

Scrutton Street EC2 licence application

October 2019

1. Introduction

I have been asked by Mr Luke Elford of Woods Whur solicitors to assess the local impacts of a licence application at 37 Scrutton Street EC2.

I have no personal involvement with any business or resident in the area and my observations are completely independent of any person or organisation.

2. Personal summary

I retired from the Metropolitan Police in January 2007 having served 34 years of exemplary service. Throughout my service I have been regularly involved in the enforcement, management, and development of licensing initiatives and policies. I retired as a Borough Commander.

As a constable I worked as an undercover officer detecting offences in late night licensed premises in central and west London. As an Inspector I was the licensing Inspector for a very busy inner London policing division.

Whilst working as a Chief Inspector I was the operations manager in the central London Clubs and Vice unit from 1990-1996. As part of this role I had responsibility for late night licensing in Westminster and I supported other London boroughs as appropriate. During this period, I managed both covert and overt police operations on behalf of the police and the local authority to ensure compliance with the legislation and to prosecute breaches where necessary. The overt licensing visits were structured in a way that ensured that all premises operating with late night licences received at least 4 visits a year from a joint licensing team of police officers and local authority officers. It was during this period that I was involved in the development of the initial licensed door supervisors scheme, commissioned by Westminster City Council, which was implemented and managed by myself within the Clubs and Vice unit. During the same period I researched, with a local authority counterpart, the potential for the introduction of 'Lap Dancing' clubs in Westminster. The work resulted in the introduction of 'lap dancing' establishments in the borough. The initiative and the supervision of the licence was then monitored covertly and overtly by officers under my direction.

As a Borough Commander on 2 London boroughs, between 2001 and the beginning of 2007 (January), I worked with both local authorities to develop the respective licensing and enforcement policies. The work with the Local Authority formed a significant part of Community Safety and local policing plans. With the introduction of the new Licensing Act 2003 I oversaw the transfer of responsibilities to the local authority and was instrumental in setting up a joint licensing team for a busy inner London borough.

In 2007 having retired from the police I was employed by an inner London Local Authority as an Assistant Director for Safer Communities. I held this post for 10 years.

As the Assistant Director I had responsibility for crime reduction strategies and the enforcement functions for the authority. These included the Licensing, Trading Standards, and the Environmental Health Teams (including noise). My work involved comprehensive partnership working with all agencies involved in the crime reduction partnership, problem solving local hotspots and environmental audits with the associated action plans.

During the 10 years that I spent with the authority I worked closely with the local policing teams to ensure that licensed premises were effectively supervised and managed in line with local initiatives and the borough licensing and enforcement policies.

As the principal officer for licensing in the local authority I worked closely with local community groups, ward councillors, and members of the licensing committee to develop knowledge and understanding of local enforcement policies and crime and disorder initiatives linked to drugs and alcohol. The work included the supervision of licensed premises, the management of the licensing objectives and working with legal services to take appropriate and proportionate action where necessary.

I was responsible for delivering a structured approach to licensing management, supervision, and enforcement, the councils community safety plan, the enforcement policy, and licensing policy. My role also included the consultation, development, and delivery of the boroughs controlled drinking zone, cumulative impact zone, Sexual Entertainment Venues, late night levy, early morning restriction orders, Best Bar None, and alcohol treatment programmes. I was the Authorising Officer for all covert surveillance, under the Regulation of Investigatory Powers Act.

On my retirement from Local Government I set up my own compliance consultancy and offer independent advice, compliance audits, and risk assessments for licensed premises. I have given evidence at licensing hearings/reviews, and appeals on behalf of the Metropolitan Police, Local Authorities and individual premises in each of my respective roles.

I have a Masters Degree in Business Administration, I am a member of the Institute of Licensing, and I have personal alcohol licence. I have also been trained in Strategic Emergency and Crisis Management (Cabinet Office EPC), Emergency Control Management (Cabinet Office EPC), Gold Support London Emergency Planning (LLAG), and I was a qualified Authorising Officer for Covert surveillance in both the police and Local Authority.

3. The Application

The application I have been asked to review is for 'Off Sales' only at a convenience store at 37 Scrutton Street EC2 between the hours of 6am and 2am that coincide with the opening times of the store.

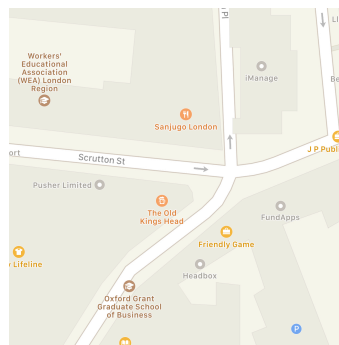
I have reviewed the application and the proposed conditions alongside the Statement of Licensing Policy (SLP), the Neighbourhood recorded crime data, and other relevant policy documents that contribute to the Boroughs position on Licensing matters.

I have set out the relevant parts and data of each document in the following report. I have highlighted my view in the summary section at section 11, which highlights my significant concerns about the negative impact that such a licence would have on the licensing objectives in this particular ward.

Based upon the application, and the evidence produced by the relevant authorities, in particular the crime data and the views on 'Off' licence sales in the borough, I would actively seek to have the application rejected.

4. Location

Scrutton Street sits in the Hoxton East and Shoreditch ward of Hackney borough. The proposed venue sits on the north side of Scrutton Street close to the junction with Hollywell Row and the street is one way for vehicle traffic and it is approximately 10 meters in width.

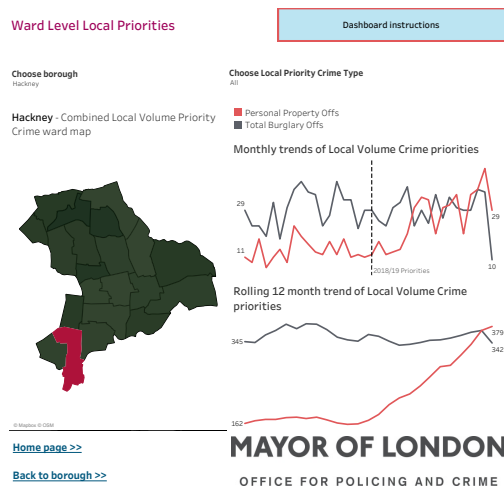


5. Crime data

I have looked at the Metropolitan Police crime data for the ward along with the Mayor of London's priority crime data for the ward.

Both sets of data reveal that the ward appears to be the main crime driver for the Borough with levels of crime that are significantly higher than other wards in the borough.

The mayors data highlights that in the last 12 rolling months the ward gave rise to the most volume priority crime in the borough contributing 13.41% of the total. The next highest ward on the borough contributed 5.78%.



This data also sits alongside the Metropolitan Police crime data for the borough and the ward. The ward has consistently been identified as the main crime driver on the borough since April 2010 (earliest data set on the police database).

The 3 graphs in appendix 1 are from the Metropolitan Police data set and they highlight the levels of crime on the ward against the other borough wards over the last 3 years.

In the last year there were 5,882 offences recorded in the ward, the second highest ward recorded 2,800 offences. Hoxton East and Shoreditch has more than double the recorded crime levels of any other ward in the borough and this appears to be replicated in all previous years.

Two years worth of data shows 9,741 recorded offences against 4,824 for the second highest ward.

Three years worth of data shows 14,172 offences against 7,210.

6. Community Safety Plan.

The 2006 Crime and Disorder Act requires local authorities to have Community Safety Partnerships and for them to produce an annual, evidence based plan.

Unfortunately the council website does not appear to have published the latest crime strategic assessment or the new Community Partnership Plan. The only version available on line is the 2016-18 plan.

From my experience as both a Borough Commander and an Assistant Director with a semi-inner London borough, versions of the Community Safety Plan rarely differ significantly edition to edition, so I have used the on line version published on the Council website.

The strategic assessment identifies; Alcohol related crime & disorder, licensing and safer socialising as one of its main priorities.

Strategic priority 2 in the community Safety Plan highlights that;

Crime theory tells us that crime is not random, it has a tendency to cluster in places where lots of people come into contact with each other. Shopping centres, busy streets, and areas where a lot of people congregate for social activities are typical crime generators. ***Busy entertainment districts and night time economies are good examples of crime generators, and as such we might expect to see higher levels of crime in these areas during operating hours.***

Analysis has found that street based crime (theft, robbery and violence), and alcohol related crime occur in areas with higher concentrations of licensed premises, particularly during night time economy (NTE) hours. A large proportion of NTE related crime is theft; most notably other theft, theft person (pickpocket and snatch), and robbery. Violence is less prolific, but still concentrated at NTE locations. There has been a recent re-emergence of snatch offences involving offenders on pedal cycles and mopeds in Shoreditch and Dalston. ***Most crime appears to occur on the street and in public places, or in the vicinity of licensed premises during NTE hours.***

Hackney Council aims to deliver a balanced approach to licensing decisions by managing growth and investment in the hospitality industry, ***whilst ensuring that residents and communities are not exposed to the adverse impacts such as nuisance behaviour, noise and crime.***

Public health is now a statutory authority in the licensing decision making process, and in Hackney we are using toolkits to help them assess risk of new license applications within the wider health context.

In a borough case study the licensing enforcement teams found that 50% of 'Off' licensed premises were in breach of their licensed conditions.

7. Alcohol Strategy

The Hackney Alcohol strategy 2017-2020 seeks to promote responsible drinking environments and it identifies that;

‘Hackney has a vibrant evening and night-time economy that attracts many people to the borough, and balancing the social and commercial benefits of this with potential costs is key.

Hackney Public Health is a “responsible authority” under the Licensing Act 2003, working with local partners to examine the impact current and potential licensed premises. Despite the lack of a specific public health objective within the Licensing Act, Hackney Public Health is able to use its data to negotiate new conditions or make representations on licensing applications in line with the four licensing objectives.

Public health evidence is also being submitted as part of the review of Hackney’s Statement of Licensing Policy, as ***evidence suggests that there are fewer alcohol-related hospital admissions in areas with robust alcohol health and licensing policies.***

Areas with a high concentration of pubs and clubs often have increased levels of violence, sexual assault and public disorder, especially at weekends. Public drinking can cause a number of issues and lower level antisocial behaviour, including street urination, noise and littering, can also affect other people’s wellbeing, and incur significant costs for emergency and environmental services. Alcohol is often a common factor in these negative impacts.

A key area in addressing alcohol related anti-social behaviour is work in relation to off-sales. The off-licence trade makes up an increasing proportion of alcohol sales, while having little influence over how and where people consume the alcohol they sell. There are a range of voluntary schemes focused on reducing off-sales of high strength alcohol to tackle crime and disorder problems associated with street drinking.

Hackney Council also has an important role as the licensing authority: ensuring licensees meet basic duties in acting responsibly for example by not serving people who are already intoxicated, and not promoting excessive drinking. Enforcement of this is a key area of work.

To promote responsible drinking environments, we will:

Explore the feasibility of measures to reduce alcohol-related harms in relation to off-sales.

As well as enforcing basic licensing conditions, encourage licensed premises to take measures that improve the safety and health of their customers and the wider community

8. Health: joint strategic needs assessment.

Since 2011 health bodies in England have been responsible authorities under the Licensing act 2003 and their strategic needs assessment form an integral part of licensing policy.

The current version is readily available to read on line and the following extracts relate to community safety and substance misuse

Since 2006/7, the number of licensed premises allowed to sell alcohol increased by 66%, while the number of alcohol-related incidents increased by 21% over this same time period. This correlates with information from the local Community Safety Partnership Plan, which identifies that alcohol-related crime, in addition to street-based crime (such as theft, robbery and violence), occurs in areas with higher concentrations of licensed premises.

Other factors that may have contributed to the upward trend in alcohol-related incidents include improved data recording, local population growth and increasing affordability of alcohol.

There has been a significant increase in the number of ambulance calls to alcohol-related incidents in Hackney and the City of London since 2001/02, which may be linked to the growth of licensed premises. Community Safety data published in 2016 highlighted that; Based on 2015/16 data for both Hackney and City of London (where gender has been recorded), males account for two thirds (66%) of alcohol-related attendances reported by the London Ambulance Service. The data also show that, where age has been recorded, just under a quarter of these attendances are for people under 25 years (22%), while 25-34 year olds make up almost 30%.

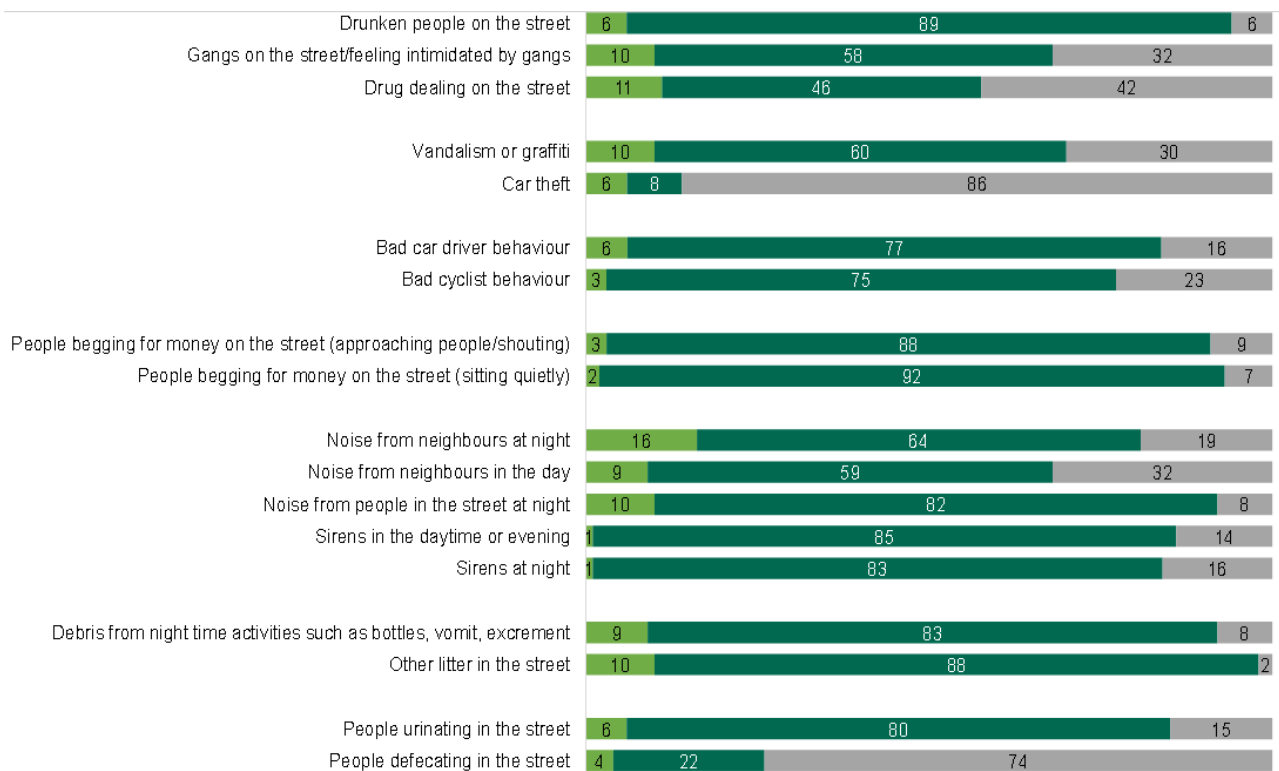
In 2015/16, almost one fifth (19%) of all alcohol-related incidents recorded by the London Ambulance Service were in the Hoxton East and Shoreditch ward. This area contains just over a fifth (23%) of all licensed premises allowed to sell alcohol in Hackney.

Experience of crime impacts on the mental and physical health of victims, families and those witnessing or participating in criminal and anti-social behaviour. Fear of crime may also lead to negative impacts on an individual's health and wellbeing and may be a barrier to individuals engaging in health improving activities, including outdoor activities (such as walking and cycling). ¹

Conversely, perpetrators of crime are often exposed to a range of health risks which may increase their likelihood of committing a crime. For example, crime and anti-social behaviour are often associated with drug and alcohol misuse, which is commonly linked to mental health issues. The 'Mental health and substance misuse' JSNA chapter identifies the strong link between crime and substance misuse, with estimates indicating that a third or a half of all acquisitive crimes (such as burglary) are committed by offenders who use heroin, cocaine or crack cocaine; and half of all violent incidents are alcohol-related.

In 2016, Hackney Council's e-panel was used to consult residents on their experiences with ASB and their views on how best to manage it. *Figure 1* shows the types of ASB experienced and reported according to this survey. Night-time economy debris and litter were found to be of most concern, along with poor car driving, aggressive begging and drug dealers/gangs. The survey findings also indicate that the majority of ASB incidents that are experienced are not reported. ²

Figure 1: % of residents who experience and report ASB in Hackney (2015)



Alcohol is also a significant factor in violent crime, with almost half (47%) of victims perceiving their attacker to be under the influence of alcohol. More violent crimes are recorded between 9pm and 3am on Fridays and Saturdays than at other times in the week.

Making changes to the environment where risky behaviour takes place has the potential to reduce harmful outcomes. This includes action such as controlling alcohol sales, pricing or the density and number of outlets

A recent review of evidence by Public Health England found that policies that reduce the affordability of alcohol are the most effective, and cost-effective, approaches to prevention and health improvement.

Implementing a minimum unit price (MUP) was found to be a highly targeted measure which improves the health of the heaviest drinkers who are experiencing the greatest amount of harm.

Stronger regulation of the licensing of alcohol outlets in a local area is associated with a greater reduction in alcohol-related harm within the population for example, as reflected in the number of hospital admissions.

Conversely, increasing the hours of sale by two hours or more is associated with greater alcohol-related harm.

9. Statement of licensing Policy 2018-2023

The Statement of licensing Policy sets out the principles to be applied in considering applications under the Licensing Act 2003.

The policy has regard for the Guidance issued by the Home Office under Section 182 of the Act and is designed to reflect local circumstances and characteristics whilst promoting the four licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm.

The four licensing objectives are of equal importance and therefore each of these should be considered with equal weight.

The policy highlights all of the strategic plans that are taken into account when consulting on and delivering the Statement

The document highlights the involvement of Public Health and that the joint strategic needs assessment and the Alcohol Strategy are taken into account.

I have not covered all of the priority areas in the SLP, only those that relate to this particular application.

LP1 General Principles

The Council expects applicants to demonstrate:

- (a) That they have an understanding of the nature of the locality in which the premises are located and that this is has been taken into consideration whilst preparing the operating schedule.
- (b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.

LP2 Licensing Objectives

The Council expects applicants to risk assess their proposals and put forward measures aimed at ***promoting the licensing objectives.***

Prevention of Crime and Disorder

Whether the proposal includes satisfactory measures to mitigate any risk of the proposed operation making an unacceptable contribution to levels of crime and disorder in the locality

Public Safety

Whether the necessary and satisfactory risk assessments have been undertaken, the management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe both within and in close proximity to the premises.

Prevention of public nuisance

Whether the applicant has addressed the potential for nuisance arising from the characteristics and style of the proposed activity and identified the appropriate steps to reduce the risk of public nuisance.

Protection of Children from harm.

Whether the applicant has identified and addressed any risks with the aim of protecting children from harm when on the premises or in close proximity to the premises.

LP3 Core licensing hours.

Hours for licensable activity will generally be authorised, subject to demonstrating LP1 and LP2 as follows;

Monday to Thursday 08.00 to 23.00

Friday and Saturday 08.00 to 00.00

Sunday 10.00 to 22.30

Hours may be more restrictive dependant on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.

Alcohol sales for consumption off the premises

Evidence from the Police and Public Health suggests that the availability of alcohol from premises authorised to sell alcohol for consumption off the premises has had a negative impact on the promotion of the licensing objectives.

There are particular concerns that alcohol sales of this nature are more likely to lead to incidents of anti-social behaviour, such as street drinking and pre-loading.

A study commission by the Council showed that the Borough appears to have a large number of convenience stores/supermarkets that are licensed to sell alcohol until the early

hours of the morning. Many of these are located in and amongst the entertainment/food and drink premises.

The study also found that patrons have access to relatively cheap off-sales alcohol from local stores to supplement the alcohol purchased and consumed in the 'on-trade'.

LP4 'Off' sales of Alcohol

Hours for the supply of alcohol will generally be restricted to between 08.00 and 23.00

LP10 Special Policy Areas (Cumulative impact)

The Statement of Licensing Policy highlights the requirements to establish a special policy area and how applications will be managed. It highlights that there are 2 areas on the borough; Dalston and Shoreditch

LP11 Cumulative impact; General

The Council also notes the advice in the Guidance that the absence of a special policy does not prevent representations being made in relation to negative cumulative impact on one or more of the licensing objectives. However, if a representation is to be made with regards to negative cumulative impact, the Council expects suitable and relevant evidence (statistical or otherwise) to be provided to demonstrate the licensing objectives are already being undermined due to negative cumulative impact.

The appendix at the rear of the document highlights some of the crime issues effecting Hoxton East and Shoreditch Ward. The increase in ambulance call outs and other call outs related to the night time economy and Hoxton east and Shoreditch Ward.

Hackney Evening and Night-time Economy Behaviour Study Shoreditch

- Shoreditch is now a mainstream nightlife attraction, and a draw for young adults from across London and the South East; as well as to young foreign visitors to London.
- In London, Shoreditch was found comparable only to the most intense hot-spots of Westminster and Camden
- Whilst the ENTE has expanded, it has not diversified.
- 'Slower' seated table-service dining has a low presence in Shoreditch, when considering the numbers of licensed premises.
- ***Alcohol off-sales fuel visitor intoxication providing access to relatively cheap late-night off-sales from independent shops located in amongst the nightlife***

- ***Discarded off-sales alcohol purchases, together with late-night takeaway food detritus, create major waste management challenges***
- Male on-street urination and the fouling of pavements and doorways through vomiting is also commonplace
- ***The area around the existing Shoreditch SPA abuts parts of Islington and Tower Hamlets that have substantial ENTEs***

Off-licences

- ***The audits showed that the Borough appears to have a large number of convenience stores / supermarkets which trade late that are also licensed to continue selling alcohol into the early hours of the morning, with many located in and amongst the licensed entertainment / food and drink premises.***
- ***Hours were not found in comparable areas of London, such as Westminster and Camden, where off-sales tend to cease in areas with 'nightlife', mostly by 23:00 and typically, entirely, by 01:00***
- ***In Hackney, patrons have access to relatively cheap off-sales alcohol from local stores to supplement that purchased and consumed in the 'on-trade'.***

10. Representations

All of the representations that include the Police, Trading Standards, Council licensing, businesses, and residents point out the issues of 'off' sales, the associated antisocial behaviour, and the proximity to the special policy area.

11. Summary

My summary is based upon the data that I have been able to extract from Hackney Council, the Metropolitan Police, and Mayor for London databases.

The venue is situated in the Hoxton East and Shoreditch Ward. The ward itself could easily be described as the Boroughs main crime driver. It suffers significantly higher levels of crime than other Wards in the Borough.

In 2015/16, almost one fifth (19%) of all alcohol-related incidents recorded by the London Ambulance Service were in the Hoxton East and Shoreditch ward. This area contains just over a fifth (23%) of all licensed premises allowed to sell alcohol in Hackney.

Since 2006/7, the number of licensed premises allowed to sell alcohol increased by 66%, while the number of alcohol-related incidents increased by 21% over this same time period.

Public health evidence is also being submitted as part of the review of Hackney's Statement of Licensing Policy, as evidence suggests that there are fewer alcohol-related hospital admissions in areas with robust alcohol health and licensing policies.

The local Community Safety Partnership Plan, which identifies that alcohol-related crime, in addition to street-based crime (such as theft, robbery and violence), occurs in areas with higher concentrations of licensed premises.

Alcohol is also a significant factor in violent crime, with almost half (47%) of victims perceiving their attacker to be under the influence of alcohol. More violent crimes are recorded between 9pm and 3am on Fridays and Saturdays than at other times in the week.

Debris and litter from the nighttime economy were found to be of most concern to residents.

Stronger regulation of the licensing of alcohol outlets in a local area is associated with a greater reduction in alcohol-related harm within the population for example, as reflected in the number of hospital admissions.

The Statement of licensing Policy clearly identifies that there are particular concerns that alcohol sales in off licences are more likely to lead to incidents of anti-social behaviour, such as street drinking and pre-loading. A study commissioned by the Council showed that the Borough appears to have a large number of convenience stores/supermarkets that are licensed to sell alcohol until the early hours of the morning. Many of these are located in and amongst the entertainment/food and drink premises. The study also found that patrons have access to relatively cheap off-sales alcohol from local stores to supplement the alcohol purchased and consumed in the 'on-trade'.

Audits show that the Borough appears to have a large number of convenience stores / supermarkets which trade late that are also licensed to continue selling alcohol into the early hours of the morning, with many located in and amongst the licensed entertainment / food and drink premises.

Hours were not found in comparable areas of London, such as Westminster and Camden, where off-sales tend to cease in areas with 'nightlife', mostly by 23:00 and typically, entirely, by 01:00

In Hackney, patrons have access to relatively cheap off-sales alcohol from local stores to supplement that purchased and consumed in the 'on-trade'.

Most, if not all of these concerns are reflected in all of the representations.

This application is for 'Off' sales but it does not reflect the core hours in the Statement of Licensing Policy. This may be because the applicant has not read and or has no knowledge of the Statement of Licensing Policy and the risks associated with 'Off' sales in this particular ward. This is concerning given the environment that the applicant desire to operate in.

The General principles LP1 highlight that; Applicants have an understanding of the nature of the locality in which the premises are located and that this has been taken into consideration whilst preparing the operating schedule. There does not appear to be a risk assessment that accompanies the application which I would have expected given the crime issues, the anti-social behaviour, the concerns highlighted in all of the relevant policies that the Statement of licensing policy references, and the proximity to the Special Policy Area. In addition the data provided in the Hackney Evening and Night-time Economy Behaviour Study in Shoreditch has not been addressed.

The Community Safety Plan; Strategic Priority 2 states that; Public health is now a statutory authority in the licensing decision making process, and in Hackney we are using toolkits to help them assess risk of new license applications within the wider health context. In this case I have not seen any evidence of such a tool kit being used and I have not been able to locate any examples on the council website.

LP11 Cumulative impact; General highlights that in the absence of a special policy it does not prevent representations being made in relation to negative cumulative impact on one or more of the licensing objectives. However, if a representation is to be made with regards to negative cumulative impact, the Council expects suitable and relevant evidence (statistical or otherwise) to be provided to demonstrate the licensing objectives are already being undermined due to negative cumulative impact.

The evidence in this document derived from the policies considered in the compilation of the Statement of Licensing Policy and that of the representations made by officers of relevant authorities and members of the public clearly demonstrates that the opening of an 'Off' sales venue at this location will undoubtedly undermine the licensing objectives due to a negative cumulative impact.

12. Conclusion

It is abundantly clear from the evidence contained in the various documents that Hoxton East and Shoreditch ward suffers from significantly higher levels of crime than any other ward in the Borough. The relevant authorities and those making representation identify the hazards of 'Off' License sales in such an area and it's proximity to a Special Policy Area and a main London night-life centre. It should also be noted that the Hoxton East and Shoreditch ward also abuts significant night-time economy centres in Tower Hamlets and Islington.

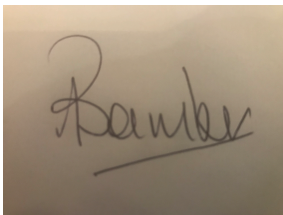
The granting of such a licence in this area represents a significant risk to the licensing objectives and I have no confidence that it would not adversely impact on them. In fact I have absolutely no doubt that this licence in this area, and in this ward will have a negative impact on the licensing objectives and the overall crime figures for the ward at a time when the approach should be to reduce the crime levels in the ward.

The Statement of Licensing Policy clearly identifies the link between alcohol and crime and it specifically highlights the issues with 'Off' sales. It also states that the cumulative impact of licensed premises is not just confined to Special Policy Areas. The evidence supporting the cumulative impact is clearly threaded through all of the data for the ward and the boroughs documents underpinning the Statement of Licensing policy.

The Strategic Needs Assessment has particularly strong views about 'Off' sales and includes; ***Stronger regulation of the licensing of alcohol outlets in a local area is associated with a greater reduction in alcohol-related harm within the population for example, as reflected in the number of hospital admissions.***

Under these circumstances, in either of my previous roles I would have actively sought to have the application rejected.

Andrew Bamber
October 2019

A square image showing a handwritten signature in dark ink on a light-colored background. The signature is written in a cursive style and appears to read 'Bamber'.