

Item No. 6.	Classification: Open	Date: 6 November 2017	Meeting Name: Licensing Committee
Report Title		Licensing Act 2003: Statement of licensing policy proposal to re-evaluate the recommended closing times for licensed premises in Shad Thames	
Ward(s) of group(s) affected		Riverside	
From		Strategic Director of Environment and Social Regeneration	

RECOMMENDATIONS

1. That the licensing committee notes the officer recommendation that statistical analysis does not support a change to the Southwark statement of licensing policy with regards to Shad Thames and therefore it would not be necessary or proportionate to change the classification from a strategic cultural area to a local town centre with earlier closing times.
2. That the licensing committee considers the proposal made by Riverside ward councillors and reports from officers and decides whether it agrees with the officer recommendation in paragraph 1.

BACKGROUND INFORMATION

3. The Southwark statement of licensing policy 2016-2020 was consulted on with residents and other stake holders before being recommended for adoption by the Licensing Committee on 2 November 2015
4. The policy was considered and adopted by council assembly on 25 November 2015 and came into affect from 1 January 2016.
5. The statement of licensing policy 2016-2020 included a new section on hours of operation for licensed premises which aligns the premises category with local planning area classification.
6. The relevant planning area classifications incorporate major town centres, strategic cultural areas, district town centres, local centres and small shopping parades and residential areas. In Southwark this gives the following groupings.
 - a) Major town centres: Canada Water, Elephant & Castle (including Walworth Road) and Peckham
 - b) Strategic cultural areas: Bankside, Borough and London Bridge, St Mary's Churchyard (Rotherhithe)
 - c) District town centres: London Bridge, Bankside, Borough, Camberwell, Herne Hill and Lordship Lane

- d) Local centres and small shopping parades: The Blue, Dulwich Village and Nunhead
 - e) Residential: All other.
7. A copy of section seven hours of operation of the policy is available as Appendix A. The full policy and consultation responses are available on the council's website under Southwark statement of licensing policy 2016-2020.

KEY ISSUES FOR CONSIDERATION

Current hours of operation for Shad Thames

- 8. Shad Thames sits in the Bankside, Borough and London Bridge strategic cultural area.
- 9. Bankside, Borough and London Bridge are situated within two classification areas, a strategic cultural area and a district town centre area that partially covers the strategic cultural area. Areas with dual classifications are given the later hours under the policy, i.e. strategic cultural area.
- 10. Shad Thames itself is not designated as a district town centre and does not have dual classification, it therefore sits in the strategic cultural area.
- 11. The recommended closing times that currently apply to Shad Thames, i.e. for premises within a strategic cultural area, are:

Type of Establishment	Closing Time
Restaurants and cafes	Sunday to Thursday: 00:00 Friday and Saturday: 01:00
Public houses, wine bars or other drinking establishments	Sunday to Thursday: 23:00 Friday and Saturday: 00:00
Hotel bars and guest houses	No restrictions for residents
Night clubs (with 'sui generis' planning classification)	Sunday to Thursday: 01:00 Friday and Saturday: 03:00
Off-licences and alcohol sales in grocers and supermarkets	00:00 daily
Take-away establishments	Sunday to Thursday: 00:00 Friday and Saturday; 01:00
Cinemas and theatres	Daily: 02:00
Vessels	Daily: 23:00
Qualifying members' clubs	Daily: 02:00

- 12. The hours in Southwark's statement of licensing policy and detailed in paragraph 11 (above) are a guide to applicants. The licensing authority

recognises that that each application should be looked at on its own merits and that there will be cases whereby evidence can be presented to show a case for an individual premises to have alternative hours, either earlier or later than the guide.

13. Paragraph 150 of the policy gives guidance to applicants who wish to apply for later hours and what may be expected to be included in their operating schedule to mitigate against crime, disorder and public nuisance taking into account:
 - The location of the premises and the character of the local area
 - The proposed hours during which the licensable activities are proposed to take place
 - The adequacy of the proposed control measures intended to promote the licensing objectives
 - The availability of local public transport
 - The proximity of the premises to other licensed premise.
14. Paragraph 152 states that that where applications relate to premises that are located within more densely populated areas, stricter controls with regard to noise control may be necessary.
15. There are currently 31 premises licensed to sell alcohol within the Shad Thames area.
16. Since the introduction of the current licensing policy on 1 January 2016 there have been two applications for new premises licences and no full variation applications. These applications were for:
 - The Watch House, Unit 17, Cardamom Building, 31 Shad Thames: 22:30
 - Towerbridge Autograph Collection Hotel, 211 Tooley Street: 24 hours each day for residents and 23:00 for non-residents.
 - The hours granted are within the policy hours.
17. A full list of current licensed premises can be found in Appendix G.
18. A map of the Shad Thames area with the location of licensed premises is provided in Appendix H, this map is updated quarterly.

Proposal to amend the Southwark statement of licensing policy

19. The proposal by local ward Councillors to amend the Southwark statement of licensing policy 2016-2020 is permitted under section 7 of the policy. The proposal is to change the classification of Shad Thames from a strategic cultural area to a local town centre, therefore it is suggested that the closing times be amended to:

Type of Establishment	Closing Time
Restaurants and cafes	Sunday to Thursday: 23:00 Friday and Saturday: 00:00
Public houses, wine bars or other drinking establishments	Daily: 23:00
Hotel bars and guest houses	No restrictions for residents
Night clubs (with 'sui generis' planning classification)	Not considered appropriate
Off-licences and alcohol sales in grocers and supermarkets	Daily: 23:00
Take-away establishments	Sunday to Thursday: 23:00 Friday and Saturday: 00:00
Cinemas and theatres	Daily: 00:00
Vessels	Daily: 23:00
Qualifying members' clubs	Daily: 00:00

20. For the purposes of this proposal Shad Thames is defined as the area of the strategic cultural area to the East of Tower Bridge Road, also with boundaries of Tooley Street, St Saviour's Dock west of Shad Thames and the River Thames. Appendix H is a map of this area.
21. The proposal offers evidence to support this change and summarises the reasons as follows:
- Shad Thames is not included in the Bankside, Borough and London Bridge Opportunity Area (whereas the rest of the zone is).
 - Shad Thames is not a designated District Town Centre (whereas, the majority of the zone has this dual categorisation).
 - Shad Thames shares many community, cultural and heritage characteristics with the areas designated as 'local centres'.
 - Shad Thames has a considerably higher population density than other parts of the Bankside, Borough and London Bridge strategic cultural area zone.
 - Unlike the rest of the Bankside, Borough and London Bridge zone, Shad Thames is primarily residential and not commercial.
 - The architecture of Shad Thames creates a canyon effect, amplifying noise across the area and into residential dwellings.

- Shad Thames experiences considerable impact from cumulative noise and low-level anti-social behaviour issues associated with licensed premises.
22. The proposal asks that the Southwark statement of licensing policy 2016-2017 is changed as follows:
- In the second column (“Major town centres and strategic cultural area”) after: “Bankside, Borough and London Bridge”, add: “(excluding Shad Thames)”.
 - In the third column (“Local centres and small shopping parades”) at end, add: “Shad Thames”.
23. The full proposal submitted by the Riverside ward councillors is included as Appendix B.

Comments from the planning department

24. The planning department reports on the history of the strategic cultural area and reasons behind the designation of Shad Thames from a planning perspective. In the first London Plan, the London Mayor required the council to designate strategic cultural areas, the aim of which was to encourage the movement of visitors, in London generally, east along the river. Southwark undertook that process of designation as part of the process of forming the 2007 Southwark Plan. Strategic cultural areas are characterised by a historic environment containing, cultural institutions, galleries, theatres, museums and visitor attractions.
25. The planners conclude that, in planning terms a strategic cultural area is a broad designation around clusters of uses that have a cultural value and that the designation is intended to protect and support cultural uses.
26. The conclusion also states that it is desirable for the planning and licensing regimes to complement each other. That there is nothing inherent about a strategic cultural area in planning terms that should require that premises licences in a strategic cultural area should have specific hours.
27. A copy of the full planning report is available as Appendix C.

Comments from the environmental protection team (EPT)

28. The EPT report comments on the geographical area and acoustic characteristics of the area and states that London Bridge area, in comparison to Shad Thames, has many similar streets with similar acoustic characteristics.
29. Similarly the report analyses noise complaints in the area over the previous year, and states that there were 18 noise complaints between 23:00 and 03:00 originating in the Shad Thames area and these complaints are broken down to three related to people noise (footsteps, talking, shouting), seven related to music from residential premises. One related to music from commercial premises, four related to construction and mobile plant noise and four related to audible intruder alarms.

30. The report concludes that four of the complaints relate to proposed change in policy, the equivalent of one every three months.
31. The EPT recommend that there would be no substantive change or community benefit gained from changing the designation of the Shad Thames area to that of a local centre/local shopping parade. Whereas if the proposal was enacted there could be a significant impact on the viability of licensed premises and the local economy due to undue restriction of licensed activities in this well visited area.
32. A copy of the full EPT report is available as Appendix D.

Alcohol crime related statistics

33. The analyst reports that recorded violence and disorder in the Shad Thames area is too low to make any proportionate inferences.
34. Non-domestic alcohol related violence is recorded as six incidents between 2012 and 2016 all occurring prior to 23:00, and none from 2016 to date.
35. Non-alcohol related non-domestic violence for April 2017 to September 2017 between the hours of 23:00 and 02:59 is nine incidents, an average of one every two months.
36. Alcohol related ambulance call outs to the area between 1 April 2012 and 31 July 2017 between 23:00 and 02:59 is 16 incidents, an average of one every four months. For April 2017 to Sept 2017 the rate remained static. There were four recorded incidents in the time period.
37. Alcohol related disorder calls in the area between 1 April 2012 and 31 July 2017 between 23:00 and 02:59 is four incidents, an average of one every 16 months. For April 2017 to Sept 2017 there are no recorded incidents.
38. Non-alcohol related disorder calls in the area between 1 April 2012 and 31 July 2017 between 23:00 and 02:59 is 26 incidents, an average of 1 every 2.5 months. For April 2017 to Sept 2017 there are no recorded incidents.
39. A copy of the alcohol related crime report for Shad Thames is available as Appendix E.
40. A copy of the alcohol-related violence and disorder in Southwark's cumulative impact policy areas, with Shad Thames, is available as Appendix F.

Community impact statement

41. The Southwark statement of licensing policy recognises that responsible business operators that run, safe, well managed venues and facilities and are prepared to work together with their local community will provide benefit to that community. The policy equally recognises that irresponsible business operators who fail to provide good management practices are likely to have negative impacts on the community.
42. The statement of policy sets out to achieve a necessary balance between providing a platform upon which responsible business operators may contribute toward a thriving business and late night economy while ensuring that the

quality of life of those who live and work in the borough is protected and enhanced through the licensing system.

43. Central to this, is a licensing process which aims to be inclusive and ensures that local community concerns are understood, debated and resolved. This is supported by offering broad support to licensees, through the range of involved authorities, to establish best practice management, and by a strong directed enforcement resource.
44. Furthermore, the council, as the licensing authority, monitors the impacts of its licensing decisions through regular partnership analysis of statistical information on alcohol related crime and disorder; calls to the police regarding disorder and rowdiness; ambulance 'pick-up' statistics; and noise nuisance calls to the council.
45. The equalities impact assessment has been revisited as part of the revision of this policy. As the primary changes to the policy form technical updates, no new issues are identified at this stage. However, it is anticipated that a new assessment will be necessary in the light of changes to the law proposed in the aforementioned Police and Social Responsibility Bill.

Resource implications

46. This report does not contain any new resource implications. Work undertaken in relation to maintenance of saturation areas may be contained within existing resources.

Consultation

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

48. Pursuant to section 5 of the Licensing Act 2003, each licensing authority at least every five years must determine its policy in respect to exercise its licensing functions and publish a statement of that policy (a "licensing statement").
49. 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.
50. 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.
51. Section 5(4) of the 2003 Act states that the council must keep its licensing policy under review and make appropriate revisions where necessary.

52. Paragraph 14.2 of the guidance goes further and states that saturation policies should be kept under review to assess whether they are still needed or whether they need to be expanded.
53. 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.
54. 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.
55. The decision to revise Southwark' statement of licensing 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.
56. 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.
57. 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.
58. 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

59. Hours of operation for licensed premises form part of the statement of licensing policy.
60. 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.
61. 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.

62. 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 and Governance

63. 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	Licensing Unit Regulatory Services, Hub 1, Third Floor, 160 Tooley Street. London, SE1	Name: Mrs Kirtikula Read Phone number: 020 7525 5748 licensing@southwark.gov.uk

APPENDICES

No.	Title
Appendix A	Southwark statement of licensing policy – section seven
Appendix B	The proposal to amend the Southwark statement of licensing policy for Shad Thames
Appendix C	Comments from planning
Appendix D	Comments from the environmental protection team
Appendix E	Alcohol related crime statistics for Shad Thames
Appendix F	Alcohol related violence and disorder for cumulative impact policy areas
Appendix G	List of licensed premises in Shad Thames
Appendix H	Map of Shad Thames with locations of licensed premises

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	David Franklin, Team Leader Licensing	
Version	Final	
Dated	23 October 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
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