

Committee(s):	Date(s):	Item no.
Licensing Committee	19th April 2010	
Subject: Review of Statement of Licensing Policy, 2010: Proposed Stress Areas		Public
Report of: Director of Environmental Services		For Information
<p style="text-align: center;"><u>Summary</u></p> <p>This report outlines the findings of Dr. Philip Hadfield who has carried out area visits and an analysis of the operation of licensed premises at night in four distinct areas of the City.</p> <p>Dr. Hadfield has made several recommendations regarding regulatory attention and as in previous reports has made suggestions about amendments to the Statement of Licensing Policy. These proposals contained in this Committee report are those made by Dr. Hadfield, and are only discussion points at this stage.</p> <p>Recommendations</p> <ul style="list-style-type: none"> • I recommend that the report produced by Dr. Hadfield at Appendix A of this report is received, • Members' views on the report are received and • That the proposals contained within his report and Members' views on it concerning future amendments to the City of London's Licensing Policy Statement are considered when it is revised. 		

Main Report

Background

1. Dr. Hadfield has previously been engaged by the City to look at the potential for stress areas, or "cumulative impact" areas and a report was brought before your Committee on 30th April 2009, with a subsequent report on 6th July 2009 which also referred to his findings.
2. Following on from his first report, Dr. Hadfield was requested to re-visit the four areas he had previously examined during the Night Time Economy

period (7pm – 4.30am) and over the course of various days across the seven day week. The purpose, on this occasion, was to repeat the methodology adopted in the winter period in order to assess whether or not significant seasonal differences could be observed in the operation of the City's Night Time Economy.

Current Position

3. Dr. Hadfield used observational data to compare, in detail, the operation of licensed premises at night in four distinct areas of the City of London. It adopts a longitudinal and comparative approach, comparing each area at two points in time: January 2009 and August 2009. The areas covered are:
 - a. Smithfield
 - b. Bow Lane
 - c. Leadenhall
 - d. Carter Lane
4. The aim of these visits was to assess the trading profiles of the night-time commercial premises of these areas and the physical and social contexts in which they presently operate during the summer months. This was done in order to provide a basis on which to evaluate the impact on the immediate vicinity and surrounding areas of current levels of activity during night-time economy periods.
5. The report relies upon observational data alone. A more robust analysis would have been possible had Dr. Hadfield had the opportunity to gather several different sources of data, for example, to have examined police crime statistics and incident data, and environmental health statistics relating to noise nuisance etc. Further insights could have been gathered from conducting semi-structured interviews with a range of local stakeholders, including local residents and the managers of licensed premises in the area.
6. Pockets of 'stress' relating to drunken and rowdy behaviour and also to parking and taxi licensing infringements were encountered in various parts of the City. These could be clearly identified as relating to particular licensed premises, or small clusters of premises. These premises and clusters are identified in the report, allowing for the targeting of further monitoring and enforcement activity by the City of London and the City of London Police.

7. Concern is expressed regarding the propensity for bars and public houses in a number of locations to allow customers to take their glasses onto the street. This includes customers who are not smoking and are not confined within designated and supervised outdoor smoking areas.
8. In particular, problems were associated with those premises/clusters that:
 - a. Have opening hours beyond midnight
 - b. Permit unsupervised open-air drinking
 - c. Draw a younger clientele, particularly night-time visitors to the area
 - d. Are drink-focused in nature
9. The Smithfield area features this combination of factors most prominently. Here the issues arise in Charterhouse Street and the Smithfield Market area, the larger premises within this cluster falling within the jurisdiction of the London Borough of Islington.
10. The main differences found in August 2009 in relation to the City of London's night-time economy as a whole relate to the prevalence of open air drinking and socialising by customers standing outside of the area's licensed premises. This was found to give rise to increased noise both in terms of ambient noise levels and noise events. The supervision of drinkers outside of licensed premises across the City was generally found to be lax. In many cases, customers were free to take their glasses or bottles on to the street.
11. Dr. Hadfield is of the opinion that this creates avoidable health and safety risks, in addition to potential opportunities for serious violent crime should any person be so-minded as to use glass implements as a weapon. He recommends that these issues are addressed in time for the summer season in the form of enforcement of conditions, and/or new sets of general conditions concerning outdoor drinking. Some options include:
 - a. A requirement for licensed premises to only allow outdoor drinking in polycarbonate drinking vessels;
 - b. For drinkers to be contained within supervised and clearly demarcated areas.
 - c. For door supervisors to be employed in premises over a certain capacity limit where outdoor drinking is permissible.

- d. For outdoor drinking to be limited to those persons wishing to smoke.
 - e. For specially designed ‘one-way access’ bottle and glass bins to be installed outside larger licensed premises.
12. In relation to the street life of the area, no significant seasonal differences were found in either the quantity of pedestrians observed or in levels of crime, disorder and police activity.

Proposals contained in the Hadfield report

Immediate and short-term (within the next 12 months):

Outdoor Drinking

13. Unsupervised outdoor drinking is of concern where it impinges upon the ‘Public Safety’ objectives of the Licensing Act. It is also of potential importance as a risk factor in relation to the ‘Public Nuisance’ and ‘Crime and Disorder’ objectives. It is recommended that the City draw up a set of general conditions governing outdoor drinking which may be imposed in the case of License Review and Variation applications.

Parking Controls

14. It is recommended that action be taken to enforce parking controls over the night-time economy period, particularly in relation to the area surrounding key licensed premises identified in this report (enforcement is already undertaken but this could be strengthened and yellow lines may be extended where appropriate). This should be combined with sporadic police operations to check for the activities of unlicensed taxis. Venues may also be encouraged to operate their own transport arrangements for customers in cooperation with local taxi firms. This may include, for example, the presence of on-street taxi marshals/booking agents.

Possible Special Policy Area

15. Smithfield is a London nightlife destination that cuts across the boundaries of Islington and the City. Although the impact in this area is mainly from establishments licensed by Islington, that part of the City which adjoins Islington at this location forms part of a cluster or bunching of licensed premises that cross cuts the two local authority areas to form a nightlife destination zone. The size and attraction value of the licensed premises in this cross-boundary ‘natural area’, combined with the presence of late-night refreshment premises make Smithfield currently unique in the City in

relation to the potential for crime, disorder and public safety concerns should further incremental development occur. Public nuisance, although also likely to be exacerbated by additional licensed premises and extended opening hours in this location may be of less impact in the immediate vicinity given that the area is not heavily residential. Nonetheless, more premises and later hours in Smithfield could well impact upon other parts of the City, including residential property to the south east of the market area.

16. It is recommended that dialogue be established with the London Borough of Islington concerning mutual on-going street management, policing and licensing issues in the Smithfield area. A regular audit of area-specific statistical data relating to crime and disorder and public nuisance, combined with detailed observational data, updated at six monthly or annual intervals, may be used to underpin and support the inclusion of a policy presumption against the granting of new Premises Licences in this area and Variations requesting an extension of trading hours beyond 00.30.
17. The presumption in this special policy is that bars within licensed premises would be closed by midnight, followed by a 30 minute 'cool down' period, with a closing time of 00.30, by which time premises should be locked. The policy would apply to all new Premises Licence applications and to applications from existing businesses seeking to extend their operating hours in this location. Dialogue with the London Borough of Islington concerning these specific proposals is recommended before implementation of such a policy. An ideal situation for this area would see any special policy provisions introduced by the City closely mirrored by Islington.
18. Further reasoning behind this proposal concerns the wish to encourage night-time visitors to make use of the London Underground at a time of night when such services are still available. The 30 minute period after closure of the bar is intended to be a 'cool down' period in which lighting levels are raised and any highly amplified music is turned down. These and other operational measures which support the policy aim of encouraging a more gradual dispersal from licensed premises may be reviewed as to their appropriateness as Conditions upon new or varied licenses. The aim of encouraging rapid dispersal from the area should be prominently stated in the City's Statement of Licensing Policy as an underpinning reason for the introduction of such a policy.
19. As an important note of caution, Dr. Hadfield adds that the creation of Special Policy areas can only be defended legally on the basis of retrospective evidence, much of which must be quantifiable in terms of recorded crime and environmental / noise complaint statistics. A detailed

mapping exercise would need to be conducted in order to draw up appropriate geographical boundaries for any 'Smithfield Special Policy Area' to which these statistics must directly apply. This report alone cannot therefore provide the full evidence needed for the drawing up of such a policy as it relies solely upon indicative qualitative data derived from observational methods; a necessary, but not sufficient, research exercise. Given adequate evidential support (which may be summarised in the appendices of the document) and legal advice on policy wording, special policy clauses for the Smithfield area may be included in the Review of the City of London's Statement of Licensing Policy to be conducted in 2010. However, it may be the case that quantitative evidence is not available to justify and underpin implementation of these proposals at this time.

Medium term (within the next two years):

Monitoring applications

20. The City's night-time economy was observed to attract two distinct types of patron: firstly, persons working and/or living locally who remain in the area after work to socialise in licensed premises until typically no later than 23.00, and secondly, younger visitors attracted to the larger late-night licensed premises, particularly on Thursday, Friday and Saturday nights. It is in relation to the latter group - whose activities stretch into the early morning hours - that issues of cumulative impact are most likely to arise. In view of this it is recommended that the City closely monitors all applications for new or extended licences in the vicinity of Watling Street in the Bow Lane area and Leadenhall Street in the Leadenhall area in order to avoid the creeping growth of vertical drinking establishments. Close cooperation with the City of London Police and other responsible authorities will be needed in order for due consideration to be paid to any applications thought to present a high risk of undermining the licensing objective.

Data Collection

21. Collate valuable quantitative data from a range of sources for the last five years, concerning the areas in question, including police crime and incident data, criminal damage incidents and noise complaints. These data sources should be compared with licensing statistics to examine any correlations with changes to the number, density, or trading hours of licensed premises in each area. If there are gaps in data from previous years, or data is otherwise flawed or difficult to access, new data collection protocols should be put in place so that data can be collated and shared and future trends monitored with greater accuracy.

22. Qualitative observational monitoring of the night-time economy should be conducted on an on-going basis.

Longer term:

23. On the basis of the above measures, the question of the suitability of establishing cumulative impact areas may be revisited on the basis of robust evidence from the monitoring of licensing trends and crime, disorder, and public nuisance issues within the City.

Strategic Implications

24. The issue of the Night Time Economy primarily links to the following themes of the Community Strategy:

A world class City which...

- Supports our Communities
- Protects, Promotes and Enhances our Environment
- Is Vibrant and Culturally Rich
- Is Safer and Stronger

In the last of these themes, one of the key goals is: to minimise any aspects of the emerging Night Time Economy which are detrimental to the City, whilst continuing to support a Vibrant and Culturally Rich Environment.

Consultees

25. The Comptroller and City Solicitor has been consulted in the preparation of this report and has made the following observations:
26. There is nothing unlawful in what is being suggested - stress/cumulative impact zones are permitted and can form part of a licensing authority's Statement of Licensing Policy. Such zones can be justified if it can be shown that their introduction is necessary to promote one or more of the licensing objectives.
27. However there seems to be two major caveats to his recommendation:-
- a. He appears to be suggesting, quite rightly, that the City needs to liaise with LB Islington with a view to seeing whether they would be amenable to creating a cumulative impact/stress zone as it would be very difficult to justify the creation of such a zone if a

large proportion of the licensed premises (i.e. those in Islington) do not form part of the zone.

- b. There needs to be the "evidence" to support the creation of such a zone, in particular, a *“regular audit of area-specific statistical data relating to crime and disorder and public nuisance, combined with detailed observational data, updated at six monthly or annual intervals”*. This has been a problem that has frequently been encountered when trying to introduce “cumulative impact” zones in the past – the evidence isn’t available.

28. Your Committee needs to take into account that Hadfield's recommendations are based on three "snapshots" taken during the course of 2009 and are based on what he witnessed at the time. The City cannot seek to introduce a policy based on such limited information which is why he is suggesting that detailed evidence is obtained to support his observations. It is also interesting to note that he did not witness any instances of crime and disorder during any of his visits.

Conclusion

29. The report concludes that current conditions of environmental stress within the four areas in question and within the City as a whole are fewer and in some ways qualitatively different to those found in central urban areas in which stress area designations have been successfully formulated, implemented and upheld. The latter two points are important, as it is contended that there is little value in creating policies that are difficult to implement, as has occurred in some cities in which Cumulative Impact Policies exist nominally, but are never used.
30. Despite reaching this conclusion, the report highlights a number of important issues for your committee to consider and raises a number of recommendations and action points.

Background Papers:

- **Appendix A [A Review of Statement proposed of Licensing Policy, 2010: Stress Areas, Dr. Philip Hadfield, March 2010]**

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