

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 12 June 2013	<b>Meeting Name:</b> Licensing Committee
<b>Report title:</b>	The Licensing Act 2003 – Partnership Analysis of Alcohol Related Violence Southwark 2012 and Consideration of Cumulative Impact of Licensed Premises Within Borough and Bankside, Camberwell and Peckham		
<b>Wards or groups affected:</b>	Cathedrals, Chaucer, Grange, Riverside, Camberwell Green, Brunswick Park, South Camberwell, Faraday, Peckham, Livesey, The Lane and Nunhead		
<b>From:</b>	Strategic Director of Environment and Leisure		

## RECOMMENDATION

1. That the committee notes the content of the partnership analysis of alcohol related violence in Southwark for 2012 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.

## BACKGROUND INFORMATION

2. Guidance issued by the Home Office under section 182 of the Licensing Act 2003, establishes that licensing authorities may introduce special 'saturation policies' where the authority believes there are problems in its area resulting from the cumulative impact of licensed premises.
3. This authority currently has three 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).
4. Decisions to establish each of the special policy areas 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.
5. This report updates the committee on the most recent analysis, for 2012, paying particular regard to the current situation within the three special policy areas.
6. 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.

7. The committee should note that a separate report on this agenda considers the position in three further areas of the borough where the cumulative impact of licensed premises is under ongoing monitor. These are:
  - The Elephant & Castle
  - The Old Kent Road
  - The Walworth Road / East Street.
8. This report also fulfils an outstanding reference from the committee to provide some further information on the partnership night-time economy team and provides members with information on the new relevant statutory provisions with regard to a late night levy and early morning restriction orders.

## **KEY ISSUES FOR CONSIDERATION**

### **The 2012 partnership analytical report**

9. The partnership analysis of alcohol related violence was published on 19 February 2013. The analysis comprises three parts as follows:
  - Alcohol related violence Southwark 2012 (copy provided at Appendix A)
  - Alcohol related violence – Identified saturation areas 2012 (copy provided at Appendix B)
  - Alcohol related violence – Proposed saturation areas 2012 (copy provided as Appendix A to the companion report on the agenda).
10. Together the analytical report provides full statistical information for 2012 on:
  - Alcohol related “violence against the person” (VAP)
  - Information taken from police crime and disorder (CAD) data (dealing with alcohol related “disorder and rowdiness”)
  - Alcohol related ambulance (LAS) calls.
11. For the first time the analysis is also able to cover:
  - The cost of alcohol related harm in Southwark
  - General alcohol related health data.
12. Appendix A to this report provides headline analysis and an overview across Southwark. Appendix B provides specific detailed information in respect of the three current special policy areas. This report provides summary information.

### **Violence against the person**

13. 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.

14. Section 1.4 of Appendix A sets out the methodology used for capturing data and the limitations of the data provided.

#### **Alcohol related CAD data**

15. 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.

16. Again, section 1.4 of Appendix A sets out how the information was captured and the limitations of the data provided.

#### **Ambulance data**

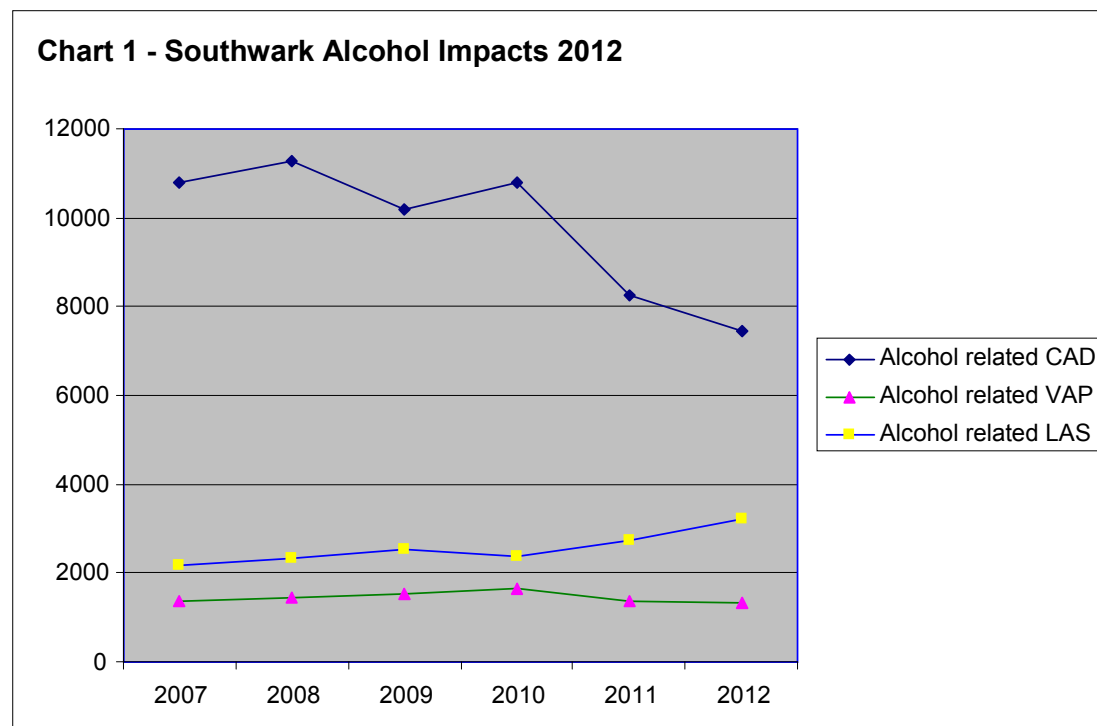
17. Information relating to alcohol related assaults reported to the London ambulance service has been extracted from the London Ambulance Service website.

#### **General Southwark Overview**

18. 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 in Chart 1 (see following page):

- Across Southwark generally both alcohol related VAP and CAD are at their lowest levels since 2007. Alcohol related CAD is showing a 34% fall since the highest recorded level in 2008 (7435 calls down from 11266), while alcohol related VAP is showing a 18.6% fall since the highest recorded level in 2010 (1342 offences down from 1648)
- Despite this, the proportion of total violent crime that is alcohol related has increased over the period. In 2007 alcohol related violent crime accounted for 22% of total VAP. By 2011 this had risen to 30%. In 2012 alcohol related VAP accounted for 29% of total VAP
- Despite the welcome reductions in alcohol related VAP and CAD, alcohol related ambulance pick-ups are rising (to their highest recorded level). While these figures are undoubtedly high (Southwark is now placed fourth in London borough rankings behind Westminster, Croydon and Lambeth) some of this rise may be attributable to improved reporting

- Using the Home Office calculator, it is estimated that the economic and social costs of crime in Southwark fell in 2012 for the third consecutive year and now stand at £9,661,244
  - The estimated cost of alcohol attributable admissions was £8,464,000 representing £29.90 per Southwark resident. Southwark ranked 13<sup>th</sup> highest in terms of the total cost of alcohol related hospital admissions (of the 33 London boroughs including the City of London)
  - The analysis notes that in 2012 there were 1023 premises licensed for the sale and supply of alcohol within Southwark. This figure is only slightly reduced from 2011 (3.5%). This figure increases to 1218 when including premises without authorisation for alcohol.
19. A number of factors will have contributed to the reduction in figures. Among these are:
- Increased partnership working initiatives between the police, council and other agencies, addressing matters of concern around the late night economy; premises management; and the availability of alcohol
  - Allied to increased targeting of resources toward high risk and problem activities
  - The industry response to ensuring more socially responsible premises management
  - Increasing awareness in the health impacts of high risk and harmful levels of alcohol consumption
  - The downturn in the economy.



### **Borough and Bankside Special Saturation Policy Area**

20. A map of the current Borough and Bankside special saturation policy area is provided on page 7 of Appendix B to this report. The boundary of the saturation area is defined as follows - Starting at the Lambeth border by the Thames and following the route southward to the Waterloo Road / St George's Circus / Borough Road / Borough High Street / Long Lane / Crosby Row / Snowfields / Bermondsey Street then directly north to the river frontage and westward back to the Lambeth border. This is the largest of the 6 areas currently either subject of a saturation policy or under monitor.
21. The area is densely filled with shops, restaurants and bars. Many hold late licences. At the time of writing of this report, there are some 249 premises licensed under the 2003 Licensing Act for either the sale or supply of alcohol; the provision of regulated entertainment; or the provision of late night refreshment within the boundary of the saturation area. This figure has remained fairly constant over the past year with an overall increase of just one premises from the previous year. It represents 20.4% of the current overall total of 1218 licensed premises (including those without alcohol as a licensed activity) within the borough. Of these there are 90 recorded cafes / restaurants; 73 public houses; and 30 supermarkets / off licences / convenience stores. The policy currently applies to night-clubs / public houses & bars / restaurants & cafes / off-licences, supermarkets and grocers.
22. **Of particular relevance, Borough and Bankside:**
  - This is a significant tourist destination with a heavy footfall. The Tate Modern, Shakespeare's Globe, Borough Market and Guy's Hospital are all located within its area
  - The area saw significant additional tourism during the spring and summer seasons as the Diamond Jubilee celebrations took place along the river

and London played host to the Olympics. The Borough and Bankside area saw a 'live site' positioned at Potter's Field and several Olympic houses located here

- The area continues to be subject of considerable regeneration and development. Recent and ongoing developments include The Shard (Europe's second tallest building); and the London Bridge and Blackfriars railway stations
- This is the borough's major transport hub with the aforementioned London Bridge rail, bus and tube terminal here
- Includes perhaps Southwark's most famous night time venue, the Ministry of Sound within its area, alongside other large venues including the Pulse
- Has had the partnership night-time economy team operating within its area since 2011 (see section 23 of this report for further information)
- Has an established and well attended pub watch supported by police and relevant council officers
- Has CDAT (the NHS drug team for complex needs) also located within the area.

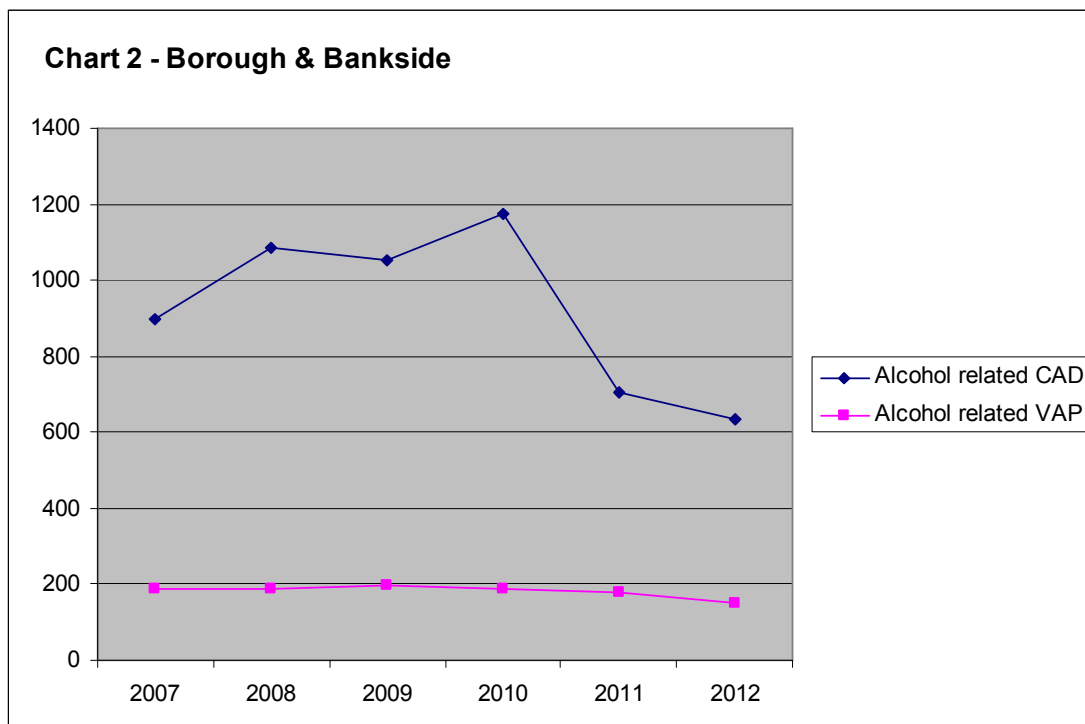
### **The Night-Time Economy Team (NTE)**

23. The licensing committee has previously asked for information on the contribution made by the partnership night-time economy team to the reduction of night-time alcohol related crime and disorder in this area.
24. The team was established in 2011. Jointly funded by the metropolitan police and this authority for a three year period through to 30 March 2014, the team comprises 5 dedicated police officers (1 x sergeant plus 4 x PCs) supplemented on Friday and Saturday nights by 2 officers from the council's community safety division plus a team of special constables.
25. The support provided by community safety normally comprises 1 x licensing officer and one other from the health and safety; food safety; environmental protection; trading standards; street trading; private sector housing; wardens or other teams. The team primarily operates along the river frontage between the Lambeth border and Tower Bridge and along and around Borough High Street down to the Elephant and Castle. It runs day and night shifts, from Tuesday through to Sunday including Thursday, Friday and Saturday nights. It provides a high visibility presence in the night-time economy, intended to provide reassurance to those who visit, live and work within the area as well as establishing good working relationships with venue and front of house management. The NTE regularly patrols and monitors the area and has been responsible for a wide range of partnership initiatives, including around:
  - Illegal minicab operations, particularly at London Bridge and the Ministry of Sound night club
  - Illegal front of house security staff, in conjunction with the Security Industry Authority
  - Drugs initiatives around night club venues, using 'sniffer' dogs

- Illegal barbecue seizures, in conjunction with the street trading team
  - Illegal economy work in licensed premises in conjunction with customs and excise, revenue and benefits and trading standards.
26. This developed approach to partnership working is seeing benefits not just in reductions in local crime and disorder figures, but in terms of relationships between venues and the police and shared experience and learning for staff from the many teams involved.

### Borough and Bankside – key findings from the partnership analysis

27. Detailed analysis for the Borough and Bankside saturation area is contained within appendix B through pages 7 to 18, with key findings provided below and in Chart 2 (see following page).
- In line with general Southwark figures, both alcohol related VAP and CAD fell in 2012 to their lowest levels since 2007. Alcohol related VAP saw a 27% reduction from 2011 (149 offences down from 179) while alcohol related CAD saw a 10% reduction from 2011 (633 calls down from 704) and a considerable 46% reduction from the 2010 high (1176 offences)
  - Within this evening / night-time alcohol related VAP (1800-0559) decreased by 27% between 2011 and 2012 (105 offences down from 144) while daytime alcohol related VAP (0600-1759) increased by 26% (44 offences up from 35)
  - Ambulance calls saw a 21.5% increase from 2011 to 2012 (95 calls).
  - The estimated cost of crime in the Borough and Bankside area in 2012 was £1,086,142 - a decrease of 15.4% from 2011.



## **Borough and Bankside conclusion**

28. The partnership analysis reports significant decreases across total VAP, overall alcohol related VAP and alcohol related CAD calls. However, these successes are tempered by increases in alcohol related ambulance pick-ups and daytime alcohol related VAP.
29. While encouraging progress is being made, it is recommended that the special saturation policy within Borough and Bankside should continue in place and be subject of ongoing monitoring.

## **Views from the Commissioner of Police for the Metropolis**

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

## **Camberwell saturation area**

31. A map of the Camberwell saturation area is provided on page 19 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.
32. The saturation area is concentrated around the Camberwell Green crossroads. It incorporates numerous public houses, bars and restaurants in a relatively small area. At the time of writing of this report, there are 67 premises licensed under the 2003 Licensing Act for either the sale or supply of alcohol; the provision of regulated entertainment; or the provision of late night refreshment trading within the Camberwell area. This figure represents an increase of four from the 2011 figure and 5.5% of the total 1218 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.
33. 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 British railway station and Loughborough Junction railway station.
34. Recent local developments in the area have included:
  - Blenheim CDP and Access Southwark are located on Camberwell Road, providing day programmes for people in drug and alcohol treatment. Once referred by their key worker people with addictions travel to Camberwell in order to access these services.
  - The Camberwell saturation area has historically been an area associated with street drinking and alcohol related violence though, in recent years,

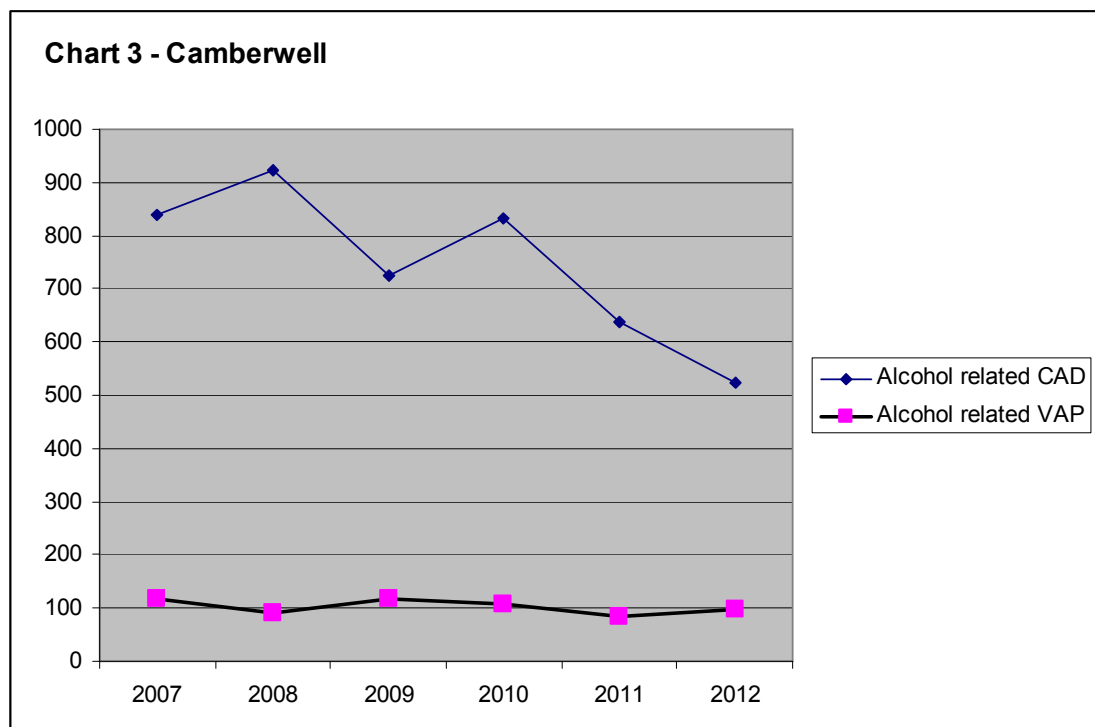


levels have considerably fallen. Most recently the TfL funded safer transport teams have made this area a priority.

### Camberwell – key findings from the partnership analysis

35. Detailed analysis for the Camberwell saturation area is contained within the area specific analysis contained within appendix B from pages 19 - 29. Some key findings are given below:

- Alcohol related CAD in Camberwell fell for the second year running and now stands at a 5 year low. Figures were down by 17.7% from 2011 (638 calls down to 525)
- However, alcohol related VAP increased overall (by 11 offences from 85 to 96). During the evening / night period (1800 to 0559) the level of offending was fairly consistent (reduced by 1 from 56 to 55). Daytime alcohol related VAP saw a significant 41% rise (from 29 offences to 41)
- Alcohol related ambulance calls in the Camberwell area reduced by 26.8% in 2012 from 2011 (down by 70 calls)
- The estimated cost of crime in the Camberwell area in 2012 was £819,928.00, an increase of 35.3% from 2011 estimates.



### Camberwell conclusion

36. Although some significant improvements are being seen in alcohol related CAD and ambulance calls within the Camberwell area, the increases in daytime alcohol related VAP give cause for concern.

37. For this reasons, it is recommended that the saturation policy within Camberwell should continue in place and be subject of ongoing monitoring.

### **Views from the Commissioner of Police for the Metropolis**

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

### **Peckham saturation area**

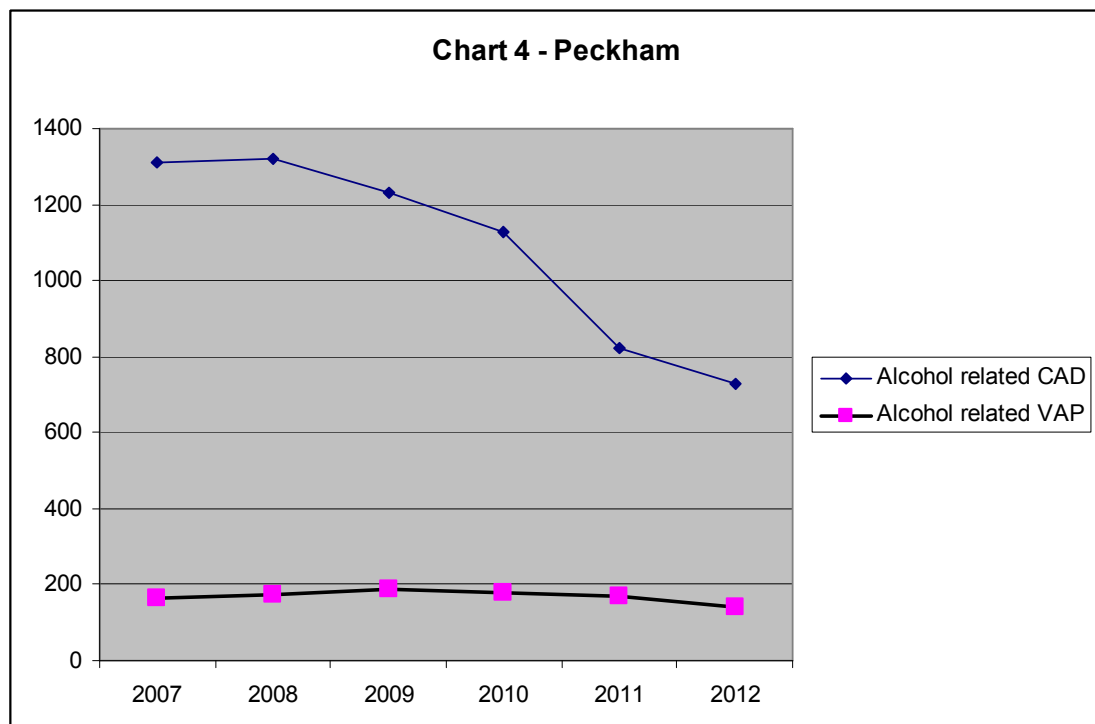
39. A map of the Peckham saturation area is provided on page 30 of appendix B. The boundary of the Peckham saturation area commences on Peckham High Street at the junction with Kelly Avenue and progresses to Gatony Street / Sumner Road / Jocelyn Street / cross Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / Heaton Road / Sternhall Lane / McDermott Road / Maxted Road / Bellenden Road / Chadwick Road / Lyndhurst Way / Peckham Road to the junction with Talfourd Road and back to Peckham High Street.
40. The Peckham saturation zone centres around Peckham High Street and Rye Lane and extends over a mixed residential and commercial area, with many public houses, late night eateries and convenience stores. At the time of writing of this report there are 57 premises licensed under the 2003 Licensing Act for either the sale or supply of alcohol; the provision of regulated entertainment or the provision of late night refreshment trading within the Peckham saturation area. This figure represents a reduction of one premises from 2011 and 4.7% of the 1218 total licensed premises in the borough. This figure includes 24 convenience stores. Supermarkets, off-licences and similar; 13 public houses; and 9 cafe / restaurants.
41. 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.
42. As with the other areas, Peckham is extremely accessible from most parts of SE London with Peckham Rye Station within the saturation area and Queens Road station just outside. There is also a large network of buses serving the area, running through the Elephant & Castle and Camberwell.
43. Recent developments in the area include:
- There is an active 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
  - The Southwark anti-social behaviour unit and the local safer neighbourhood team have been proactively targeting alcohol related street anti-social behaviour, and a number of acceptable behaviour contracts (ABCs) and anti-social behaviour orders (ASBOs) have been issued.

### **Peckham – key findings from the partnership analysis**

44. Detailed analysis for the Peckham area is contained within the area specific analysis contained within appendix B between pages 30 - 40. Some key

findings from the partnership analysis are provided in Chart 4 (following page) and below:

- Calls to the police concerning alcohol related CAD in Peckham fell for the fourth consecutive year. A significant fall of 92 calls (822 down to 730) provided a 11.2% reduction from the 2011 figure and a 44.8% reduction from the 2008 high for the area. Figures are now at a 5 year low
- Alcohol related VAP also fell by 15.6% (26 offences from 167 down to 141) from the 2011 figure and these now stand at a 5 year low
- These reductions are reflected in both daytime and night-time VAP. Daytime VAP saw a small (3.3% reduction, 2 offences from 60 down to 58). Night-time VAP saw a larger 22.4% fall (83 offences down from 107)
- However, alcohol related ambulance calls in Peckham continue to rise with an increase of 66 calls in 2012 from 2011
- The estimated cost of crime in this area was £1,129,971. This represents a decrease of 1.3% from the 2011 estimates
- The partnership analysis also notes that hotspot mapping indicates that the Peckham hotspot extends past the northern boundary of the saturation area (see page 13 of Appendix A). Members may wish to consider whether, on the basis of this information, it wishes to go out to public consultation on the remodelling of the area.



### Peckham conclusion

45. Although some significant improvements are being seen in both alcohol related CAD and VAP within this analysis, the increases in alcohol related ambulance call-outs are noted.
46. It is recommended that the saturation policy within Peckham should continue in place and be subject of ongoing monitoring.

#### **Views from the Commissioner of Police for the Metropolis**

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

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

48. The cumulative impact of a concentration of licensed premises is dealt with under sections 13.19 through to 13.38 of the guidance to the Act produced by the Home Office (HO) (last revision published October 2012). In order to be able to consider the issues around the introduction of saturation policies fully, it is important to understand the concept of cumulative impact and saturation policies. Members' attention is drawn to the key points of the guidance set out in the supplementary advice from the director of legal services (paragraph 67 onward).
49. A saturation policy may be declared where there is an evidence base showing that a significant concentration of licensed premises in an area is impacting upon the licensing objectives and the addition of each further licence is likely to have a disproportionate impact on crime and disorder, or nuisance.
50. Essentially, the evidence base needs to:
  - Be factual, quantitative, and proximate
  - Demonstrate a positive correlation between alcohol / entertainment / late night refreshment premises, and crime and disorder and nuisance issues within the particular areas under consideration
  - Examine trends over a period of time.
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.

#### **Late Night Levy**

52. In considering the cumulative impact of licensed premises, members will wish to be aware that Part 2 of the Police Reform and Social Responsibility Act 2011 (PSRA) now enables licensing authorities to charge a levy to operators within the authority's area, who are licensed to sell alcohol between 000 and 0600, as a means of raising a contribution toward the costs of policing the late night economy.
53. Where a levy is introduced, it will be payable by each person who holds either a premises licence or a club premises certificate issued by this authority under the Licensing Act 2003, authorising the sale or supply of alcohol during the

determined 'late night supply period'. A levy cannot be applied to operators in part of the authority's area only.

54. The decision to introduce the levy is for the licensing authority to make. When making such decision, the licensing authority must have regard to the matters set out in section 125(3) of the PSRA.
55. Although some local discussions have taken place between this authority and the police authority, no 'in principle' agreement has been reached on the introduction of a levy at present. The relevant authorities will continue to monitor the situation.

### **Early Morning Restriction Orders**

56. Members will also wish to be aware that sections 172A to 172E of the Licensing Act 2003 now confer a power on licensing authorities to make, vary or revoke early morning restriction orders (EMROs). Under an EMRO a licensing authority may prohibit the sale of alcohol for a specified time period between 12 midnight and 0600 in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
57. EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol related anti-social behaviour which is not attributable to specific premises.
58. An EMRO prevents licensed premises in the area to which the EMRO relates from supplying alcohol during the times at which the EMRO applies. Home Office guidance advises licensing authorities should firstly consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO. Such other measures might include:
  - Introducing a cumulative impact policy
  - Reviewing licences of specific problem premises; and
  - Encouraging the creation of business-led best practice schemes in the area.
59. Where a licensing authority considers that it has the necessary evidential basis that supports the introduction of an EMRO and considers that this step is appropriate and necessary for the promotion of the licensing objectives, the authority must publish public notices giving detail of the proposal and invite representations on the matter. It must then convene a public hearing to consider any representations made.
60. Any person supplying alcohol once an EMRO is in place will be treated as providing an unauthorised licensable activity in contravention of the Act.

### **Community impact statement**

61. 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.

62. 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.
63. 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.
64. 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.
65. 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**

66. 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**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

68. 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.
69. Although the Licensing Act 2003 ("the 2003 Act") does not contain specific statutory provisions relating to the review and revision of saturation policies, the council must have regard to the general requirements of the 2003 Act and the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act.
70. Section 5(4) of the 2003 Act states that the council must keep its licensing policy under review and make appropriate revisions where necessary.
71. Paragraph 13.31 of the guidance goes further and states that saturation policies should be reviewed regularly to assess whether they are still needed or whether they need to be expanded.

72. If, following a review, the council considers it appropriate to revise the saturation policies contained within the licensing policy then it must follow the statutory procedure contained in section 5 of the 2003 Act.
73. 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.
74. 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.
75. 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.
76. 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.
77. 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.
78. The statement of licensing policy must not be inconsistent with the provisions of the 2003 Act and must not override the rights of any individual as provided for in that Act. Nor must the statement of licensing policy be inconsistent with obligations placed on the council under any other legislation, including human rights legislation. The council also has a duty under Section 17 of the Crime and Disorder Act 1998, when carrying out its functions as a licensing authority under the 2003 Act, to do all it reasonably can to prevent crime and disorder within the borough.
79. 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.
80. 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**

81. Saturation policies form part of the statement of licensing policy.
82. 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.
83. 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.
84. If the licensing committee felt that changes to the licensing policy, such as amending a saturation policy, were appropriate this would need to be referred to council assembly.

### **Strategic Director of Finance & Corporate Services (E&L/13/017)**

85. 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.



86. 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 Health Safety Licensing & Environmental Protection Unit, Hub C, Third Floor, 160 Tooley Street. London, SE1	Name: Mrs Kirtikula Read Phone number: 020 7525 5748

## APPENDICES

No.	Title
Appendix A	Safer Southwark Partnership - alcohol related violence - Southwark 2012
Appendix B	Safer Southwark Partnership - alcohol related violence - identified saturation areas 2012

## 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 May 2013	
<b>Key Decision?</b>	Yes	
<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
Date final report sent to Constitutional/ Team	31 May 2013	