

Item No. 9.	Classification: Open	Date: 12 June 2013	Meeting Name: Licensing Committee
Report title:	The Licensing Act 2003 – Partnership Analysis of Alcohol Related Violence Southwark 2012 and Consideration of Cumulative Impact of Licensed Premises Within Elephant and Castle, Old Kent Road and Walworth Road / East Street		
Wards or groups affected:	Cathedrals, Chaucer, East Walworth, Newington, Faraday, South Bermondsey, Livesey and Nunhead		
From:	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) Elephant and Castle
 - b) Old Kent Road
 - c) Walworth Road / East Street.

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. This authority is also monitoring the current situation within the three further areas of the borough. These are:
 - The Elephant & Castle
 - The Old Kent Road
 - Walworth Road / East Street.
5. Decisions to establish each of the special policy area have been taken following consideration of available current information sources and public consultation. The primary source of information throughout has been the annual partnership analysis of alcohol related violence and crime and disorder within Southwark.

6. This report updates the committee on the latest analysis for 2012, paying particular regard to the current situation within the three further areas under monitor set out in section 4 above. The overall situation in Southwark and the position within the three current saturation areas set out in section 3 above, is dealt with under the companion report elsewhere on this agenda.
7. The committee is recommended on the basis of the information provided within the partnership analysis to keep each of the three areas under monitor. It is open to the committee, however, to consider whether, in any case, that on the basis of the evidence provided by the partnership analysis, it is appropriate and necessary to go out to public consultation on the potential introduction of a saturation policy.

KEY ISSUES FOR CONSIDERATION

The 2012 partnership analytical report

8. 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 to the companion report, item 8 on the agenda)
 - Alcohol related violence – Identified saturation areas 2012 (copy provided at Appendix B to the companion report. Item 8 on the agenda)
 - Alcohol related violence – Proposed saturation areas 2012 (copy provided as Appendix A to this report).
9. Together the analytical reports provide 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.
10. For the first time the analysis is also able to cover:
 - The cost of alcohol related harm in Southwark
 - General alcohol related health data.
11. Appendix A to this report provides analysis for the three areas under consideration. This report provides summary information.

Violence against the person

12. 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.
13. 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

14. 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.
15. Again, section 1.4 of Appendix A sets out how the information was captured and the limitations of the data provided.

Ambulance data

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

General Southwark Overview

17. A full analysis of the overall situation within Southwark, including background and context to the information, is given in Appendix A to the companion report, item 8 on the agenda. Some key findings are repeated here for easy reference.
- Across Southwark generally, both alcohol related VAP and CAD are at their lowest levels since 2007. Alcohol related CAD is showing a 30% fall since the highest recorded level in 2008, while alcohol related VAP is showing a 19% fall since the highest recorded level in 2010
 - However, the proportion of 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
 - Alcohol related ambulance pick-ups have risen 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 the 13th

Highest in terms of the total cost of alcohol related hospital admissions (of 33 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 those premises without alcohol sales as an authorised activity.

Elephant and Castle

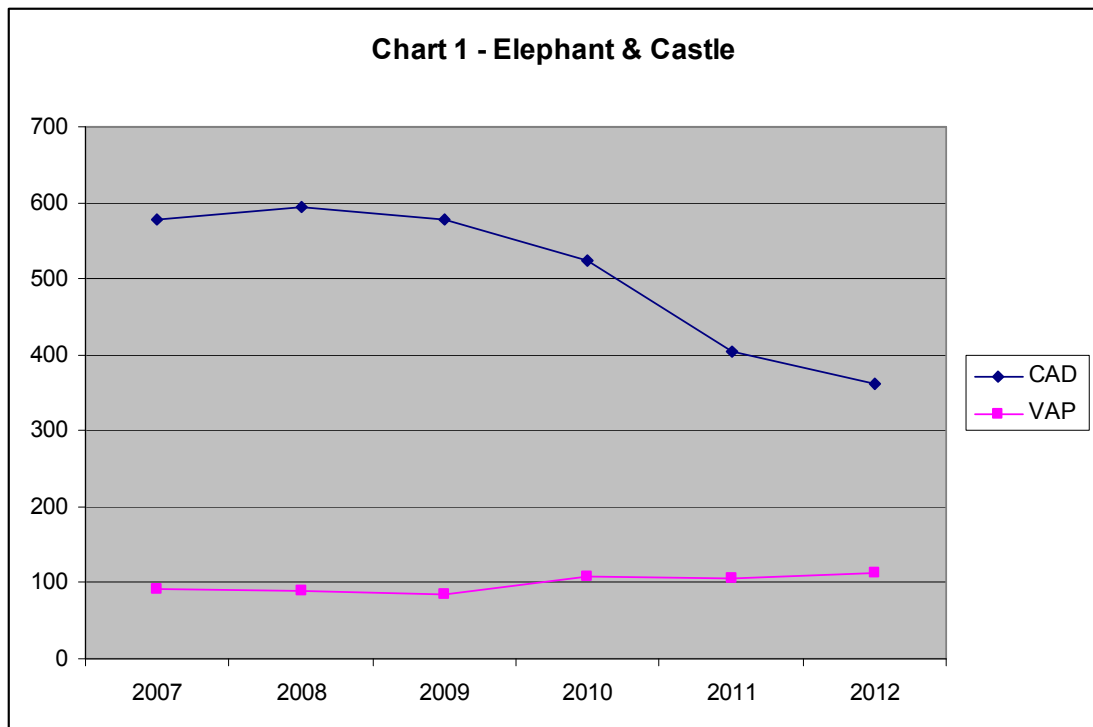
18. For the purposes of this monitoring exercise the Elephant and Castle area has been defined by the following boundary - Starting at the junction of Southwark Bridge Road and Borough Road and moving eastward along Borough Road to Newington Causeway then southward to the railway line and following this across New Kent Road to Elephant Road and into Walworth Road. Then south down Walworth Road to Hampton Street. From Hampton Street / Howell Walk to Newington Butts, Kennington Lane, Brook Drive, Hayles Street, St George's Road, Garden Row, London Road, Thomas Doyle Street and back to the junction of Southwark Bridge Road. A map of the area is provided on page 7 of Appendix A to this report.
19. At the time of writing of this report, there are 43 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 trade within the boundary of the area under monitor. This figure represents 3.5% of the current total 1218 licensed premises in the borough. It includes 15 Cafe / restaurants; 11 supermarket, convenience, off licence and other stores; 7 public house and four night clubs. This figure is slightly reduced from last period (by two premises).
20. The area takes in the Elephant and Castle station and surrounds. The Elephant and Castle is well served by transport facilities with overground and underground lines located here, plus many bus routes. The Elephant and Castle station is the second busiest train station in Southwark after London Bridge. Many people choose to travel to the Elephant and Castle to socialise in the evening. Situated within this area are two of the borough's largest capacity venues - the Ministry of Sound nightclub in Gaunt Street and the Coronet in the New Kent Road.
21. Some other local considerations are:
 - The Elephant & Castle continues to be an enduring hotspot for robbery, despite pro-active police operations
 - Demolition of the Heygate estate and parts of Elephant Road continues, leaving some venues to relocate
 - The Elephant & Castle is currently subject of a £1.5bn, 55 acre regeneration programme. This will create a pedestrianised town centre, market square, homes, retail space, transport hubs and green spaces. The first phase of the demolition of the neighbouring Heygate estate is under way, including Rodney Road, and it is anticipated that works will be completed by the end of 2015. There are also a number of public realm and private developments taking place at the same time in the area, with

- the Strata tower recently completed (including the redevelopment of parts of the Newington estate) and plans to redevelop the nearby Pullens estate
- A recent services mapping exercise undertaken by the divisional business team showed that Cathedrals and the area to the north of the borough has extremely high levels of students. The number of students in area predicted to rise to 3,500 (just in Cathedrals) by 2020
 - Foundation 66, a service offering support for those with alcohol addictions, as well as running a day programme for those completely abstinent from all illicit substances is located within this area
 - The area is on the edge of the night-time economy team's footprint. The area and venues situated here receive regular monitoring visits from the combined police / council team on weekend nights.

Elephant and Castle – key findings from the partnership analysis

22. Detailed analysis for the Elephant and Castle area is contained within the area specific analysis at Appendix A to this report between pages 7 and 18. The key findings from the partnership analysis are provided in the commentary and chart 1 (following page):

- Alcohol related CAD calls decreased by 11.5% between 2011 and 2012 (405 down to 362) and now stand at the lowest level across the monitor. Alcohol related CAD calls have now decreased by 39% in this area since the 2008 high
- Conversely alcohol related VAP now stands at its highest levels across the monitor albeit that the numbers of offences are lower. A 6.6% increase is shown in 2012 from 2011 (112 offences from 105)
- Within this figure, night-time alcohol related VAP between 0000 and 0059 has increased by 33% while daytime alcohol related VAP has fallen (down by 22.4%)
- Additionally, the area has experienced a 15.6% increase in the number of alcohol related ambulance calls between 2011 and 2012
- The estimated cost of crime in the Elephant and Castle saturation area was £1,030,483. An increase of 12.8% from 2011 estimates.



Elephant & Castle – Conclusion

23. That, given the concern raised by local increases in alcohol related VAP and ambulance pick-ups, the Elephant and Castle area should remain under monitor.

Views from the Commissioner of Police for the Metropolis

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

Old Kent Road corridor

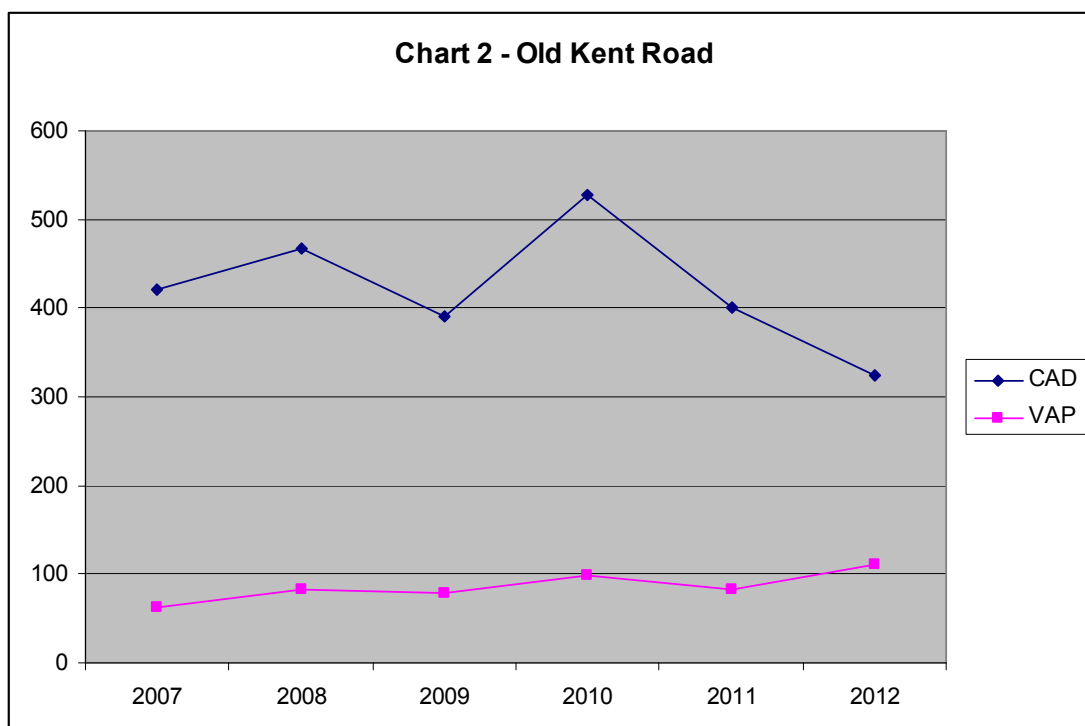
25. For the purposes of the monitoring exercise the Old Kent Road corridor has been defined by the following boundary – From the Bricklayers Arms roundabout at the northern end following the road southward, taking in both frontages and extending some 50 metres behind those frontages (loosely bordered by the likes of Congreve Street, Madron Street, Marcia Road) to the border with Lewisham. A map of the area is provided on page 19 of Appendix A to this report. Once a central late night entertainment location, the area has developed over recent years and now comprises a broader mix of residential and commercial premises, including several large superstores and many smaller independent outlets. The eastern entrance to Burgess Park is located along the road.
26. At the time that this report was prepared there were 42 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 Old Kent Road area. This figure represents 3.4% of total 1218 licensed premises in the borough. It includes 18 supermarket, convenience, off licence and other stores (including 1 x 24 hour store), 10 cafes / restaurants and five public houses. This figure has reduced by one premises since last year.

27. Premises licensed to sell alcohol are clustered to the north of the Old Kent Road, around the Dunton Road / East Street junctions and the south, approaching the boundary with Lewisham.

Old Kent Road – key findings from the partnership analysis

28. Detailed analysis for the Old Kent Road area is provided within the area specific analysis contained within Appendix A to this report from pages 19 to 29. The key findings of the partnership analysis are provided in the commentary and Chart 2:

- Alcohol related CAD calls decreased by 18.8% between 2011 and 2012 (down from 401 to 324) and now stand at the lowest level across the monitor for this area
- However, alcohol related VAP was subject of a 32.5% increase (110 offences up from 83) in 2012 from 2011. The 2012 figure is the highest across the monitor for this area
- Within this, increases in offending were seen in all time periods. Daytime VAP (0600 to 1759) increased by 24% (31 offences up from 25). Evening / night-time offences increased by 36% (79 offences up from 58)
- There was also a 42% increase in alcohol related ambulance calls in 2012 from 2011
- The estimated cost of alcohol related violence in this area was £922,793. This represents an increase of 26.2% from 2011 figures.



Old Kent Road conclusion

29. That, given the concern raised by local increases in alcohol related VAP and ambulance pick-ups, the Old Kent Road area should remain under monitor.

Views from the Commissioner of Police for the Metropolis

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

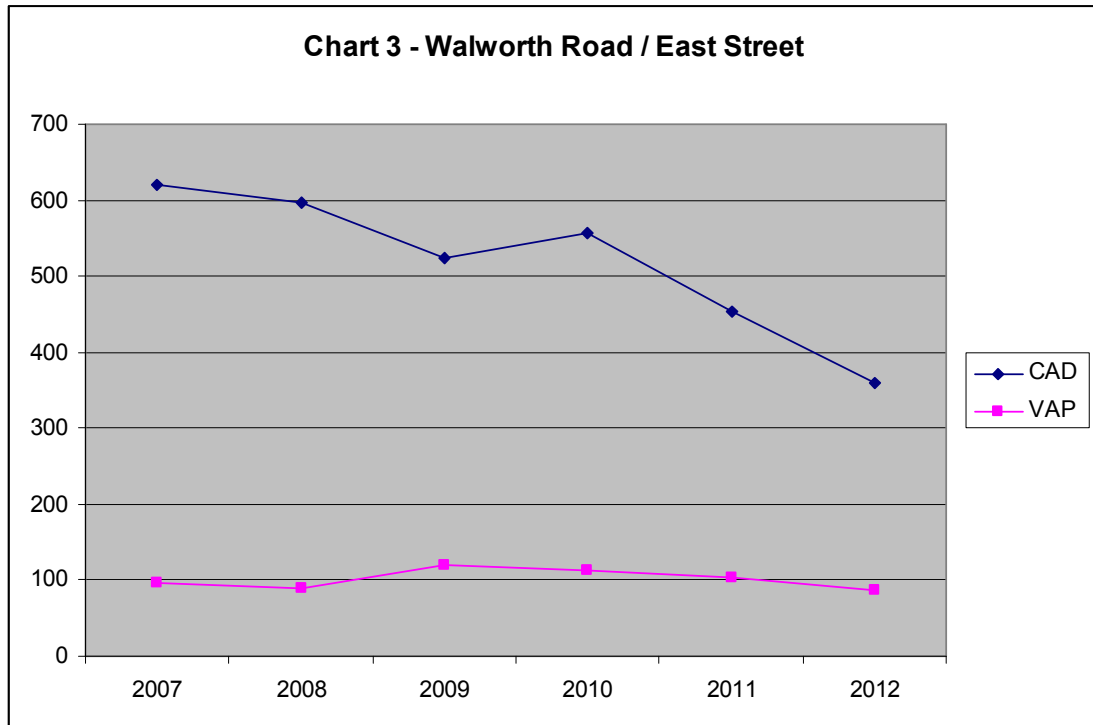
Walworth Road / East Street

31. For the purpose of this monitor the area is defined by the following boundary – Starting at the junction of the Walworth Road with Browning Street and moving north-eastward following Stead Street into Rodney Road before moving south via Flint Street and Thurlow Street as far as Inville Road. Then crossing to Roland Way, into Poland Street and down to Albany Road. From Albany Road into Walworth Road and moving via John Ruskin Street / Pelier Street / Fielding Street / Penrose Street / Penton Place and Manor Place back to the start. A map of the area is provided on page 30 of Appendix A to this report.
32. At the time that this report was prepared there were 45 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 Walworth Road / East Street area. This figure represents 3.7% of the 1218 total licensed premises in the borough. It includes 21 supermarkets, convenience, off-licence and other stores (including 2 x 24 hour stores); 13 public houses; and 11 cafe / restaurants.
33. The Walworth area is an extremely busy thoroughfare in Southwark, linking Elephant & Castle with Camberwell. It is serviced by many bus routes and is very accessible from most of South-East London. The area under monitor not only incorporates the Walworth Road but a great deal of the surrounding area including a large residential population. The area also includes numerous commercial premises and the East Street market. The market is especially busy on Friday, Saturday and Sunday.

Walworth Road / East Street – key findings from the partnership analysis

34. Detailed analysis for the Walworth Road / East Street area is contained within the area specific analysis contained within Appendix A to this report between pages 30 and 40. Some key findings from the partnership analysis are provided below:
 - The area experienced an overall decrease in police alcohol related CAD calls of 19.6% between 2011 and 2012 (360 offences down from 453)
 - Alcohol related VAP also fell by 17.3% during the same period (104 offences down to 86)
 - Within these figures evening alcohol related VAP decreased by 35.7% (70 offences down to 45) while daytime alcohol related VAP rose by 20.5% (34 offences up to 41)

- The level of alcohol related ambulance call outs remained constant with 82 calls being made in both 2011 and 2012
- The estimated cost of alcohol related violence in this area was £533,049 a decrease of 20.8% in 2011 estimates.



Walworth Road / East Street – Conclusion

35. While both alcohol related CAD (in particular) have seen reductions in the past two years, alcohol related ambulance call outs remain constant and daytime VAP is increasing. It is recommended that the area remain under monitor for the present.

Views from the Commissioner of Police for the Metropolis

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

Moving forward with saturation policies

37. In the event that the committee should decide it wishes to pursue a potential policy within any of the areas under monitor, a new round of public consultation will be required under section 5(5) of the Licensing Act 2003. Consultation will necessarily include:

- The chief officer of police
- The fire authority
- Representatives of holders of premises licences, club premises certificates and personal licences
- Representatives of local businesses and residents.

38. Should the committee decide to go out to public consultation on this matter it is proposed that the consultation should comprise:
- Notices in the local press and on the Southwark licensing web site
 - Direct mail shots to all licence / certificate holders in and around the proposed extended area
 - Direct mail shot to all responsible authorities
 - Direct mail shot to all known local resident and business representative groups
 - Announcements at the local community council
 - A public meeting on the issue.
39. The consultation should aim to seek views on whether it is appropriate and necessary to introduce a saturation area; and, if so, the boundary of that area and the classes of premises it should cover.

Hot-spot mapping (general)

40. Hot-spot mapping provided in the partnership analyst report (Appendix A to the companion report on current saturation areas, item 8 of the agenda) aligns areas of highest intensity of alcohol related VAP and CAD calls and ambulance pick-ups with current saturation areas / areas under monitor. The mapping establishes that, generally, the areas of highest intensity do correspond with areas under current monitor.

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

41. 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 52 onward).
42. 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.
43. 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.
44. The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant, or variation, of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

Community impact statement

45. This report considers whether the cumulative impact of licensed premises within the Elephant and Castle; Old Kent Road; and Walworth Road / East Street areas should remain under monitor.
46. 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.
47. 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.
48. 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.
49. 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

50. 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

51. 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

52. 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.
53. 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.

54. Section 5(4) of the 2003 Act states that the council must keep its licensing policy under review and make appropriate revisions where necessary.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. The decision to expand a saturation policy should only be made where, after considering the available evidence and consulting those individuals and organisations listed in Section 5(3) of the Act, the licensing authority is satisfied that it is appropriate and necessary.
61. 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.
62. 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.
63. 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.
64. 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

65. Saturation polices form part of the statement of licensing policy.
66. 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.
67. 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.
68. 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/13/016)

69. This report recommends that the licensing committee continues to monitor the cumulative impact of licensed premises on the Elephant & Castle; Old Kent Road; and Walworth Road / East Street areas.
70. 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 - proposed saturation areas 2012

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Richard Parkins; Health Safety Licensing and Environmental Protection Unit Manager	
Version	Final	
Dated	21 May 2013	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional/ Team	31 May 2013	