

Healthier High Streets Scrutiny Commission Report

Appendix 2: Licensing process overview and brief summary of the Cumulative Impact policy in Clapham

1. A premises licence is required for any premises offering licensable activities – i.e. the retail sale of alcohol, the supply of alcohol in clubs, the provision of late night refreshment, and the provision of ‘regulated entertainment’, which is defined as a performance of a play, an exhibition of a film, an indoor sporting event, boxing or wrestling entertainment (both indoors and outdoors), a performance of live music, any playing of recorded music, or a performance of dance.
2. Prospective premises licence holders apply to the Council, which acts as the Licensing Authority under the Licensing Act 2003, for a premises licence with their details, details of the designated premises supervisor (an individual who holds a valid personal licence and is named on a premises licence which authorises the sale by retail of alcohol), a detailed plan of the premises and an operating schedule (e.g. when alcohol will be sold), and the applicable fee.

It is the responsibility of the applicant to ensure that the ‘application notice’ is displayed at or on the premises for 28 days from the day after it was submitted.

During this consultation anyone can make a written representation in favour of or against the application based on the four licensing objectives which are:

- (i) the prevention of crime and disorder,
- (ii) public safety,
- (iii) prevention of public nuisance, and
- (iv) the protection of children from harm

These four licensing objectives must be taken into account when the Licensing Authority carries out its functions.

Where the hours requested in an application fall outside of the Council’s Licensing Policy hours the application will be objected to by the Licensing team as a matter of course.

Any representations made against an application mean that the application will be referred to the Licensing Sub-Committee for a decision. The Committee are also able to grant licences subject to any conditions they wish to impose which must be observed.

Should a premises licence be granted it is valid until it is either surrendered or lapses in accordance with the Act.

3. The Licensing Act 2003 is regularly supplemented by Guidance under s182 of the Act which reflects any updates or changes in wider legislation. Although not specifically referred to in the original Act, the Guidance provides for the establishment of special areas of cumulative impact.
4. In an area where the number, type or density of premises selling alcohol or providing late night refreshment is already high, nuisance and disorder may be occurring or have begun to arise not just outside the premises but as a consequence of those premises, e.g. some distance away. This may be as a result of large numbers of

drinkers being concentrated in a specific area, such as when leaving premises, and/or queuing at fast food outlets or for public transport.

5. Large concentrations of people may also increase the opportunity for and incidence of other criminal activities such as drug dealing, theft and robbery. Other issues may also occur such as street urination, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.¹
6. Where a Licensing Authority receives evidence that a high density of licensed premises in one area is having a detrimental effect on one or more of the licensing objectives, they may consult on introducing a cumulative impact policy, identifying a specific 'cumulative impact zone' or 'saturation zone'. Cumulative impact policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. The policy might not apply only to bars, nightclubs and other drinking venues but also, for example, to off-licences. It can also apply in respect of late night fast food outlets which are not licensed to sell alcohol.
7. If introduced, this means that any applications for new premises licences or for variations (e.g. expansion of hours) within the designated zone which receive one or more relevant representations will presume to be refused unless the applicant can demonstrate that the premises (or any variation to the licence at an existing premises) will not add to the existing problems within the area. It is important to note that the Council itself can decide to make a representation, without waiting for any other person to do so. According to 8.40 of the current Guidance: 'applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.'
8. A Cumulative Impact policy for Clapham was introduced on 10th November 2011, originally triggered by an initial request from the Metropolitan Police. The applicable geographical area is set out on the next page.
 - 8.1. According to the original report in 2011 agreed at Full Council, further to the MPS request, 'the application for the special saturation policy was prompted by an analysis of crime statistics which revealed that there had been an increase of 33% in the level of crime in Clapham High Street when the 12 month period (01.05.2011 - 30.04.2011) was compared to the previous period. 57.3% of offences were related to licensed premises, with an offence occurring inside or in close proximity to the venue. 66% of offences on Saturdays and 73.7% on Sundays were related to licensed premises. 87% of offences on Saturday and Sunday occurred in the period between 2000 and 0600 hours.'

¹ See s182 Secretary of State Guidance – Licensing Act 2003

Fig 1: Clapham Cumulative Impact – map of area



- 8.2. According to data produced for the period 01/01/2013-31/12/2017 (while the Cumulative Impact policy has been in operation in Clapham), the overall 5 year trend within the 'saturation zone' is down, with a low period between August 2016 and September 2017 – the monthly recorded crime average during this time period was 44, significantly lower than the 5 year average.

Violent crime fluctuated over the 5 year period within the Cumulative Impact Policy zone in Clapham. 2016 recorded the most violence crime (n=171). In 2017 there were 138 violent crimes recorded within the area. Very recent months show that the crime volumes (for violent crime) are on the increase, this has been recognised during the Council's Licensing Tasking process and considered for action.

60% of crimes during the 5 year period are acquisitive in nature (n = 2,012), however acquisitive crime has reduced every year for the past 5 years during this period.

- 8.3. Prior to implementation, the application to introduce the Cumulative Impact policy for Clapham was subject to public consultation with 90% of respondents in favour, with some comments made about possible extension to cover other premises. 70 responses were received, with 7 opposing it. Those in favour tended to express the view that a saturation point had been reached and that there should not be further expansion of the night time economy, based on the volume of people using the current facilities, noise and ASB.
- 8.4. The views of those opposing the introduction of the 'saturation zone' included concerns about displacement of activities to adjacent areas and that there was no problem to be addressed.

- 8.5. Further to its implementation, an evaluation of the Clapham Cumulative Impact Zone was undertaken in 2015 with reference to evidence including Police statistics on crime and anti-social behaviour and reports of ASB to the Council. The zone was maintained as a result and continues to be in place.
- 8.6. Since the implementation of the Cumulative Impact policy in Clapham in November 2011, 636 applications for new premises licences (including 41 time-limited) were received by the Council across the borough, 0.03% (19) of which were in respect of premises within the Clapham cumulative impact policy area.
- Of these applications, 89% (566) applications for new premises licences were granted across the borough and 89% (17) of those received for premises within the cumulative impact policy area were granted.
- 8.7. There are many complex factors involved in the management of the night-time economy and the roll-out of the Clapham Cumulative Impact policy has been supplemented by wider measures including the ongoing Police-led Operation Equinox which includes extra uniformed patrols to target pubs and clubs and fast food restaurants, carry out licensing inspections, and supporting operations to track down outstanding offenders who are wanted for violent offences.