implications. For example, applying saturation policies could displace growth of the night time economy to nearby areas, or other neighbourhoods entirely. The potential for cross-boundary impacts in London is particularly acute and overspill of premises outside existing town centres may be a risk. The regeneration benefits that developing the night time economy could bring to an area may be lost. Moreover, the premises in question could be developed for a use not subject to licensing but with its own negative impacts. Constraining growth alone therefore does not manage existing impacts. It reduces potential for competition and the benefits that can have for the consumer. It also reduces incentives for existing operators to invest in improving the quality of their offer by reducing business confidence.

7.19 Policies constraining growth, including special policies in licensing, should be used sensitively, and blanket restrictions on all new licences or development should be avoided unless the cumulative impact on a neighbourhood can be proven to be considerable. They should be based on robust and authoritative evidence and clearly illustrate the relationship between further growth in the night time economy and the issues such policies would seek to address. An evidence base also provides opportunities to consider if there are more appropriate measures to manage the night time economy. Where used, licensing based saturation policies should form part of an integrated package of measures. The integration of planning and licensing policies, while avoiding duplication, is particularly important. Saturation policies must be reviewed regularly to assess whether they are still necessary.

7.20 In special policy areas, applicants operating schedules can address special policy issues. Conditions which can be attached to a premises licence can help to address issues and may be effective in preventing the problems involved. Sample conditions are included in the guidance to the Licensing Act. For example, these might relate to the proposed ratio of seating to standing provision in the premises, the applicant's intention to run discounted drinks promotions, or not; to the provision of food etc.

7.21 In seeking to manage cumulative impacts, consideration should be given to more fine-grained means of managing the range of premises. These can include planning policies in development plan documents (DPD) or supplementary planning guidance to guide the proportion of units or frontages on a street, or the number of adjacent units, in A3 (restaurants and cafes), A4 (drinking establishments) or A4 (hot food takeaways) use classes. This mix of uses also contributes to the wider vitality and viability of town centres. Accommodating night time economy uses which are appropriate in town centres can be promoted in this way while avoiding very local concentrations of numbers of adjacent premises.

7.22 This range of policy mechanisms and selective application of appropriate conditions, will allow local authorities to discourage the kinds of premises that are known to be associated with anti-social behaviour as well as obviating the need for a "blanket ban". Such an approach can encourage types of provision that diversify the night time economy, attracting a wider variety of people out in the evening to engage in activities which do not necessarily entail excessive

alcohol consumption. A bespoke approach could address the particular impacts experienced in an area while ensuring that the benefits a diverse night time economy can bring to a centre are not lost. For example, by recognising the difference between certain types of premises and their likely cumulative impact, or clearly identifying issues which applicants can address in their operating schedules, or through adding conditions to licenses or planning permissions.

7.23 Local circumstances, including management measures, will determine whether, within a particular town centre, night time economy activities should be encouraged to develop in a specific zone or be spread more widely. In larger centres the development of a night time economy “quarter” or zone may be more appropriate for management purposes and enable an appropriate mix of uses to be encouraged.”

Next Step – Moving forward with a saturation policy

86. Any decision by the assembly to adopt a saturation policy in one or more of the areas under consideration will form an amendment to the council’s current statement of licensing policy for 2008 – 2011 approved by council assembly on 2 April 2008. As such the revision will be published and publicised in accordance with the 2003 Licensing Act and regulations and steps will be taken to ensure that all current and future affected licence holders, as well as local residents living within the areas affected, understand the decision and the effects of it.
87. In the event that the assembly decides that a saturation policy is appropriate and necessary in any one or more area of the borough it is proposed that the Section of the Southwark statement of licensing policy dealing with “saturation policies” (page 37 of the policy) be amended as follows:

“Since the introduction of the Licensing Act 2003, the Council’s Licensing Committee has been monitoring the cumulative impact of licensed premises operation on the local Southwark community.

On 9 July 2008, Council Assembly agreed recommendations from the Committee that it is appropriate and necessary to introduce a saturation policy dealing with the cumulative impact of licensed premises within the (*Camberwell/Peckham/Shad Thames as relevant*) area(s) of the borough. Detail of the boundary of each area and also the categories of premises to which the policy applies are set out below (*detail to be inserted*).

This decision is taken having had regard to statistical analysis of recent figures for

- a) Alcohol related violence against the person (VAP);
- b) Calls to the police regarding disorder and rowdiness associated with licensed premises;
- c) Complaints received by the council’s environmental protection team regarding nuisance associated with licensed premises;
- d) Responses to local consultation carried out in accordance with section 5(3) of the Licensing Act 2003; and
- e) Submissions made directly to committee from the local community.

All applicants for new premises licences or for variation of existing premises licences, in respect of premises based within *the/each of* area(s) must address

the saturation concerns within their application and operating schedule. Applicants are advised to discuss this with the licensing team in the first instance.

The effects of the/each of the saturation policies will continue to be monitored and the policy will be removed when no longer needed.”

88. The preceding section of the policy already deals with how the policy will work.

Community Statement Implications

89. This report considers whether saturation policies are necessary within three areas of the borough to help control the direct impacts of the leisure and night time economy on the respective local communities involved.
90. 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 the policy can contribute toward reducing the fear of crime and making Southwark a better place to live, work and visit.
91. Conversely, saturation policies may also impact on business growth and development of the area concerned. While 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, that operator will have to demonstrate that their business proposals do not further impact on the identified concerns. The implications of the introduction of saturation policies are discussed within this report.

Resource Implications

92. While it is accepted that the introduction of a saturation policy in any one or more of the three areas concerned will result in every relevant new licence application or variation application being considered in the light of the new policy, it is not considered that this will have any significant impact on resources.

Consultations

93. Public consultation on the issue of saturation policies to deal with cumulative impact has been carried out in each of the three areas of the borough where decisions on potential saturation policies are sought. As noted in this report, the consultation ran from 1 August 2007 through to 31 October 2007. The consultation was announced in local media and publicised on the council's web site and at relevant local community councils. Interested parties, local licensees and known representatives of both licensees and interested parties were written to directly, as were local interest and community groups. The results of the consultation are reported within this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director for Legal and Democratic Services

Cumulative Impact and Special/Saturation Policies

94. The Licensing Act 2003 does not, in itself, provide for saturation policies. However, Section 4 of the Act provides that in carrying out its functions a licensing authority must have regard to “the guidance” issued by the Secretary of State under Section 182 of the Act. The guidance acknowledges that saturation policies are a proper matter to be taken into account when developing a licensing policy.
95. In considering whether a statement of licensing policy should include a saturation policy in respect to an area, the licensing authority should consider the cumulative impact of licensed premises, in the particular area(s) concerned.
96. Cumulative Impact is defined in the guidance at paragraph 13.24 as “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area”.

Consultation

97. Section 5(3) of the Act requires that before formulating any such policy the licensing authority must first consult with the local police, fire service and representative bodies of local residents, businesses and premises licence holders. This consultation took place between 1 August and 31 October 2007 in respect of the three areas under consideration, Peckham, Camberwell and Shad Thames.

Evidence

98. It is clear from the guidance that any decision to include 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.
99. The decision to include a saturation policy should only be made where, after considering the available evidence and consulting those individuals and organizations listed in Section 5(3) of the Act, the licensing authority is satisfied that it is appropriate and necessary to include an approach to cumulative impact in the statement of licensing policy (guidance at paragraph 13.27).
100. Members are asked to consider the evidence collated following consultation in each of the three areas. If members wish to recommend the inclusion of a saturation policy for any of the areas, members must first be satisfied that there is sufficient evidence to show that the cumulative impact of premises in each area is having an impact on crime and disorder and/or public nuisance.

The Effect of Adopting a Special Policy

101. The adoption of a special policy will create a rebuttable presumption that applications for new licences and variations that are likely to add to the existing cumulative impact of premises within the area(s) to which the special policy applies, will normally be refused where relevant representations are received.
102. The special policy must stress that this presumption does not relieve responsible authorities and interested parties of the need to make representations in respect of applications for premises within the special policy area(s). It will not be possible to refuse to grant such applications, or seek to impose conditions if no representations are received.

103. If no representations are received in respect of applications within the special policy area, it will remain the case that an application must be granted in the terms that are consistent with the operating schedule submitted.
104. 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.
105. Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or require expansion.

Limitations

106. It would not normally be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises (Guidance at paragraph 13.33). Members will note that the classes of premises to which the saturation may apply, includes off-licences, supermarkets, grocers and take-aways in each of the three areas. Members should be satisfied that the inclusion of such premises is justifiable, having regard to the evidence obtained through the consultation process.
107. 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.
108. 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.
109. 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.
110. Special policies cannot justify and should not include provisions for a terminal hour in a particular area.
111. Special policies must not impose quotas that would restrict the consideration of any application on its individual merits.
112. The guidance states that statements of licensing policy should contain information about the alternative mechanisms available for controlling cumulative impact. The licensing policy should contain details of mechanisms available both within and outside of the licensing regime. (guidance at paragraph 13.39).
113. Members should note that the statement of licensing policy must not be inconsistent with the provisions of the 2003 Act and must not override the

right/s of any individual as provided for in that Act. Nor must the statement of licensing policy be inconsistent with obligations placed on the council under any other legislation, including human rights legislation. Members should also note that the council has a duty under Section 17 of the Crime and Disorder Act 1998, when carrying out its functions as a licensing authority under the 2003 Act, to do all it reasonably can to prevent crime and disorder within the borough.

114. The 2003 Act provides that the functions of the licensing authority, except those relating to the making of the statement of licensing policy, are to be taken or carried out by its licensing committee and that the licensing committee may delegate these functions to sub-committees or to licensing authority officials in appropriate cases. The council has delegated its licensing functions in accordance with the 2003 Act as set out in its constitution (2007/2008) at part 3G.

Finance Director

115. The head of community safety and enforcement has confirmed that any costs arising from implementing the proposals, set out in the report, will be fully contained within existing budgets.

BACKGROUND DOCUMENTS

Background papers	Held at	Contact
Licensing Act 2003 Associated secondary regulations DCMS Guidance to the Act Southwark Statement of Licensing Policy Saturation consultation papers Saturation consultation responses, including detailed responses received from N W Roskill; Jeremy Bennett; Peckham Town Centre Management Group; Peckham Pub Watch; Councillors Nardell, Jones & Glover; Anna Bengo, Michael Place; Jonathon Baldrey, Shad Thames Residents Association; and Patricia Varney (which may be viewed at www.southwark.gov.uk/businesscentre/licensing) Mayors Best Practice Guide for Managing the Late Night Economy	The Health Safety & Licensing Unit, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Mrs Kirtikula Read. Telephone: 020 7525 5748

APPENDICES

No.	Title
Appendix A	SSP saturation area analysis
Appendix B1	Map of Camberwell proposal
Appendix B2	Summary of consultation responses in relation to Camberwell proposal
Appendix C1	Map of Peckham proposal
Appendix C2	Summary of consultation responses in relation to Peckham proposal
Appendix D1	Map of Shad Thames proposal
Appendix D2	Detailed summary of consultation responses in relation to Shad Thames proposal
E	General submission from Punch Taverns PLC

AUDIT TRAIL

Lead Officer	Jonathon Toy, Head of Community Safety & Enforcement	
Report Author	Richard Parkins; Health Safety & Licensing Unit Manager	
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CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director for Legal and Democratic Services	Yes	Yes
Finance Director	Yes	Yes
Executive Member	Yes	Yes
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